

Londonderry Town Council Minutes
Monday, January 9, 2023
7:00 PM
Moose Hill Council Chambers

Attendance: Present: Chairman John Farrell; Vice Chairman Joe Green; Councilors Jim Butler, Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Assistant Town & Economic Development Director Manager Kellie Caron; Finance Director Justin Campo

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 for those who serve us both here and abroad.

PUBLIC COMMENT

Name: Doug Thomas

Address: 143 Mammoth Rd, Londonderry

Thomas stated that in his committee meeting, he discovered through the Department of Energy, an old program is being resurrected and Londonderry will be one of ten municipalities that will be getting a Grant later in the year. The Energy Efficiency and Block Grant Program is coming back and Londonderry will get over collectively \$917,000.00, which means about \$91,000.00 per town. It will be used for energy programs.

Name: Ray Breslin

Address: 3 Gary Drive, Londonderry

Breslin commented on Article #13 on the 2022 Warrant. Breslin asked if the article passed. Malaguti stated that it did pass. Breslin asked if it was returning to the General Fund since it is not being used. Malaguti stated that it is not. Malaguti stated that the money that was raised is allocated for the Master Plan.

Name: Kristine Perez

Address: 5 Wesley Drive, Londonderry

Perez thanked Finance Director Justin Campo for answering all of her questions.

Name: Jonathan Kipp

Address: 5 Wesley Drive, Londonderry

Kipp went over the new poll pads that are used in 28 states, and this will be the first time New Hampshire will be using them, here in Londonderry. Kipp went over the process so using the machines, and the audit on the machines that need to take place after the elections.

BUDGET WORKSHOP

The Council went through the draft Warrant. See attached warrant.

Malaguti stated that the town is running out of space to bury residents and we need to make other arrangements so it's important that Article 8 passes. Councilor Paul asked if the Cemetery Trustees are actively looking for more land to put another cemetery or expand them. Chairman Farrell stated that there is an agreement with Woodmont to expand the Pillsbury Cemetery. Malaguti stated that we do have the land but it costs money to bury someone. We have land but it's not ready.

The Council discussed adding the staffing to the Library.

Erin Matlin, Head Librarian, stated that she would like to add more programs to the Library and they need staffing. Matlin stated that this is not an MLS required position.

Patrick Cassidy, Budget Committee, stated that he ran the numbers of how many hours the library is open and how many staff they have. Cassidy stated that the Library has eight full-time staff and nine part-time staff. Cassidy stated that it's roughly twenty-five thousand hours, if his math is correct, that those people are working. The library is open approximately sixty hours a week, which is about three thousand hours a year the library is open. Cassidy stated that due to those estimates, there are eight people on staff at a time and the library does a great job with the programs, but they seem well staffed. Cassidy stated that during this budget cycle it is being discussed about freezing some police positions. Cassidy stated that he just wants to spread the burden around.

Vice Chairman Green thanked Cassidy but stated this is a little different because the library didn't come to the Council and ask for another person to be approved in the budget, this is being offered as something the people can say yes or no to. Finance Director Campo broke down the salary number for the position and stated some of it goes toward insurance, etc.

Malaguti discussed the reasons to support the new police contract for the patrol unit sergeants. Malaguti stated that it includes dispatchers and detectives as well. This bargaining agreement is for five years. Chairman Farrell stated that this is good because usually it's only for three years,

81 but we were able to do it for five. Malaguti stated that we have the best police department in the
82 state, but we have fallen behind what we can offer. We want to attract and attain the best officers.
83 Malaguti stated that supporting this contract is the right thing to do.

85 The Council discussed Article #15 and the cost of a water system upgrade in town. The Council
86 discussed the cost and what surrounding towns have done. Chairman Farrell stated that we need
87 to put something in the Warrant Article to further explain to people what it says so that we can
88 make it clear for people. Chairman Farrell stated that this will end up like how sewers are done
89 down the road and it will be self-funded by users. We need to clarify that for users. Finance
90 Director Campo stated that he will be submitting a rough copy to DRA tomorrow. We are able to
91 adjust the warrant articles up until after the Deliberative Session.

93 Malaguti stated that if the Operating Budget fails this year, then we are stuck with the Default
94 Budget from last year and we would be funding building maintenance and vehicle maintenance
95 out of personnel. If the Operating Budget were to fail, we would be in a bad spot. Chairman Farrell
96 stated no going over default, we will stay where we are.

98 **PUBLIC HEARING**

100 **Ordinance #2023-01 – Rezoning Request Relative to Rezoning Map 13, Lot 143**

102 **Motion to open Public Hearing:** Vice Chairman Green

103 **Second:** Councilor Franz

104 **Chair votes 5-0-0.**

106 Bob Carey, Orr and Reno representing Gizmo Enterprises, and Todd Bayne, Gizmo Enterprises,
107 presented.

109 Chairman Farrell stated that Mr. Carey works for the law firm his daughter works for, therefore he
110 is stepping down from the discussion and vote. Vice Chairman Green holds the seat.

112 Carey stated that they are looking to rezone the railroad corridor, Map 13, Parcel 143. They are
113 looking to have it rezoned from AR, current zone, to CII which is Commercial. His client has
114 owned the property since 2004 and has a business that began in Londonderry. Carey went over the
115 functional footprint of his client's business. Bayne stated that he hopes he get granted the waiver
116 so that he can continue to run his business he's been running there for nineteen years. Vice
117 Chairman green if this would make his operation smoother. Bayne said yes.

119 Councilor Franz confirmed which section they're looking to have rezoned. Malaguti stated that
120 this is based on GIS data and it's not completely accurate.

Bob Rimol, President of Londonderry Trailways, stated that he has a lot of abutters along the rail trail and they have been there a long time. There has never been any issues and he is hopeful that the solution that comes up is in favor of being that they didn't have to change anything because there's an adequate buffer and right now it's safe.

Vice Chairman Green shared that the planning Board voted against the rezoning. One of the things cited was the safety issue with the buffer because of the rail trail.

Councilor Paul stated that she did not vote for it at the Planning Board meeting because she wanted to vote with the Council. The Planning Board and the Planning Department were against it for a few reasons. Malaguti stated that the Department was not against it. Assistant Town Manager and Director of Economic Development, Kellie Caron, stated that she did not provide a recommendation on behalf of the Planning Department. The reasons the Planning Board was against it were because it's not consistent with the Master Plan, the potential for spot zoning, and negative effects on the scenic landscaping on the existing rail trail. Assistant Town Manager Kellie Caron stated that it is important for Council to make their decision based on the criteria, which is health, safety, and general welfare of the community. In addition to how the request is in accordance with the Master Plan.

Name: Debbie Murphy

Address: 110 Rockingham Rd, Londonderry

Murphy stated that she was unable to make the Planning Board meeting. She received an abutter notice. This property is well north of her and Murphy stated she was confused as to why the whole property will be rezoned commercial. Murphy stated that the walls keep moving closer to the rail trail and she feels that what has happened over the years, it has taken over property line. Murphy stated that she doesn't want to back of her property going commercial.

Councilor Pail asked if there was a site-plan on file showing the property line. Caron stated that he does.

Councilor Butler stated that when the applicant bought the property back in 2004 and had the site-plan and did the surveys. The applicant went over the process of when he bought the property. His business has run for eighteen years and it has been inspected. Councilor Butler stated that it is the applicant's job to get the property surveyed and stay within the property lines. Councilor Butler stated that he thinks it's crept, but if we don't give this variance, it's going to shut a lot of this yard down. The concrete blocks weren't there when the applicant bought the property.

Councilor Franz asked if the applicant want just asking to change the zoning for the client's property. Carey stated that they are requesting the part along the rail trail from Liberty Drive. Malaguti stated that this is important because it is changing the Zoning Ordinance. Caron said that this variance would make the property split-zoned, which we don't allow. It would make the property partially residential and partially commercial.

The Council went through the questions asked in the Zoning Ordinance.

Councilor Franz stated that it would be appropriate to continue the discussion to give the town staff more time to do research. Councilor Franz made a motion to continue this issue to the next meeting. Seconded by Councilor Butler. Malaguti stated that the split-zoning question, if it is off the table, there is nothing we need to do. That was suggested as a possible solution. Caron stated we currently don't allow split-zoning. Caron asked the Council if they would like her to supply the possible impacts of split-zoning? Councilor Butler stated yes, see what we can come up with. Vice Chairman stated that it seems like they know where the concerns are.

Carey stated that he and the applicant are fine with the continuance. The Council continued it to the next meeting. Chair votes 4-0-1. Chairman Farrell obtained.

Resolution #2022-23 – Commercial Industrial Tax Exemption Program

Chairman Farrell rejoined the meeting as Chair. Town Manager Malaguti stated that this item has been before the Council a few times. Most recently to go back and look at the eligibility criteria that we currently enforce in the program. That was passed in June. Malaguti stated that right now it grants a tax relief against new value with the construction and rehabilitation for qualifying structure. In order to participate, you have to be increasing the value of the building. Inflation is in the area of 70% and it is affecting construction costs, etc. and we haven't received any applications yet. The consensus of the Council was for it to be looked at in expanding the eligibility criteria to allow more businesses to participate. Malaguti stated that we are not trying to grant tax relief to a business who would come here anyway, this is to entice new businesses who wouldn't necessarily come here. Malaguti proposed to lower the to five million dollars and ten million dollars. Malaguti also introduced a new third tier. Malaguti presented the highest paying taxpayers in Londonderry.

Name: Ted Combes

Address: 6 Manasquan Circle, Londonderry

Combes stated that on the third tier it should be close to fifteen to twenty years, not eight like Councilor Paul suggested. Combes stated that the Council should look at the whole picture.

Malaguti stated that this can always be relooked at in the future again. Malaguti stated that this will expire by itself in twenty-four months. Each project will have to come to the Council for approval.

Councilor Franz filed a motion to accept the changes Malaguti presented and adopt them. Seconded by Councilor Butler. Chair votes 4-1-0 to approve Resolution #2022-23. Councilor Paul voted against.

Resolution #2023-02 – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the Purpose of Concluding the Lithia Springs Conservation Transaction: Land and Community Heritage Investment Program Grant Award (\$300,000)

Town Manager Malaguti presented.

Resolution #2023-03 - Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the Purpose of Concluding the Lithia Springs Conservation Transaction: Aquatic Resources (\$500,000)

Town Manager Malaguti presented.

Motion to approve both Resolution #2023-02 and #2023-03 made by Vice Chairman Green. Seconded by Councilor Franz. Chair votes 5-0-0. The Council accepted \$800,000 in Grant funding.

Motion to close Public Hearing: Vice Chairman Green

Second: Councilor Paul

Chair votes 5-0-0.

NEW BUSINESS

Fire Chief Darren O'Brien the LFD Stryker PowerLOAD Ambulance lift purchase. Chairman Farrell stated that this has been talked about for many years and we have applied for many Grants. We have not been successful in the application in Grants. The price of these things will go up 40%-50%. Deputy Chief Fred Heinrich also presented. O'Brien stated that a Grant opened up again and he and the staff will go through and look at everything. Chairman Farrell confirmed that the department was looking for four of them. O'Brien stated that it is. It is for the prevention of further injuries. This device lifts the stretcher up and loads it into the ambulance. Having personnel load stretchers into the ambulance has caused injuries on our end. The prices are going up this week. Chairman Farrell stated that right now the number he sees is \$166,000 and if the Council waits it will be \$266,000. Malaguti stated that as part of the American Recovery Plan Act, the Town got money, they are infrastructure dollars. Malaguti stated that we have ample money available to do that, we just need the Council would need to allocate the dollars. This will not cost the taxpayers money in the tax rate. A consensus is needed. The Council gave Town Manager Malaguti consensus.

APPROVAL OF MINUTES

Motion to approve the minutes from December 19, 2022 made by Vice Chairman Green and seconded by Councilor Butler. Councilor Franz stepped out. Chair votes 4-0-1.

REAPPOINTMENTS

Vice Chairman Green motioned to except the resignation of Gary Stewart from the SWEC. Seconded by Councilor Butler. Chair votes 4-0-1.

Vice Chairman Green motioned to reappoint Lynn Wiles and Jeff Penta as alternate members on SNHPC with on-year terms. Seconded by Councilor Butler. Chair votes 4-0-1.

Vice Chairman Green stated that a recommendation was made a while ago to move Todd Ellis up to the full-member position on the Recreation Commission. Vice Chairman Green made the motion. Seconded by Councilor Butler. Chair votes 4-0-1.

Adjournment

Motion: Councilor Franz

Second: Vice Chairman Green

Chair votes 5-0-0

Minutes taken by Kirby Brown on 1/9/2023

Minutes typed by Kirby Brown on 1/17/2023

Minutes approved by Town Council on 1/23/2023