

1 **Londonderry Town Council Minutes**
2 **Monday, November 6, 2023**
3 **7:00 PM**
4 **Moose Hill Council Chambers**

5
6 **Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12339?channel=4>

7
8 **Attendance:** Chairman John Farrell; Vice Chairman Chad Franz; Councilors Ted Combes, Jim
9 Butler, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron

10
11 **CALL TO ORDER**

12
13 Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by
14 Chairman Farrell. This was followed by a moment of silence led by Chairman Farrell for Libby
15 Canuel and her family.

16
17 **PUBLIC COMMENT**

18
19 Chairman Farrell opened public comment.

20
21 **Name:** Kristine Perez

22 **Address:** 5 Wesley Drive

23 Ms. Perez noted she took an oath when taking public office. A young representative put the
24 Legislative Body on notice that they need to honor their oath to uphold the Constitution. She
25 reminded the Councilors of their responsibilities and said they should not waste the people's
26 money. She said voting machines are illegal under the state Constitution. She said although the
27 RSAs have allowed voting machines since 1979, the Constitution supersedes any RSA. On
28 November 29th, the Supreme Court is hearing testimony regarding the legality of voting machines.
29 She asked the Council to wait to pick a voting machine until judgment is made, to avoid wasting
30 taxpayer money.

31
32 **Name:** Bob Slater

33 **Address:** 1 Stonehenge Road

34 Mr. Slater said the taxpayers funded a portable building at the beginning of the school year. There
35 were technicalities involved with connecting the sprinklers and fire alarms. He expressed his
36 gratitude and that of the School Board for the Fire Department's help in resolving these issues at
37 the state level. He complimented the Recreation and Highway Departments for their work on the
38 athletic fields and the roads around them. He thanked the Town Manager and Town staff, and said
39 they should receive more compliments on the work they do.

40
41 **Name:** Tony DeFrancesco

42 **Address:** 1 Chester Court

43 Mr. DeFrancesco complimented the Council members for doing due diligence on issues presented
44 to them and ensuring they represent all citizens. He asked the Councilors to keep in mind there
45 often is a silent majority they do not hear from. He asked the Council to budget for a new electronic
46 sign to replace the current sign in front of the Municipal Complex, which only displays information

47 to those who are driving south. He offered his help in obtaining a new sign.

48

49 Chairman Farrell closed public comment.

50

51 **PUBLIC HEARINGS**

52

53 **Resolution #2023-21 – Acceptance of Unanticipated Revenue from the U.S. Department of**
54 **Justice, Office of Community Oriented Policing Services**

55

56 **Resolution #2023-22 – Acceptance of Unanticipated Revenue from the State of New**
57 **Hampshire Department of Safety**

58

59 **Resolution #2023-23 – Acceptance of Unanticipated Revenue from the New Hampshire State**
60 **Council on the Arts**

61

62 Councilor Combes moved to open the public hearing. Councilor Dunn seconded the motion.

63

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

64

65 Motion passed 5-0-0.

66

67 Chairman Farrell asked Director of Finance Justin Campo if these resolutions could be addressed
68 simultaneously. He noted that they address unanticipated revenue.

69

70 Mr. Campo explained that for Resolution #2023-21, ARPA funds were requested in August to
71 revamp the Dispatch Center, with the understanding that a grant would be received. They have
72 received \$75,000 to rewire and restructure the Dispatch Center. For Resolution #2023-22, \$10,000
73 has been received to assist with protection at Manchester Airport. For Resolution #2023-23,
74 funding has been received for three years to fund Concerts on the Commons, with the assistance
75 of the State Arts Council.

76

77 Chairman Farrell asked for public comment.

78

79 **Name:** Cindy Rice Conley

80 **Address:** 373 Winding Pond Road

81 Ms. Conley asked for the amount of funding on the third grant. Mr. Campo said it was \$5,400.

82

83 Councilor Combes asked if more funding could have been received from the Council on the Arts.

84 Mr. Campo said more was requested but the Council disperses funds they feel are appropriate.

85 Councilor Combes asked how the airport funds would be spent. Mr. Campo said he believes they
 86 will be spent on elevated infrastructure to assist with providing additional protection at the airport.

87
 88 Vice Chairman Franz moved to approve Resolutions #2023-21, 22, and 23. Councilor Dunn
 89 seconded the motion.

90

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

91

92 Motion passed 5-0-0.

93

94 Vice Chairman Franz moved to close the public hearing. Councilor Dunn seconded the motion.

95

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

96

97 Motion passed 5-0-0.

98

99 **NEW BUSINESS**

100

101 **Adoption of New Electronic Ballot Counting Devices**

102

103 Chairman Farrell noted this is the first presentation the Council has seen regarding these devices.

104

105 Town Moderator Jonathan Kipp and Town Clerk Sherry Farrell appeared before the Council. Mr.
 106 Kipp presented information on ballot counting devices/machines. He said the governing body
 107 needs to approve their use and decide which one will be used, and then notify the Secretary of
 108 State of their decision.

109

110 The machines Londonderry has used for years are at the end of their lives. The New Hampshire
 111 Ballot Law Commission has identified three devices that have been used on a trial basis throughout
 112 the state this year. Mr. Kipp reviewed the due diligence that was done so that they could make a
 113 recommendation to the Council.

114
 115 The Commission has conditionally approved two of the devices to be used in March 2024, those
 116 manufactured by LHS Associates and VotingWorks. The Town issued RFPs to these
 117 manufacturers and as a result, chose the LHS Associates device. He reviewed the rationale behind
 118 this choice.

119
 120 Regarding this rationale, Vice Chair Franz said that having the write-in ballots separated from the
 121 rest of the ballots is reassuring. Councilor Combes noted it is important that LHS is willing to
 122 respond within 30 minutes to any issues experienced with the devices. Councilor Butler
 123 commended the Town elections staff on the quality of work they do.

124
 125 Councilor Dunn asked if the Council can delay making this decision until the next meeting. Mr.
 126 Kipp said. LHS would like to know by December 1. He suspects the timeline for VotingWorks is
 127 similar. He noted the current machines will no longer be supported after 2024. Ms. Farrell said
 128 there are issues finding parts for the current machines and expressed her concern if there are
 129 problems with the current machines during the election.

130
 131 Chairman Farrell asked if the poll pads would work with the new devices. Mr. Kipp said they are
 132 separate systems, so the poll pads will continue to operate as they always have.

133
 134 Councilor Combes asked if they have spoken with other Town clerks. Ms. Farrell has seen that
 135 larger communities are leaning toward using the LHS devices. Councilor Combes noted this might
 136 cause a problem with availability of machines. Mr. Kipp said the Town will purchase six machines.

137
 138 Councilor Dunn invoked councilor privilege. This topic will be addressed at the next Council
 139 meeting and a vote will be required at that time. Councilor Combes expressed his concern that due
 140 to the delay in getting materials across all industries, delaying this decision two weeks could cause
 141 a problem obtaining a machine in a timely manner.

142
 143 **Order #2023-15 – The Expenditure of Maintenance Trust Funds for Winter Maintenance**

144
 145 Director of Public Works & Municipal Facilities Dave Wholley addressed the Council. He
 146 explained this request is to allow for a drawdown of \$18,000 of the winter maintenance funds.
 147 This will allow him to pay bills from contractors as they are received. Any funds not spent will be
 148 returned to the budget.

149
 150 Vice Chairman Franz moved to approve this request. Councilor Dunn seconded the motion.

151

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

152
153 Motion passed 5-0-0.

154
155 **Winter Operations Presentation**

156
157 Director of Public Works and Municipal Facilities David Wholley appeared before the Council
158 and presented the winter emergency operations plan. He noted that Public Works are first
159 responders and make it possible for other first responders to respond to emergencies. He reviewed
160 the organizational chart of the department and challenges that impact performance, including
161 equipment, materials, and staffing. He thanked his staff for the hard work they do. He
162 recommended citizens refer to the Department's Facebook page for updates on plowing operations.

163
164 The Council commended Mr. Wholley on his presentation.

165
166 **OLD BUSINESS**

167
168 **Town Treasurer Warrant Article Discussion**

169
170 At an earlier meeting, the Town Treasurer recommended that the Treasurer position be appointed
171 instead of elected. The Council discussed whether to have a public hearing on this issue on
172 November 20th and agreed to do so.

173
174 **Old Mammoth Road Gate Petition**

175
176 Mr. Malaguti explained that concerns around the four-way intersection at Page Road/Grenier Field
177 Road/Mammoth Road have been discussed for decades, primarily by the Traffic Safety
178 Committee. Although the Police Department has upgraded enforcement, there have not been many
179 infrastructure improvements. It was agreed that if interventions are to be made, the decision needs
180 to come from the Town Council. Chairman Farrell noted that only Town Council can close a road.

181
182 A petition has been presented to the Council to install a gate on Mammoth Road. The Council
183 discussed the unintended consequences of this and if the petition reflects the thoughts and opinions
184 of everyone affected by this decision. The Council asked for more of a cross-section of thoughts
185 and opinions. More signatures have since been received.

186
187 Councilor Dunn asked if residents have been asked how they would be impacted, if a gate is
188 installed. Mr. Malaguti said the concern he has heard most frequently is the ability to turn left and
189 travel north on Rockingham Road. He said suggestions for less significant interventions have been
190 reviewed, such as installing speed tables and speed bumps.

191
192 Chairman Farrell said the Council will investigate this issue. This investigation would have to be
193 funded by the taxpayers.

194
195 Chairman Farrell asked for public comment.

196
197 **Name:** Steve Kelly

198 **Address:** 552 Mammoth Road

199 Mr. Kelly said the problem is along Mammoth Road, not just at the intersection. The road is used
200 as a cut-through from Rockingham Road to the airport. The high speed of this traffic is a safety
201 issue. He supports installing a gate. He asked for a solution, not for the issue to be pushed down
202 the road again. Chairman Farrell urged him to call the Dispatch Center to report violations.

203

204 **Name:** Brian Mead

205 **Address:** 555 Mammoth Road

206 Mr. Mead asked for a timeframe for this to be addressed. Chairman Farrell said the voters will
207 have to be asked for funds and explained the process for doing so. Mr. Mead clarified he would
208 like to know when a decision will be made whether or not action will be taken. Chairman Farrell
209 said he will ask the Council for a decision, once public comment is closed. The process of obtaining
210 facts and discussing alternate solutions, then noticing and having public hearings, etc., could take
211 two to three months.

212

213 **Name:** Eric Morin

214 **Address:** 528 Mammoth Road

215 Mr. Morin suggested instead of installing a gate, half of the road be closed to eliminate traffic
216 turning from Mammoth Road onto Grenier Field Road to access the airport. The Council said they
217 would need to discuss this with the Fire Chief, as the North Station is located there.

218

219 **Name:** Dave Robbins

220 **Address:** 532 Mammoth Road

221 Mr. Robbins said due to the double stripe on the road, cars are not giving pedestrians room as they
222 pass, so it is less safe. He said if traffic could be slowed down with stop signs and/or speed tables,
223 drivers might opt to take a different road.

224

225 **Name:** Robin Stewart

226 **Address:** 522 Mammoth Road

227 Ms. Stewart said traffic needs to be stopped from going through the area. She asked if the other
228 end of Mammoth Road could be closed. She said the striping makes the road look bigger and cars
229 are traveling faster. She hopes there is a solution. Chairman Farrell assured her he will put it to a
230 vote.

231

232 Councilor Combes asked about closing Mammoth Road near Rockingham Road. Mr. Malaguti
233 said this was evaluated but the traffic consultant did not recommend it, based on the second-order
234 effects that it would create.

235

236 **Name:** Melissa Martin

237 **Address:** 537 Mammoth Road

238 Ms. Martin noted that the accidents at the intersection and the speed of cars traveling along
239 Mammoth Road are two different issues. She gave examples of problems she has experienced with
240 cars speeding down the road. She has contacted the Dispatch Center and police patrols have been
241 sent; however, as soon as the patrol leaves, the speed increases again.

242

243 Mr. Wholley suggested installing a cul de sac at the end of Mammoth Road at Rockingham Road.

244 He said speed bumps are not allowed by law in roadways and rights-of-way. In certain situations,
245 there can be speed humps/tables; however, trailers and tractor-trailers crossing these create a lot
246 of noise.

247
248 The Council asked for data on accidents and speed offenders, as well as information on each of
249 the suggested solutions. They also asked for the cost of installing a gate, and for department heads
250 to present information to the Council.

251
252 This issue will be on the agenda for the December 4, 2023, meeting.

253
254 **APPROVAL OF MINUTES**

255
256 Councilor Dunn moved to approve the October 16, 2023, Town Council minutes as presented.
257 Vice Chairman Franz seconded the motion.

258

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

259

260 Motion passed 3-0-2, with Vice Chairman Franz and Councilor Butler abstaining.

261

262 **OTHER BUSINESS**

263

264 Chairman Farrell asked for a cost on the electronic sign for the Municipal Complex. Mr. Malaguti
265 will look into this.

266

267 Councilor Combes praised Mr. Campo for his extensive knowledge of the budgeting process.

268

269 **Liaison Reports**

270

271 Councilor Dunn reported the Budget Committee toured the DPW and thanked Mr. Wholley for his
272 assistance. He also said the Utility Committee is meeting November 7, 2023, at 7:00 p.m.

273

274 Vice Chairman Franz said there is a School Board meeting on November 7, 2023.

275

276 Councilor Combes was not able to attend the Planning Board meeting, but shared that the plans
277 for the Tesla facility were approved.

278

279 **Town Manager Report**

280

281 Mr. Malaguti recognized the staff for the work done to prepare for the budget workshop on

282 November 4, 2023.

283

284 Assistant Town Manager Caron made her report.

285

286 **MEETING SCHEDULE**

287

288 • November 20, 2023: Moose Hill Council Chambers, 7:00 p.m.

289 • December 4, 2023: Moose Hill Council Chambers, 7:00 p.m.

290 • December 18, 2023: Moose Hill Council Chambers, 7:00 p.m.

291

292 **ADJOURNMENT**

293

294 Councilor Combes moved to adjourn. Councilor Dunn seconded the motion.

295

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

296

297 Motion passed 5-0-0.

298

299 Meeting adjourned at 9:02 p.m.

300

301 Minutes prepared by Beth Haggeli