

**Londonderry Town Council Minutes**  
**Monday, November 20, 2023**  
**7:00 PM**  
**Moose Hill Council Chambers**

**Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12442?channel=4>

**Attendance:** Chairman John Farrell; Vice Chairman Chad Franz; Councilors Ted Combes and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron

Councilor Jim Butler was absent.

**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 Bob Lievens.

Chairman Farrell called for a non-public session regarding the tax deed and tax interest abatement matters under RSA 91-A:3, II(c).

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

Motion passed 4-0-0.

**PUBLIC COMMENT**

**Small Business Saturday Proclamation**

Vice Chairman Franz read the proclamation recognizing the adoption of Small Business Saturday on the Saturday after Thanksgiving.

Chairman Farrell opened public comment.

**Name:** Daniel Bouchard

**Address:** 8 Oconnell Dr

Bouchard discussed how he had watched the Budget Workshop. He expressed adding personnel

to the Fire Department should remain on warrant articles and to continue this practice. Chairman Farrell agreed and reiterated the Council wants the same practice to remain. Bouchard asked why a police captain pursued a law degree using taxpayer dollars. He stated that his concern was to make sure the education credit is being used for a related job and/or the return on the investment into school would be reaped by the Town directly.

**Name:** Ray Breslin

**Address:** 3 Gary Dr

Breslin opened his comment by stating he hoped that a discussion for the Lions Hall would continue. He suggested a warrant article be placed to see if the public is interested in even discussing it. He went on to say there is a heavy burden on the taxpayer especially with the outstanding issues remaining including water. He ended his comment by thanking the council for what they are doing and hoped everything he mentioned would be considered and people would be listened to.

**Name:** Bob Merrill

**Address:** 569 Mammoth Rd

Merrill stated there is no legal "Old Mammoth Rd" and that "Mammoth Rd" is the proper street name. He recommended a 4 way stop sign as a solution to the Mammoth Road concern, and then if it does not work to the desired effect, transition to a stoplight. He continued saying that the solution does not reside in a closed off street. He ended explaining he saw this in the Londonderry Times and thanked the council for allowing him to speak.

Chairman Farrell closed public comment.

Chairman Farrell, before entering the public hearing, expressed there have been complaints about the possibility of illegal trucking operations being done on High Range Rd. He shared there have been complaints for the last several months and asked Town Manager Malaguti for conclusions and answers.

Malaguti said the Town received a number of complaints due to the activity with trucking and shipment of produce at Sunnycrest Farm. He went on to say code enforcement reached out to the appropriate parties to investigate. The determination was that Sunnycrest is protected by the state. Shawn Jasper, Commissioner of Agriculture for the State of NH, contacted Malaguti via email September 29<sup>th</sup>. Malaguti summarized the email which concludes the trucking activity is "agricultural activity" protected by state law. Malaguti added anyone who has a grievance of their own may pursue that grievance by private right of action.

## **PUBLIC HEARINGS**

### **Town Treasurer Warrant Article Discussion**

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

84

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

85

86 Motion passed 4-0-0.

87

88 Town Manager Malaguti began by summarizing what occurred with the Treasurer warrant article  
89 last year. He explained the Council was advised to conduct a public hearing. If the consensus is  
90 yes, the Town Manager can move forward by contacting the appropriate parties to begin the  
91 process.

92

93 Chairman Farrell expressed to the Finance Director that he brought this to the Council last year.  
94 Farrell went on to say some in the community have expressed that he is being told to do this and  
95 not by his own judgement. Justin Campo, Finance Director, reassured them it is his own decision  
96 and has found there are not enough protections currently in place. Campo went on to say the Town  
97 Treasurer can shut out the finance department at their own will. The Budget Committee members  
98 cannot control the finances and due to incidents in the past he would like to raise this again. Campo  
99 felt it was necessary as part of his due diligence due to the concerns raised this past July. The  
100 person who is Town Treasurer is handling a \$40 million budget.

101

102 Chairman Farrell explained we are also the “bank” for the schools so it is \$126 million.

103

104 Chairman Farrell asked for public comment.

105

106 **Name:** Dan Bouchard

107 **Address:** 8 Oconnell Dr

108

109 Bouchard explained he has mixed reactions. Bouchard stated it was voted on last year as no and  
110 why it should be brought up again. He is unsure how we can help Campo.

111

112 Chairman Farrell explained the only new information we have is that we can do background checks  
113 on the individual who is Town Treasurer, according to DRA. Campo said we should have a backup  
114 since the Budget Committee cannot stop the money from being moved.

115

116 Bouchard explained there is enough on the Council’s plate to be dealing with this. The worst time  
117 to be doing this is during the budget season.

118

119 **Name:** Richard Bielinski

120 **Address:** 89 Hall Rd

121

Bielinski expressed he understands Campo's concerns. Bielinski also stated he brought up 20 years ago the ability to do background checks on the Town Treasurer and it is not new information from the DRA. Bielinski volunteered to undergo one when he ran for Town Treasurer and was denied. He said it is concerning we are bringing this up again. Bielinski said he would put in a warrant article to put in a 3-year moratorium on it.

Bielinski ended his comment with a recap of the last Council meeting. He explained it was insinuated that the Peterborough Town Treasurer did something wrong when in fact it was a cyber attack that made them lose money and not the Treasurer directly.

**Name:** Kristine Perez

**Address:** 5 Wesley Dr

Perez said perception is everything. She said the warrant article being brought up again would have the public perceiving the Council as not listening. She is concerned about the Town not feeling heard and suggested to put it off another year because it won't look as bad.

**Name:** Jonathan Esposito

**Address:** 5 Shelley Dr

Esposito had two concerns. Esposito said a well-meaning person of the public can engage in a transaction which can disrupt the finance department. Esposito echoed that there has been no issue in the past. Esposito went on to say Campo missed a few points on the treasurer. Esposito said Campo showed him the backups for the budget. The Town Manager and Finance Director both work as backups for the budget as well as the State Department of Revenue Administration. Esposito ended by stating that the Trustees of the Trust Funds can vote to take away Campo's powers.

**Name:** Patrick Cassidy – Chairman of the Budget Committee

**Address:** 12 Elwood Rd

Chairman Cassidy suggested a board for the treasurer's duties. Chairman Farrell responded explaining that would require in a charter amendment. Farrell explained that the DRA would have to sign off on it. Chairman Cassidy understood and explained, though difficult, the suggested path may be another option.

Town Manager Malaguti agreed and offered to get a legal opinion. Malaguti explained state statute requires a treasurer and sets forth the duties and powers of the treasurer. Malaguti was skeptical it would be allowed.

**Name:** Glenn Douglas

**Address:** 6 Overlook Ave

Douglas opened his comment requesting that background checks be done for all appointed board members. Douglas continued that Town employees should not serve in this position. Douglas ended by saying he is against the warrant article being proposed.

Town Manager Malaguti said the legal opinion regarding the background check applies to people who handle money and does not go further than that.

**Name:** Deb Paul

**Address:** 118 Hardy Rd

Paul stressed that the scariest part of it is when someone is appointed they may not speak out because they may not be appointed again. An elected person would be separate and not have the same concern. They would not worry about things that are unseen. Paul stated she thought one of the reasons asserted for the amendment was the finance department did not have enough help, and she would have thought that staffing would have been more of a priority. She concluded that she could not find anything showing a Londonderry treasurer ever did something wrong.

Town Manager Malaguti corrected Paul, stating he had never heard this measure justified this way. Staffing has been a priority for the finance department. Campo also cited a prior example explaining the Town of Litchfield's treasurer stole money in the amount of \$135,000 from the Town, hence his concern.

**Name:** Kathy Wagner

**Address:** 12 Macgregor Ct

Wagner began by stating she had heard a lot of the Town rejected the warrant article. Wagner is the one who asked for this to happen and put on another warrant article. Wagner saw what her family was put through during the election season does not bode well with her.

Wagner is worried about an agenda-based treasurer coming in since the atmosphere is very hard to navigate. Wagner asked 2 years ago to reconsider the position and does not see an issue with the revote. Wagner has taken full responsibility for the failure last year because she did not educate the public enough on how all of the same regulations and responsibilities are placed on them whether they are appointed or an elected official.

Jonathan Esposito requested a Point of Order.

Chairman Farrell overruled the Point of Order.

Kathy Wagner went on to say people want to volunteer because they want to serve and not have to be subject to public ridicule. The calendar is what is making people talk about the topic. It has to get on the warrant and it is a very noble and the right thing to do if a citizen is appointed and not someone in the town. Wagner ended pushing for this to be an appointed position that is not someone within the Town Hall.

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

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

Motion Passed 4-0-0

Vice Chairman Franz clarified his previous no vote was because of a misunderstanding of opinion vs. warrant eligibility. Since then, Franz has changed his opinion based on education on the matter. Franz also asked if the treasurer was investigated at Peterborough. Chairman Farrell said the treasurer is always responsible no matter what happened. Farrell explained Peterborough transferred money to the school system like Londonderry does and got tricked into sending it to the wrong place. Not enough checks and balances are put in place.

Justin Campo went on to say it is a high-risk position and it is concerning that anyone can have control over the entire amount of taxpayer money. Campo went on to say some of these towns also appoint a treasurer: Barrington, Campton, Derry, Greenfield, Greenland, Hebron, Holderness, Hooksett, Hudson, Litchfield, Madison etc.

Vice Chairman Franz stated with the new information attained from the Budget Committee and additional education for the proposed suggestions, why would they not explore it.

Chairman Farrell asked for a consensus from the council.

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

Motion Passed 4-0-0

Public Hearing was closed.

## **NEW BUSINESS**

### **Resolution #2023-24 A Resolution to Re- Adopt the All Veterans' Tax Credit**

Vice Chair Franz recused himself due to being a recipient of the credit.

Contract Auditor Steve Hamilton opened saying it would be brief because they adopted the previous veterans' tax credit in the past. 169 residents benefit from the all veterans tax credit. If readoption fails, the credit would go to \$50 rather than the \$750 they currently receive.

Councilor Combes moved to approve this request. Councilor Dunn seconded the motion.

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

Motion passed 3-0-0.

Vice Chairman Franz rejoined the council

**Fire Engine Replacement Proposal**

Chief Bo Butler and Deputy Chief Phil Leblanc introduced themselves. Their proposal was for 2 new engines. Chief Butler explained they would save around \$100,000 for the new engine builds and brought this to Justin Campo for approval which Campo did.

DC Leblanc explained engines have a 10-year lifespan. After 10 years, costs are higher to maintain. DC Leblanc stated it is around 3 years to build a new fire truck and that the longer Fire waits the pricing would continue to go up. Pricing would increase \$20,000 every quarter.

Chief Butler explained they are looking to sign for 2 trucks, one of which would be for as soon as possible and the other would be put in for 6 months after.

Councilor Combes asked if we know when we have to start making payments on the engines. Chief Butler answered explaining we pay when we receive the trucks. Fire is locking in the price by signing this agreement.

The term of the loan is 10-12 years, depending on how the Finance Director wants to separate them out. Campo ended with the purchase price being \$1.14 million per truck with a \$100,000 down payment to lower the annual cost.

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

John Farrell	Yes
Chad Franz	Yes

Jim Butler	Absent
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 4-0-0

## **OLD BUSINESS**

### **Approval for Ballot Counting Machines**

Jonathan Kipp would like approval for ordering the new ballot machines.

Councilor Dunn thanked them for answering all the questions he had and is ready to approve the motion.

Vice Chair Franz moved to approve this request. Councilor Dunn seconded the motion.

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

Motion Passed 4-0-0

### **Budget Workshop**

Justin Campo stated the tax rate calculation sheets have a couple of changes since the last budget meeting.

Chairman Farrell asked where the current tax rate is from. Campo explained that it is so much lower because \$6.2 billion is the estimated town valuation. The reevaluation bumped up the amount considerably.

Per Campo, the big changes would be the solid waste department was FY23 instead of FY25 in the budget books and the only change is the increase from FY24 to FY25. It would end up decreasing around \$100,000. Campo explained the Police IT Department line accidentally included the telephone budget and it was double counted, so it is now removed from default and operating. The total decrease is \$87,120 with \$28,900 from the police department. The fire



department recently hired 3 new firefighters which decreased it by \$51,000. DPW had an open position as a mechanic but adjusted to be a truck driver, which resulted in a decrease of \$16,000.

Campo continued with the finance department, which recently hired a finance clerk leading to an increase of \$9800 than budgeted salary.

Chairman Cassidy of the Budget Committee had a question about the increase of \$54,000 increase in lines 24-25 in the Finance Department. Campo explained it was just from a hire that started part time which transitioned to full time as well as budgeting for the increase initially when they would transfer to full time.

Chairman Cassidy went to salaries again, but for Police, which had an increase of \$390,000. 67 positions are being funded. Campo explained the increase is also from moving jobs to different sections in the budget.

Chairman Cassidy asked about the Town Manager's department. Campo explained the department is fully staffed at the moment.

Chairman Cassidy brought up the increase in Library salaries. Director Erin Matlin from the Leach Library explained the increase is because in FY23 they were not fully staffed and in FY25 they have 8 part-time employees. The salary budget increased by 10 percent, which resulted in a 5% merit and 3% cost of living increase.

Vice Chairman Gagnon of the Budget Committee expressed concern if they possibly could lower the annual raise to match what other departments do for their yearly evaluations. The goal would be to have them all at 5 percent.

Chairman Farrell asked when merit raises are done. Director Matlin responded it is yearly and that they budget for the full merit in hopes everyone would receive the highest amount.

Vice Chairman Gagnon brought up another concern regarding GMILCS. Gagnon asked if the \$24,000 one-time payment is for start-up costs. Director Matlin agreed. Director Matlin explained the annual cost after that is a formula from GMILCS that is based on how many libraries are in the consortium, size of the collection, etc. The annual cost going forward for a full year would be \$41,000.

Vice Chairman Gagnon asked what the benefit would be by joining GMILCS with interlibrary loan already being an option.

Director Matlin explained that interlibrary loans come through the state and currently patrons can not go to other libraries. Director Matlin stated there would be 1.4 million more items in the catalog after joining the consortium. Director Matlin also expressed that the IT department at Town Hall would be relieved of having to help with issues since GMILCS covers the IT portion.

Chairman Cassidy asked if spending the \$41,000 a year would save money in the long run. Director Matlin responded saying yes and she is currently prepping the staff for the consortium. Director

356 Matlin agreed she expects it to be busier.

357  
358 Sarah Meier of the Budget Committee asked if the taxpayers have a say in this decision.

359  
360 Chairman Farrell explained that the Trustees of the Leach Library approved it and they are a  
361 separate governing body which allows them to do this. Meier suggested to Director Matlin the  
362 possibility of the Library getting funding cut to offset the increase in cost.

363  
364 Director Matlin replied she hoped not, and if they don't join now there is a chance they may never  
365 be able to join the consortium. Maureen Hardy of the Budget Committee showed where Matlin cut  
366 the funding in certain line items to offset cost. Hardy continued on saying they may need more  
367 staff and listed some requirements from the consortium. Hardy asked Director Matlin if other  
368 libraries are in the consortium. Director Matlin explained yes which Hardy responded that it is  
369 more of a want.

370  
371 Kate Burbidge of the Budget Committee explained it would cost the taxpayer less than a cent per  
372 household to join the consortium.

373  
374 Chairman Cassidy asked for clarification on the \$500,000 that is being used for the Lions Hall.  
375 Chairman Cassidy continued to ask if we can wait a longer period of time for the repairs. Chairman  
376 Farrell wanted an answer as well to what the money is for. Town Manager Malaguti agreed and  
377 explained what Weston and Sampson had informed him.

378  
379 Chairman Farrell requested a meeting with the town engineer and building inspector to judge for  
380 themselves. Ann Chiampa explained the importance of the Lions Hall.

381  
382 Kate Burbidge asked if it is possible to have impact fees for LFD. Chief Butler explained that the  
383 Chairman would know better than him. Chairman Farrell said that a forensic audit was ordered by  
384 the court years ago due to a significant error with impact fees. He stated the law is not well written.

385  
386 Town Manager Malaguti agreed that it is not something easy to administer. Assistant Town  
387 Manager Kellie Caron agreed and stated in her experience, impact fees are not reflective of the  
388 true costs associated with the developments' impact, and development agreements allow for a real-  
389 time assessment of fiscal impact.

390  
391 Kate Burbidge asked if the LFD has a dollar amount for a warrant article pertaining to the  
392 additional 4 firefighters and the fly car. Burbidge continued asking if he would hire paramedics  
393 that are cross trained as firefighters.

394  
395 Chief Butler explained they are hiring firefighters to train up in the ranks and the fly car would  
396 house the seasoned firefighters, because paramedics are just not around at the moment in the job  
397 market. BC Hallowell explained that fire personnel are well trained in different areas and sending  
398 just paramedics on transport would not be beneficial.

399  
400 Justin Campo explained that the warrant article is for \$465,000, which is worst case scenario.  
401 Campo stated that salaries with NHRS are \$277,000 and dental and medical is \$181,000.

Chairman Farrell asked if all emergency vehicles have defibrillators and asked for a training status. Chief Butler said he would gather the information and present it for the question.

Ryan Cronin of the Budget Committee expressed that the warrant articles would not be budgeting enough to carry overtime hours. Justin Campo explained that more staff would lower overtime hours because there are more bodies to work. BC Hallowell explained with the increase of the fly car, 13 would be on duty for each battalion.

Chairman Farrell asked Justin Campo if he can do a staggered warrant article to hire 2 firefighters, then hire 2 more 6 months down the line. DC Leblanc explained that would work.

Chairman Cassidy directed attention to the LPD. A question was brought up regarding why a captain received a law degree in the state of Massachusetts.

Chief Kim Bernard explained that CALEA certification is very hard to maintain. The captain in question was going to assist in prosecution; however, he got pulled away for other duties. Chief Bernard explained he would not waste the Committee's time with wants but only needs.

Chief Bernard shared there are 61 employees, with 4 new officers, of which 2 are certified and 2 are non-certified. It is possible to add a prosecutor. Chairman Farrell reiterated to the council that if the Budget Committee proposes any changes to headcounts or jobs it would result in a warrant for LFD, LPD and DPW.

Chairman Cassidy asked if the warrant article was turned down to add a prosecutor in lieu of police officers' position, could they not do it ever again. Malaguti explained it is a concern to take someone who is on the street as an officer and put them into a prosecutor position.

Chief Bernard highlighted the importance on community relations as well as victim witness advocates and how these are also positions he may need. Chief Bernard brought attention to detective positions as well.

Town Manager Malaguti echoed Chief Bernard, stating it would be difficult to pick who they would prosecute for and who they wouldn't due to abundant case load when Malaguti was previously the prosecutor. Councilor Combes asked if a \$98,000 salary would attract enough people for a prosecutor. Chief Bernard explained he hoped so, and, as well as doing his due diligence, he has consulted with others to compare the best rates for the public sector.

Jason Goldman of the Budget Committee asked if it ended up being more than \$95,000, would Chief Bernard have to come back and propose that. Chief Bernard said yes.

Vice Chairman Gagnon asked if there is a separate warrant article for the trucks being replaced for DPW. Maintenance trust cannot be used for vehicles, per Justin Campo. \$90,000 would be the annual payment for the new vehicles, with lease payments for 10 years based on their life expectancy, and 7 years for the one-ton. Once it is approved it becomes part of the operating budget.

Chairman Cassidy asked what it is compared to years past. Campo said that last year was less because the State gave us a significant increase in money which was unexpected.

Chairman Cassidy asked about health insurance benefits for part time employees. Campo explained only 3 part time individuals are eligible for health insurance. There are 200 full time employees and it costs \$26,000 per employee for health insurance. Only one union cost shares for insurance. It is 4% beginning in FY25. They are all on a high deductible PPO plan.

A single plan is \$1,000 and for a 2-person plan it is \$2,000 contributed to the HSA. Doing this lowered all of the premiums. \$700,000 fell off in bond payments and health insurance went up \$1.3 million. Chairman Cassidy asked what incentives there are for opting out of the health insurance. Campo replied it varies and it is \$2,000-\$5,000 depending on the union.

Chairman Cassidy was confused by the management line. Campo replied it is a catch-all for line items that can't be listed in other places, including one-time services provided by another company. DPW, Planning and Fire all use that line item.

Vice Chairman Franz commended the Budget Committee for the time and commitment for making the community and town better by lowering the tax rate for the residents. Councilor Combes also agreed that they think of the questions that the other members may not think of.

#### **APPROVAL OF MINUTES**

Vice Chairman Franz moved to approve the November 4, 2023 Town Council minutes as presented. Councilor Combes seconded the motion.

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

Motion passed 4-0-0

#### **Liaison Reports**

Vice Chair Franz reported that the School Board's third reading of the purchasing policy is coming. Franz continued by explaining there would be more time for discussion on November 28. The career and tech program, aimed at providing students with various trades, have continued their ongoing efforts. Schools will be closed on January 23, 2024 for the Presidential Primary.

#### **Town Manager Report**

Town Manager Malaguti: None.

Assistant Town Manager Caron: None.

**MEETING SCHEDULE**

- December 4, 2023: Moose Hill Council Chambers, 7:00 p.m.
- December 18, 2023: Moose Hill Council Chambers, 7:00 p.m.

**ADJOURNMENT**

Vice Chairman Franz moved to adjourn. Councilor Dunn seconded the motion.

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

Motion passed 4-0-0.

Meeting adjourned at 10:29 p.m.

Minutes prepared by Cameron Maher