

Londonderry Town Council Minutes
Monday, April 10, 2023
6:45 PM
Moose Hill Council Chambers

4/10/23 Meeting Video Link: <http://173.166.17.35/CablecastPublicSite/show/12193?channel=4>

Attendance: Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Jim Butler, Ted Combes, 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 6:45 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of appreciation for our first responders, the Police Department, Public Works Department, Fire Department, and all of those over at the schools as well. For what they do for this community.

NON-PUBLIC SESSION

The Town Council entered into non-public session in accordance with RSA 91:A:3, II(m) for the consideration of whether to disclose minutes of nonpublic sessions in the past due to the change in circumstance. The Council took a roll call vote to enter into nonpublic.

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

Chair votes 5-0-0. The Council stepped out.

Motion to come out of nonpublic made by Vice Chairman Franz. Second by Councilor Combes. The Council took a roll call vote to come out of nonpublic.

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

Vice Chairman Franz motioned to unseal the nonpublic session minutes as listed; 1/23/23, 10/17/22, 9/26/22, 8/29/22, 6/20/22, 6/6/22, 4/11/22, 1/28/22, 1/10/22, 10/18/21, 10/18/21, 6/7/21, 12/21/20, 11/19/18, 10/2/17 and 6/5/17 nonpublic sessions as redacted. Second by Councilor Combes.

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

Chair votes 5-0-0.

PUBLIC COMMENT

Name: Glenn Douglas

Address: 18 Overlook Ave, Londonderry, NH

Douglas stated that last time he was here he asked if the votes could be recorded. Douglas stated that he is happy that is being done now. Douglas stated that he asked about the minutes that were officially read into the record last time. He was told that the new rules for public comment were adopted in 2017, but he did a little research and they weren't adopted in 2017, they were actually adopted on April 18, 2018 by Councilors Farrell, Green, Butler, Dolan and Combes. Douglas stated that he doesn't believe they have been readopted since 2018. Douglas pointed out that in the Charter, within ten days of the elections, the Council needs to reorganize and adopt the rules of the Council, if they are different then the Town Charter. Douglas stated that for months the public has been told that public comment was limited to three minutes, but could be extended. The rules read at the last meeting said that it was five minutes. Douglas stated that the Council needs to adopt the rules and they're not in effect until they are voted in. Douglas also discussed the letter to the editor in the Times from the Town Manager. Douglas stated that people have a right to speak in public comment.

Name: Sherry Farrell

Address: 4 Hancock Drive, Londonderry, NH

Farrell, Town Clerk, reminded people that dog registration month is here at the end of April. Please remember to register your dogs. Farrell also stated that there's a rabies clinic on April 29th coming up. It is open to everyone. Farrell stated that all of the money raised will go to the Londonderry band for their big trip to England. Farrell also reminded people to be kind to everyone and share the positive. It's a great community and everyone is doing a great job and effort they all put in.

Name: Schwan Faber

Address: 73 41 Old Nashua Road, Londonderry, NH

Faber congratulated the new Councilors and it was a good positive experience running. Faber

68 stated that he wanted to make that positive statement.

69
70 **Name:** Ann Chiampa

71 **Address:** 28 Wedgewood Drive, Londonderry, NH

72 Chiampa spoke about pickleball. Chiampa stated that the voters voted this down last time.
73 Chairman Farrell stated that at the last meeting the consensus of the Council was to investigate it.
74 Chairman Farrell stated that there have been task forces for many different ideas, not all of which
75 have gone through, such as the dog park. We are simply just looking into it. Chairman Farrell
76 stated that when something is voted down, it only means it's a no for one year. Chairman Farrell
77 stated that it is up to the task force to go out and solicit interest from the residents, what it's going
78 to cost, etc.

79
80 **Name:** Jonathan Esposito

81 **Address:** 5 Shelley Drive, Londonderry, NH

82 Esposito stated that he was interested in the updates to the Town Council rules of order on the
83 website. Town Manager Malaguti stated that the public comment rules were uploaded as a request
84 from a citizen but there were no changes. Esposito stated that no vote to accept the rules was made
85 so they shouldn't be on the website. Esposito stated that right now it doesn't appear that there are
86 any public comment rules.

87
88 **Name:** Glenn Douglas

89 **Address:** 6 Overlook Ave, Londonderry, NH

90 Douglas stated that there were changes to what was on the website. Chairman Farrell stated that
91 there were no changes to the rules. There was an error on the website that has since been fixed.
92 Douglas stated that the FY rules that were posted recently were different than the FY rules that
93 used to be posted.

94
95 Councilor Butler addressed the Council and public and stated that over the past few months, he
96 has watched people in the audience, read newspaper articles that all talk about conspiracy, mistrust,
97 etc. It goes on. Councilor Butler stated that it's all negative. Councilor Butler suggested that going
98 forward we should enter the video link to the meeting to the minutes so that way when someone
99 accuses the Council of not doing something or saying something, they can go back to the video.
100 Councilor Butler stated that the Council members are doing great and they have to take the
101 concerns of all of the citizens. Councilor Butler also stated that Chairman Farrell runs a good
102 meeting and a lot of other communities don't run their meetings so well. Councilor Butler
103 suggested that the people who come up and speak should offer solutions instead of always being
104 so negative.

105
106 Members of the public started talking and were told they were out of order.

PUBLIC HEARING

Motion to open Public Hearing made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

Town Manager Malaguti introduced Resolutions #2023-04 and #2023-05, the acceptance of unanticipated revenue under 31:95-b, III(a) for a Search and Rescue Training Grant and Energy Efficiency and Conservation Strategy Grant.

Town Manager Malaguti stated that tonight we are just accepting the \$75,000 Energy Efficiency and Conservation Strategy with no decision being made to how the money would be spent. It would be taken back to the Council on how it should be spent once we hear back from the Utility Committee.

Londonderry Police Department spoke on the SOU Grant.

Motion to accept the unanticipated revenue from Resolution #2023-04 and Resolution #2023-05 made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

Motion to close the Public Heard made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

NEW BUSINESS

Source Water Protection Grant – Environmental Risk Assessment Report

Emily DiFranco with CEI Engineering presented a PowerPoint (see attached) regarding the Source Water Protection Grant. DiFranco stated that this began in 2019. The Town hired them then to help with this Grant. DiFranco stated that Londonderry hired them to do a water resource management protection plan for the town. This is looking at updated water resource plan. DiFranco presented the report (PowerPoint). DiFranco showed a map and stated that 90% of the town relies on septic systems. DiFranco asked if the Council had any questions.

Councilor Dunn stated that if they are required to get a permit for their systems, he's surprised there are no records. DiFranco stated that there are records, but no electronic records, they're paper records. DiFranco stated that if a septic application came in, that database would get updated.

There were no other questions.

Order #2023-03 – Order Relative to Expenditure of Maintenance Trust Funds (Winter Maintenance)

Department of Public Works Director, Dave Wholley, presented. Wholley stated that the allocation he's looking for tonight is for \$6,840.00 for the purpose of paying the remainder of this year's bills.

Motion to approve Order #2023-03 made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

Order #2023-04 – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects – Fire Houses HVAC Building Maintenance System

Department of Public Works Director, Dave Wholley, presented. Wholley stated that they system has recently been updated. Wholley shared the current HVAC systems website and how it's controlled at each building and in each room.

Motion to approve Order #2023-04 made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

Elderly Tax Exemption Discussion

Assessor Steve Hamilton presented an update on the elderly tax exemption. Hamilton stated that he made a presentation similar to this earlier in 2022. On a regular basis we want to make sure we maintain the assets and business income for exemptions that can be granted to the elderly and the disabled. This was last adjusted in 2020. Hamilton stated that what was provided to the Council, there is a typo. It should say read, under the category of assets, the limit is not \$167,000, it should read \$137,000. Hamilton described what assets are and the amount that are allowed. Chairman Farrell asked the Council if they would entertain seeing a presentation on what the next evaluation will look like before it goes to the public. Hamilton stated that she will share the results in a preliminary analysis.

Resolution #2023-07 – A Resolution Creating the Londonderry Pickleball Task Force

Town Manger Malaguti stated that the follows the mold of a regular task force. The goal is to leave as much room for possible for the task force to define goals and options, and where it would like to go. Chairman Farrell stated that he wanted to change the date of the task force ending to September, so that we can get answers before budget season. Chairman Farrell reminded people that we are establishing a task force to look into things but this does not mean it will happen.

Motion to approve Resolution #2023-07 made by Vice Chairman Franz and second by Councilor Combes.

207

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

208

209 Chair votes 5-0-0.

210

211 **Ordinance #2023-02 – An Amendment to the Zoning Ordinance Relative to the Rezoning**
 212 **Map 15, Lot 26**

213

214 This is a first reading.

215

216 Motion to accept the first reading and schedule a public hearing for Resolution #2023-02 made by
 217 Vice Chairman Franz and second by Councilor Combes.

218

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

219

220 Chair votes 5-0-0.

221

222 **LPD Request for ARPA Funding – Acquire BRINC LEMUR 2 Drone and Upgrade Dispatch**
 223 **Center**

224

225 Town Manager Malaguti stated that we are asking for some support for some work that needs to
 226 be done on the dispatch center at LPD, however, that will be tabled until next meeting. Malaguti
 227 stated that the focus tonight is the LPD would like to obtain a new drone unit, which is a large
 228 success. Not only do they rescue animals and children, but it keeps our guys out of harms way.
 229 Malaguti stated that he supports LPD in all of these items.

230

231 Police Chief Kim Bernard presented what LPD is looking for. Chief Bernard stated that there has
 232 been a drone program at LPD since 2018. There are currently three drones, with different
 233 functionalities, on staff. Chief Bernard stated that a few of the drones are outdated. The one LPD
 234 is looking to obtain is a newer version of the older one LPD has. Chief Bernard explained the new
 235 drone in detail. The Council gave Chief Bernard a consensus to move forward.

236

237

National Opioid Settlement

Town Manager Malaguti stated that the Council may recall that there was litigation against the opioid manufactures That litigation was settled in the last six months or so and Londonderry has received approximately \$100,000 that needs to be used for opioid abatement and mitigation purposes. Town Manager stated that New Hampshire sued the distributors. Whereas Londonderry had previously filed suit and had its own litigation, pending alongside New Hampshire's, against the manufactures. Londonderry does not have its own. The State of New Hampshire is doing that. Town manager Malaguti stated that the Attorney Generals Office is asking Londonderry to sign on. The Council gave consensus.

Appointment of Kayla Chase as Deputy Tax Collector

Motion to appoint Kayla Chase as Deputy Tax Collector made by Vice Chairman Franz and second by Councilor Dunn.

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

Chair votes 5-0-0.

APPROVAL OF MINUTES

Vice Chairman Franz stated that he has an amendment. On line number 214, it says no vote under Councilors Dunn and Combes, where it should read abstained.

Motion to approve the Town Council minutes from March 20, 2023 as amended made by Councilor Combes. Second by Councilor Dunn.

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

Chair votes 5-0-0.

269 The Council gave liaison updates.

270

271 **Adjournment**

272

273 **Motion:** Vice Chairman Franz

274 **Second:** Councilor Dunn

275

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

276

277 Chair votes 5-0-0.

278

279 **Meeting adjourned at 8:50 PM**

280

281 Minutes taken by Kirby Brown on 4/10/2023

282 Minutes typed by Kirby Brown on 4/18/2023

283 Minutes approved by Town Council on 4/10/2023