

Londonderry Town Council Minutes
Friday, January 12, 2024
7:00 PM
Moose Hill Council Chambers

Meeting Link: <http://173.166.17.35/CablecastPublicSite/show/12484?channel=4>

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

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by Councilor Combes. This was followed by a moment of silence led by Councilor Combes for all the first responders and utility workers during the past storm.

PUBLIC COMMENT

Chairman Farrell opened public comment.

Kristin Grages opened her statement by sharing a response from the Attorney General in regards to the alleged election fraud concern that was brought to their office.

Name: Kristine Perez

Address: 5 Leslie Dr

Perez opened her public comment explaining the election fraud case is still under investigation. Perez then read a letter from Brenda Towne which shared more information alleging other towns are also in the same situation. The letter went on to say the unnamed group is seeking relief from the DOJ and Secretary of State to get this ironed out.

Name: Richard Belinski

Address: 89 Hall Rd

Belinski shared he wanted to talk about the Right to Know letters that are being sent to the town. Belinski shared this would not have to be done if things were addressed and transparent. Belinski mentioned a case involving Deb Paul and certain language which was dismissed by a court. Belinski explained the town should have not pursued legal action. Belinski stated the same should have been avoided with the Gandia trespass situation.

Chief Bo Butler of LFD shared a command update. Butler explained three shipping containers are beginning to be placed behind the central fire station. SL Chase donated the crane service and labor for the shipping containers to be placed. Butler stated the LFD completed a swift water rescue right before the holidays. Butler mentioned another tragedy occurred this past Tuesday involving a recent graduate of LHS. Butler explained LFD had taken extra time to honor the dead and thanked

Coach Slater, Katie Sullivan, and Principal Barnes who assisted in the tough messaging which was relayed to the students and staff.

Name: Kathy Wagner

Address: 15 Parmenter Rd

Wagner shared the accident happened at her address. Wagner emphasized if anyone wants to leave signs or flowers for the young man that passed, to please park in her driveway so no one else gets hurt.

Name: Bob Slater

Address: 1 Stonehenge Rd

Slater thanked Chief Butler for the remarkable work they did during the tragic event and how they worked with the parents and staff during this difficult time. Slater ended with thanking John Farrell for his time and help with the situation as well.

Name: Sean Faber

Address: 73 Old Nashua Rd

Faber explained how he remembers his childhood being hard with monetary issues. Faber urged the people listening to please consider the budget because some people are on hard times and to keep people in mind who may struggle financially.

Chairman Farrell closed public comment.

Farrell shared to not always believe things in the local publications and keyboard warriors online. Farrell shared there is a letter which was shared with Paul to explain the outcome of the internal investigation. Farrell explained the internal investigation done found the same thing the judge did however, as a council, they decided to defend and protect the process against retaliation and went to court. Farrell shared the complaint only came out in public to possibly benefit a local paper.

PUBLIC HEARINGS

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

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

Motion passed 5-0-0.

BUDGET HEARING

Article I – Election of Officers

Vice Chairman Franz moved to approve Article I. 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.

Article II – Amendment to Town Charter – Treasurer

Name: Kristine Perez

Address: 5 Leslie Dr

Perez brought up a question on how the Town Treasurer would be paid. Director Campo explained the Treasurer is funded in the budget and there would be no change.

Name: Kathy Wagner

Address: 12 Macgregor Ct

Wagner shared it is her fault for not speaking out last year about this issue and educating the public on her role. Wagner explained the law and position are antiquated and need to be revamped for the new world we live in. Wagner said the election process is vile and hard to deal with. Wagner echoed Campo by explaining it is over \$100 million that is in the control of the Treasurer. Wagner said the Londonderry Lantern is an amazing thing the town is providing for information. Wagner ended with the Treasurer who is appointed should be a town citizen and not a town employee.

Name: Kristine Perez

Address: 5 Leslie Dr

Perez asked for clarification on if the town voted no to this last year.

Name: Dan Bouchard

Address: 8 Oconnel Dr

Bouchard understood Campo's concerns however he asked how would the town select this person. Campo explained the town would be interested in someone who has an accounting background in the government sector. Bouchard ended with requesting the criteria be put online for the upcoming Treasurer appointment.

Name: Deb Paul

Address: 118 Hardy Rd

Paul shared she is against the Treasurer being appointed and requested if it can be done publicly if someone does become appointed. Paul suggested possibly outsourcing payroll which would save

the town money. Paul shared over 50 percent of towns still elect Treasurers. Town Manager Malaguti explained they did look into that and shared the requested information with Paul.

Name: Richard Belinski

Address: 89 Hall Rd

Belinski explained he is not in favor of the Treasurer being appointed. Belinski urged there are pros and cons on either decision.

Town Manager Malaguti advised the Budget Committee to make a recommendation as well.

Vice Chairman Franz moved to approve Article I. Councilor Dunn seconded the motion.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	No

Motion passed 4-1-0.

Article III – Loan Authorization for High Range Road Water Supply Extension Project

Councilor Dunn explained on this article he needs 60 percent vote and asked the public for 2 million which currently might to go \$2 million to run the extension down Route 102 and get a bigger pipe to go on High Range Rd. Dunn shared this may be a one-time shot to get this done. Malaguti shared this is a fast-moving issue in NH and nationally. Malaguti explained that is why there have been changes to the article which is now requesting authority to borrow up to \$2.95 million for the PFAS loan program.

Name: Richard Belinski

Address: 89 Hall Rd

Belinski questioned how much it actually costs and if we are handing the funds over to anyone or how the funds will be handled. Malaguti shared the cost is \$2.95 and that number is based on DES recommendation.

Name: Lynn Wiles

Address: 46 Bartley Hill Rd

Chairman Wiles explained the role of the Utilities Committee and how they are an advisory board. Wiles shared the committee's support to move this to the ballot.

Name: Ray Breslin

Address: 3 Gary Dr

Breslin echoed the importance of this and how it needs to move forward since this is the first step

161 in bringing public water to all of town. Breslin shared concern over there being nothing in writing
162 sharing St Gobain's monetary portion to the project. Dunn said it is his belief St Gobain will come
163 forward after the loan is initiated. Malaguti interjected stating we are using \$2 million in ARPA
164 funds and the \$2.95 million remaining will be the loan. Kate Burbidge of the Budget Committee
165 explained 89 percent will be paid for by grants and the remaining 11 percent will be paid by the
166 taxpayer for the water project.

167
168 **Name:** Maureen Hardy

169 **Address:** Budget Committee

170 Hardy questioned when ARPA funds expire and if they do. Malaguti explained they must be
171 obligated by December 2024 and expended by the end of 2026.

172
173 **Name:** Martha Smith

174 **Address:** 38 Shasta Dr

175 Martha asked why it was a one-time deal. Dunn explained he doesn't think the funds will be there
176 because another town may take advantage of them if we don't.

177
178 **Name:** Deb Paul

179 **Address:** 118 Hardy Rd

180 Paul shared she is on board for the possibility of a new water system for the town. However, she
181 asserted there is no plan, it is hard for her understand and support the warrant article. Paul claimed
182 she is concerned there is no communication with Pennichuck from the town.

183
184 **Name:** Kristine Perez

185 **Address:** 5 Leslie Dr

186 Perez explained her concern for how high the water the bills are at the moment. Perez continued
187 by stating how a lot of people in town are not on well water and may not see the importance of
188 doing this water project. Vice Chairman Franz agreed the messaging and marketing has to be good
189 for this to pass.

190
191 **Name:** Martha Smith

192 **Address:** 38 Shasta Dr

193 Smith shared she thinks anywhere we can start is good but she thinks there has to be a plan b and
194 echoed Perez's comments on marketing. The warrant article made her feel nervous because the
195 amount on the article shows such a huge number without direct explanation. Dunn explained it has
196 to be written a certain way and agreed with her on it being hard to digest at first glance.

197
198 **Name:** Dan Bouchard

199 **Address:** 8 Oconnel Dr

200 Bouchard explained we have to do more educating on the situation.

201
202 **Name:** Glen Douglas

203 **Address:** 6 Overlook Ave

204 Douglas questioned on why there are two public hearings on the agenda. Malaguti shared it is just
205 a loan approval needed from the Council.

Name: Kate Burbidge

Address: Budget Committee

Burbidge asked if we lose the money if it is not used on this project. Malaguti explained no and it would be moved to something else.

Vice Chairman Franz moved to approve Article III. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Article IV – Fiscal Year 2025 Town Operating Budget

Campo explained the final changes.

Name: Ray Breslin

Address: 3 Gary Dr

Breslin requested the total amount of all the warrants. Campo shared the total amount is \$27 million.

Name: Dan Bouchard

Address: 8 Oconnel Dr

Bouchard asked if the town hires more personnel will that also add to the budget and increase the default budget for the following years. Campo answered yes.

Vice Chairman Franz moved to approve Article IV. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Article V – Expendable Maintenance Trust Funds

Name: Kristine Perez

Address: 5 Leslie Dr

Perez asked how much is in the EMTF account now. Campo shared there is \$269,000 in the fund still and the money doesn't go anywhere if it is not spent.

Vice Chairman Franz moved to approve Article V. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Article VI – Roadway Maintenance Expendable Trust Fund

Councilor Dunn moved to approve Article VI. Vice Chairman Franz seconded the motion.

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

Motion passed 5-0-0.

Article VII – Create and Fund MS4 Capital Reserve Account for Legally Required Water Quality Monitoring and Reporting Work

Name: Ray Breslin

Address: 3 Gary Dr

Breslin echoed the importance and explained how the town is required by the EPA because of the size of the town to monitor the storm water runoff. Breslin questioned who will be monitoring the stormwater runoff. Farrell explained it will be outsourced by a private entity. It is an unfunded mandate and there are a lot of technicalities explained Farrell.

Vice Chairman Franz moved to approve Article VIII. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Article VIII – DPW Equipment/Vehicle Leases

Name: Richard Belinski

Address: 89 Hall Rd

Belinski brought attention to the vehicles being replaced and questioned if they are being replaced or additions to the fleet. Director Wholley explained the town is replacing them due to them being out of their life expectancy. Belinski asked Wholley if the vehicles are treated on the undercarriage for winter. Wholley shared they are not because if they hit debris it will come off.

Vice Chairman Franz moved to approve Article VIII. 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.

Article IX – Fire Department Vehicle Capital Reserve Fund

Vice Chairman Franz moved to approve Article IX. 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.

Article X – Fire Department Equipment Capital Reserve Fund

Vice Chairman Franz moved to approve Article X. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Article XI – Article XIV (Recreation Revolving Fund, Pillsbury Cemetery Expansion Capital Reserve Fund, and Cable Equipment Capital Reserve Fund)

Vice Chairman Franz moved to approve Article’s XI, XII, and XIII. Councilor Combes seconded the motions.

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

All 3 motions passed with same results of 5-0-0.

Article XIV – Lions Hall

Farrell explained it is around \$850,000 to make it safe but not ADA compliant. Farrell said we can leave it for another year and ARPA funds may be used for the Lions Hall if they are not used elsewhere. \$500,000 puts the building back in service. Wholley shared the quotes he received and a lot of extra work would have to be done. No preservation work or site work would be done in this initial round. Franz shared his opinion on holding it for next year to give the building its appropriate justice.

Name: Ray Breslin

Address: 3 Gary Dr

Breslin asked for clarification on what the town will do in the future regarding the building.

Name: Kate Burbidge

Address: Budget Committee

Burbidge asked if the initial \$500,000 is not enough because it would not finalize everything.

Wholley explained that was a correct statement.

Name: Dan Bouchard

Address: 8 Oconnel Dr

Bouchard appreciated Wholley's work but claimed people in town want to save that building and putting it off for another year will cause the price to go up even more. Bouchard asked if we can put \$500,000 in an account and raise money to make up the rest. Franz explained if there is some way where we can do a little more research for the future it would be better because it is not a "no" it is a "not right now".

Vice Chairman Franz moved to eliminate Article XIV. 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.

Article XV – Police Department – Add Second Prosecutor

Name: Dan Bouchard

Address: 8 Oconnel Dr

Bouchard questioned how much the town pays for educational incentives as well as explained the default budget will increase next year if this does get passed.

Name: Martha Smith

Address: 38 Shasta Dr

Smith claimed she had heard the current prosecutor has been working for additional towns and if it is possible to have the additional work to be added to the current prosecutor if she covers fewer towns. Chief Bernard explained Felonies First going away resulted in the higher influx of cases the prosecutors need to cover.

Name: Richard Belinski

Address: 89 Hall Rd

Belinski asked if the town has any unfilled positions at the PD currently. Malaguti shared there is a staffing crisis and they are doing their due diligence to fill them expeditiously.

Vice Chairman Franz moved to approve Article XV. 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.

Article XVI – Fire Department Add Four Firefighters

Vice Chairman Franz moved to approve Article XVI. 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.

Article XVII – Pickleball Courts

Name: Ray Breslin

Address: 3 Gary Dr

Breslin explained his belief on Pickleball is that it is a want and not a need. Breslin shared concerns about it being almost \$500,000 and the tax burden should that comes with it should not have to be dealt with.

Name: Richard Belinski

Address: 89 Hall Rd

Belinski asked if there is a definitive place the courts are going to go. Belinski also explained he felt the warrant article was incomplete since it doesn't show how many courts as well as where the courts are going.

Name: Art Psaledas

Address: 12 Mont Vernon Dr

Psaledas shared we don't know what the cost is officially going to be until we put the shovel in the ground. Psaledas explained we are asking things for people to use in recreation which people should do to stay healthy and active.

Name: Brian Samolyk

Address: 25 Molton Dr

Samolyk explained we are lacking in Londonderry if we do not do something and the Pickleball Task Force's diligence for pickleball courts is shown in the previous presentation. Samolyk shared the place where the courts are going to be placed are on West Rd which goes back to the original plans and presentation.

Name: Heather Brooke Carey

Address: 132 Pillsbury Rd

Carey shared the Task Force is looking for grants to help with the courts and upon research, Carey claimed there are some which range from \$50,000 to \$1 million.

Name: Dan Bouchard

Address: 8 Oconnel Dr

Bouchard asked if the town put \$490,000 forward and the Pickleball Task Force gets a grant for the money, would the original balance go back to the taxpayer. Franz confirmed that is the case.

Name: Kate Burbidge

Address: Budget Committee

Burbidge questioned how the courts will be maintained. Samolyk explained they will create a 501C3 with a membership option for priority at the courts which would then in turn fund the maintenance. Dunn explained he is not against Pickleball and respects what the Task Force has done, however, in this economy it is hard for him to go forward with approving this. Cassidy explained he respectively disagrees with Dunn and shared we are behind other towns.

Councilor Combes motioned to amend Article XVII to use \$250,000 from the UFB and \$250,000 be raised by the taxpayers. Vice-Chairman Franz seconded the motion as amended.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	No

Motion passed 4-1-0

Vice Chairman Franz moved to approve Article's XVIII, XVIII, XX, XXI, XXII, XXIII, and

XXIII. Councilor Combes seconded the motions. (Citizen Petitions)

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

Motions for all articles resulted in passing with 5-0-0. To note, the updated Warrant Article numbers will be supplied before the deliberative session.

Bond for Article III

Vice Chairman Franz moved to approve the bond for Article III. 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.

Public Hearing Closed.

NEW BUSINESS

Resolution #2024-01 – Acceptance of Non-Monetary Donation under RS 31:95, e, III

Vice Chairman Franz moved to approve Resolution 2024-01. 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.

Order #2024-01 – Withdrawal from the Recreation Department’s Capital Reserves Fund

Name: Art Psaledas

Address: Recreation Director

Psaledas explained the current gator they use is 11-12 years old. Subsequently the Recreation Department has picked up more work at LAFA and the current one they are using is being borrowed from LAFA.

Vice Chairman Franz moved to approve Order 2024-01. 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.

OLD BUSINESS

None

APPROVAL OF MINUTES

Vice Chairman Franz moved to approve the December 18, 2023, Town Council minutes. 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

REAPPOINTMENTS

Reappointment of Todd Ellis to the Rec Commission.

Vice Chairman Franz moved to approve the reappointment of Todd Ellis to the Rec Commission.
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.

OTHER BUSINESS

N/A

Liaison Reports

None

Town Manager Report

Town Manager: None

Assistant Town Manager: None

MEETING SCHEDULE

- January 22, 2024: 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	Yes

Ted Combes	Yes
Ron Dunn	Yes

505

506 Motion passed 5-0-0.

507

508 Meeting adjourned at 10:30 p.m.

509

510 Minutes prepared by Cameron Maher