

Londonderry Town Council Minutes
Monday, October 2, 2023
7:00 PM
Moose Hill Council Chambers

Meeting Link: <http://173.166.17.35/CablecastPublicSite/show/12339?channel=4>

Attendance: Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Ted Combes, Jim Butler, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron; Administrative Support Coordinator Kirsten Hildonen

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of silence led by Chairman Farrell for the Londonderry Fire Department.

NON-PUBLIC MEETING

Chairman Farrell announced that the Council would be holding a non-public meeting under RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

A roll call vote was taken to go to non-meeting:

John Farrell	Yes
Chad Franz	Yes
Ted Combes	Yes
Ron Dunn	Yes

The Council entered the non-public meeting at 7:01 p.m.

The Council returned from the non-public meeting at 7:20 p.m.

Councilor Butler joined the Council during the non-public meeting.

A roll call vote was taken to come out of the non-public meeting:

John Farrell	Yes
Chad Franz	Yes

Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

PUBLIC COMMENT

Chairman Farrell opened public comment.

Londonderry Fire Chief Butler presented an update on the Fire Department. Due to the recent promotion of Chief Butler, the following positions are available:

- Phil LeBlanc was promoted from Battalion Chief to Deputy Chief
- The Battalion Chief position was posted on October 2, with a closing date of October 9, 2023.
- The lieutenants underwent an assessment interview and written exam last week. The results were scored by an outside agency and will be presented to Deputy Chief Heinrich. The positions will then be filled.

Chief Butler recognized Division Chief Brian Johnson, who streamlined the posting of these openings to seven days.

The notification deadline for winners of the SAFER grant, which would fund four firefighter positions, was last Friday. Londonderry has not been informed regarding the status of this grant.

The Fire Department had a Budget Committee site visit on October 25, 2023, which was time well spent. He thanked Councilor Dunn for his participation as well as the chairman of the Budget Committee, Patrick Cassidy.

Chief Butler reported a kitchen fire at 29 Red Deer. He noted all Londonderry fire personnel were committed to other emergencies when the call came in, so off-duty personnel were called in and responded. There were no injuries and a cat was rescued. The fire is under investigation.

Name: Richard Bielinski

Address: 89 Hall Road

In July, R. Bielinski asked for clarification regarding \$80,000 owed to the Town for repairs to the Lions Hall. He has not received a response and submitted a 91-A request to the Council.

Name: Kristine Perez

Address: 5 Wesley Drive

K. Perez said that a citizen organized an open house last month to discuss what should be done with the Lions building. A meeting was scheduled on October 14 by the Town for citizens to discuss what should be done with the Lions building. She noted that tonight, a very detailed plan is being presented regarding the Lions building, but the Town has not heard what the people of

78 Londonderry want from this building. She said this presentation should occur at the October 14th
79 meeting, to receive citizen input. She said this appears as a "done deal," which is why the people
80 of Londonderry don't trust the transparency of the town.

81
82 **Chairman Farrell closed public comment.**

83
84 **NEW BUSINESS**

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86 **Town Treasurer Discussion**

87
88 M. Malaguti noted during last year's budget season, there was a discussion regarding possible
89 changes to the method of installing the Town Treasurer. This is currently an elected position. The
90 Council voted to move a charter amendment to the ballot that would appoint the Town Treasurer
91 instead, which failed.

92
93 Due to the lead time involved in bringing this measure forward, M. Malaguti invited the Town
94 Treasurer to address the Council regarding this issue. He clarified that he is not proposing this this
95 year, but alerting the Council that now is the time to begin discussing this, if they want to consider
96 it in the future.

97
98 Kathleen Wagner, Town Treasurer, explained that it is appropriate for a Finance Department to
99 manage the Town's \$40 million budget. She said that residents who are concerned about oversight
100 can ask to see the Town's books. She noted that over \$500,000 is processed by the Town, and this
101 should not be managed by an elected treasurer who is paid \$2,500/annum.

102
103 Chairman Farrell said businesses are being run differently than they were 20 years ago and the
104 Council should discuss these changes. K. Wagner noted the budget was approximately \$1 million
105 to \$3 million in the '70s. She said there have been accusations of wrongdoing and questioned why
106 anyone would run for this position, with today's political environment. An appointed person would
107 be protected from this.

108
109 Chairman Farrell asked M. Malaguti to obtain a legal opinion as to whether or not the Town could
110 conduct a background check on applicants for this position.

111
112 Vice Chair Franz asked K. Wagner to outline the duties and responsibilities of the Town Treasurer,
113 which she did. She noted that if there are misappropriations, she is held responsible, although she
114 does not set the budget or have authority over how funds are spent. She said she is obligated to
115 pay all Town bills, and there are protection points to prevent the treasurer from going into a bank
116 account.

117
118 The Council asked if K. Wagner is in favor of this change. She said she is, due to what an individual
119 undergoes when running for public office. She said participating in a Town election is a popularity
120 contest and not the most qualified person is elected. She feels that the Town would be in a better
121 position to have the treasurer appointed.

122
123 The Council requested a list of Towns that have an appointed treasurer. Vice Chair Franz expressed

an interest in finding out what their experience is with having an appointed treasurer and if they transitioned from elected to appointed. Vice Chair Franz asked the Finance Director to contact these towns and find out when they changed from elected to appointed and their observations. K. Wagner recommended finding out if they receive a stipend as well.

Vice Chair Franz clarified the reason the Town needs to move to an appointed treasurer is there are people who are hesitant to run for the elected position based on the political outfall. Also, if the position is appointed, some form of legal background check could be conducted on qualified applicants. K. Wagner added that the position is antiquated at this point. She requested that if a citizen is appointed, it should be someone who is not in the Town Hall, to retain transparency.

K. Wagner also suggested citizens be educated on how the Town government works and what responsibilities the individual positions have.

Councilor Combes noted that if this position becomes appointed, the job description would have to change, as the majority of the financial tasks are now completed digitally.

M. Malaguti said if the Council decides to pursue this issue, an earlier Public Hearing would allow more time to receive community input but also to adjust the wording of the charter amendment. Chairman Farrell said if they receive information from the other towns before the next Council meeting, this subject can be addressed again.

Ordinance #2023-05 – An Amendment to Londonderry Zoning Ordinance, Building Code Amendments, Section 9 Reflecting the Adoption of the 2018 Editions of the International Codes

Chairman Farrell noted this is a first reading only.

Vice Chair Franz moved to waive the first reading and Councilor Butler seconded the motion:

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

Chairman Farrell announced the first reading is waived.

Chairman Farrell announced there will be a public hearing on October 16 regarding Ordinance #2023-05.

Ordinance #2023-04 – Amending the Fee Schedule for the Issuance of Permits by the Londonderry Fire Department (First Reading)

Chairman Farrell noted this is a first reading only.

Vice Chair Franz moved to waive the first reading and Councilor Combes seconded the motion:

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

Chairman Farrell announced the first reading is waived.

First Pass Lions Hall Presentation

Chairman Farrell noted this is the first opportunity the Council has to see what has been discussed for several months. There will be no public comment. There will be a listening session on October 14th. If this concept is entertained during the budget process, there will be multiple public hearings. The Council has made no decisions.

Dave Wholley, Director of Public Works and Municipal Facilities, addressed the Council. He presented a timeline of the history of the building. The Town assumed all operational costs and oversight of the facility in September 2022. Weston & Sampson were brought in to evaluate the structure of the building and determine its deficiencies. The Town entered into a contract in July 2023 with Weston & Sampson to create a conceptual design. They were tasked to find out what it would take to reopen the building as a municipal facility, being sensitive to the fact that it is a historical building.

Daniel Tenney, Weston & Sampson, appeared before the Council and presented the results of their investigation. They evaluated the structure and the site for condition, accessibility, energy compliance, and building code compliance. He presented a preliminary concept plan that addresses issues including parking, accessibility, interior renovations, and landscaping. He also presented anticipated costs of the building additions, repairs, and renovations, which total approximately \$3.5 million. There are items that have been zeroed out, such as the kitchen, sprinkler system, generator, and parking lot markings, until a direction for the building is established. Councilor Combes noted these numbers are "spot on," from his experience.

D. Wholley said this is the time for discussions to occur. These numbers will be presented to the CIP Committee. The community meeting on October 14th will give the public an opportunity to

share questions and comments.

Chairman Farrell asked if there were grants available to help address these costs. M. Malaguti explained there is a grant for community centers, but structures that are currently being used as community centers fare better under the ranking criteria. He has had no discussions about the building being used for anything else than a community center. D. Wholley added there is the potential for other grants to offset some of the costs.

Councilor Butler pointed out the improvements needed to meet ADA standards will be required, regardless of what the building is used for. It is not useable at this point, as it is not accessible. D. Wholley noted the planned use of the building will also determine what changes are made.

Councilor Combes asked if everything need to be updated, once repairs begin. D. Wholley said commercial buildings fall under heavy scrutiny. Councilor Combes asked about the potential use for the vault. D. Wholley replied that it would probably be used for storage.

Chairman Farrell noted it is imperative to decide what will be done with the building before anything else is done. Public input is vital. He believes it will be a tall task for the voters to absorb this cost. D. Wholley agreed. Vice Chair Franz asked D. Wholley to determine what the operating cost would be to maintain the building as is. D. Wholley noted the electricity needs to remain on to keep the building operational, although there are minimal expenditures for mowing, plowing, and so on.

D. Wholley added that bids were opened for the library roof. The goal is to have the work completed before wintertime.

The Council thanked D. Tenney and D. Wholley for their work on this project.

OLD BUSINESS

Final Review of Term Expiration List for Appointed Town Boards

K. Hildonen shared the list of all Board and Commission positions that are either expiring this year, are vacant, or are open due to resignations. Two people resigned from Boards this past week: Glenn Douglas (Recreation Commission) and Lee Jeffers (Heritage Commission).

Vice Chair Franz moved to accept the resignations as presented and Councilor Combes seconded the motion:

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes

Ron Dunn	Yes
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Motion passed 5-0-0.

Chairman Farrell expressed his disappointment over G. Douglas's resignation and wished him well.

K. Hildonen said she reviewed the Town municipal code and the Town charter, and found there is one additional spot that is not on the list: an alternate position for the ZBA. She will send this to the newspaper and post it on the website and social media.

Chairman Farrell said they will discuss whether Council will interview sitting Board members. K. Hildonen will contact sitting members to update their current information. She noted there are a large number of positions that will need to be filled, and there are only four meetings to fill these positions. Chairman Farrell said they will determine if they are going to interview the applicants and, if necessary, can hold an additional meeting.

APPROVAL OF MINUTES

Minutes for the September 25, 2023, meeting were presented.

Vice Chair Franz moved to approve the minutes as presented and Councilor Combes seconded the motion:

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Abstain
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 4-0-1.

APPOINTMENTS/REAPPOINTMENTS

None

LIAISON REPORTS

Vice Chair Franz reported the School Board had their second reading of their purchasing policy and that will move to a third reading.

Councilor Combes is on the building committee for the study of building the kindergarten. The

building committee will be presenting their findings to the School Board on October 3.

TOWN MANAGER & ASSISTANT TOWN MANAGER REPORTS

M. Malaguti noted that the claim during public comment that 91-A requests must be filed to get information from the Town is incorrect. He said the Town departments are very responsive to any requests received from the public. He also clarified that R. Bielinski's claim that the Town has ignored his request about recovering \$80,000 to repair the Lions Hall was incorrect, which he has discussed with Mr. Bielinski. Chairman Farrell clarified that the expenditure of the funds was approved by the sitting Town Council.

M. Malaguti outlined the Rec Department fall activities and events.

Assistant Town Manager Caron made her report.

OTHER BUSINESS

MEETING SCHEDULE

1. October 16, 2023: Moose Hill Council Chambers, 7:00 p.m.
2. November 4, 2023: Budget Kick-off workshop, Moose Hill Council Chambers, 9:00 a.m.
3. November 6, 2023: Moose Hill Council Chambers; 7:00 p.m.
4. November 20, 2023: Moose Hill Council Chambers; 7:00 p.m.

ADJOURNMENT

Vice Chair Franz moved to adjourn, with Councilor Combes seconding the motion:

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Abstain
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0. Meeting adjourned at 8:44 p.m.

Minutes prepared by Beth Hanggeli