

Londonderry Town Council Minutes
Monday, May 15, 2023
7:00 PM
Moose Hill Council Chambers

Meeting Link: <http://173.166.17.35/CablecastPublicSite/show/12229?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 7:00 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of appreciation for those who serve us both here and abroad.

PUBLIC COMMENT

Name: Doug Thomas

Address: 143 Mammoth Rd, Londonderry, NH

Representative Thomas presented about the Twin State Clean Energy project. Thomas stated that he wanted to announce that this is a project being proposed and it proposes to bring approximately twelve hundred megawatts of clean hydropower down from Quebec. This project is different than other projects in the past, to some extent. The entire area needs this power, we are short, Thomas stated. Thomas stated that this is a proposal and nothing has been decided yet. The power enters the state via Vermont, down the state highways. Thomas stated that the people putting the project together will be coming to the Council meeting to discuss it soon. Thomas stated that this is positive news for Londonderry and this will help the citizens of Londonderry. Thomas stated that this will all be done on existing rights-of-way.

Name: Lynn Wiles

Address: 46 Willey Hill Road, Londonderry, NH

Wiles stated that he is Chair of the Utilities Committee. Wiles stated that they are looking forward to working with Rep. Thomas on the project and it will be a wonderful project for Londonderry. Wiles stated that it will be using the National Grid right-of-way coming from Monroe down to Londonderry. They are planning on a sub-station near the West Field soccer fields. Wiles stated that this project is one of the first things the new committee will be working on.

41 **Name:** Tara Myles

42 **Address:** 11 Lancaster Drive, Londonderry, NH

43 Myles stated that she wanted to discuss kindness and some of the lessons she is trying to teach her
44 toddler. Myles stated that she always tells her daughter to lead with kindness and she hopes those
45 who are present at the meeting and watching from home will also lead with kindness. Myles stated
46 that everyone should lead with kindness and lead by example. Myles continued to share her
47 thoughts about the community coming together.

48
49 **Name:** Laura Gandia

50 **Address:** 3 Chamberlin Drive, Litchfield, NH

51 Gandia stated that she is the former Associate Planner for Londonderry. Gandia stated that her
52 interactions with the town the last few months have been nothing short of surreal. Gandia stated
53 that she worked for the town for over seven years where she provided the upmost customer service
54 and worked really hard to make sure the Planning Department was top notch. Gandia stated that
55 her husband was a police officer for twenty-five years, giving his heart and soul to the community.
56 Gandia stated that craziness with the town started on January 19th. A proposed reorganization by
57 the Town Manager, two Town Council meetings, an improper analysis by Town Council of its
58 duties as elected officials, and the Town Charter. Gandia stated that she was not able to obtain her
59 personal items in a dignified manner. Gandia stated that there was also the stripping of her
60 constitutional rights and liberties with a serving of a no-trespass order by the Town Manager,
61 prohibiting Gandia and her husband from being at town hall and on town property. Chairman
62 Farrell stated that the no-trespass order is not a Council issue. Chairman Farrell stated that it is a
63 civil matter and legal action is being taken against the town. Gandia stated that the order stated
64 that if they stepped foot on town property, the Town Manager would make a criminal trespass
65 complaint to the Londonderry Police Department. Gandia stated that the Town Manager submitted
66 a proposed reorganization plan, that was never a reorganization plan. How is this plan working?
67 There is no Town Planner, Associate Planner, or Land Use Assistant. Gandia stated that the
68 Assistant Town Manager hired a Land Use Assistant on Monday, and now as of Friday she is no
69 longer there. They hired a consultant, at over one hundred dollars an hour for a plan review, a
70 service formally provided by the Associate Planner at a significantly lower cost. Gandia stated that
71 the department is operating in violation of RSA 91-A and has seen a decrease in serviceness [sic]
72 and responsiveness. Gandia stated that there hasn't been a no-trespassing order in over twenty
73 years, so why now. The ACLU viewed those orders as extremely problematic and unconstitutional.
74 They contacted the town and informed the town of its intent to send out a letter detailing the town's
75 abuses and the town immediately removed the trespassing order, even though Gandia tried to
76 peacefully remove the orders over the last three months. Gandia stated that she now has several
77 pending litigation matters against the town. Gandia stated that what happened to her and her
78 husband is an injustice.

79
80 Chairman Farrell stated that the Council doesn't get involved in employee issues. One side of the
81 story is being told, and he appreciates that, but the Council will not be responding to anything.

Name: Chris Gandia

Address: 3 Chamberlin Drive, Litchfield, NH

Gandia stated that the ACLU warned Town Manager Malaguti that if the unlawful no-trespassing order was not rescinded, a public letter was going to be sent outlining numerous details outlining numerous details pertaining to violations of their civil rights. Gandia stated that within hours of Town Manager Malaguti receiving this letter, the orders were lifted. Gandia stated that they are going to continue efforts to seek accountability.

Chairman Farrell stated that this is not a Town Council issue and reminded the public that there is no clapping.

Name: Jonathan Esposito

Address: 5 Shelly Drive, Londonderry, NH

Esposito stated that the Town Manager has previously utilized his freedom of speech to put correspondences in the paper questioning the credibility of the citizens in the past. Esposito stated that he filed a 91-A and he saw a piece of the correspondence the ACLU sent to the town with their concerns. Esposito also reminded people to support their local journalism.

Name: Erin Matlin, Leach Library Director and Donna Plante, Assistant Director and Head of Technical Services

Matlin shared updates of the Leach Library with the Council. Matlin stated that there is a library survey out to the community for the last two months. Matlin shared how the community can fill it out and share their thoughts about the needs of the Library. Plante shared about summer reading and stated that they offer programs for all ages. This year's theme is "all together now". Plante also stated that the Board of Trustees have decided to implement summer hours and they will be effective Monday, June 19th through Saturday, September 9th and they will be open on Thursdays from 9 AM – 5 PM and Saturdays 9 AM – 1 PM. Plante stated that they will still offer curbside service by request.

Name: Maria Barut

Address: 6 Bridle Path, Londonderry, NH

Barut stated that these meetings are for the Council to conduct business in a transparent manner. Barut stated that they are also chances for town residents to voice their concerns and opinions. The Council may not agree with the opinions, yet they should listen. Barut stated that the Council also has to follow the Town Charter Barut stated that the Council needs to engage in better dialog with the community and the gavel is not the answer for the questions they don't like to hear.

Name: Kristine Perez

Address: 5 Wesley Drive, Londonderry, NH

Perez stated that she stated she is happy the no-trespass orders were lifted and she finds it sad the ACLU had to be involved. Perez stated that she has some questions. The pumping station proposal, it is her understanding the town accepted the four-million-dollar grant. Chairman Farrell stated

yes. Perez asked if that meant if it was a go now. Chairman Farrell stated that the town is moving forward with the project. Perez asked what the total of the project was. Town Manager Malaguti stated that it is \$7.75M. Perez stated that it means there's another \$3.8M needed, correct? Chairman Farrell stated yes. Perez stated she doesn't understand how a multi-million-dollar development could be passed and partially completed without knowing exactly where the waste disposal would be handled and how much there would be. Perez stated that she spoke with Assistant Town Manager Caron and she stated that the town knew it would be needed all along that this would need to be addressed at some time. Perez asked if it was an additional project at Woodmont that needed the pumping station, or is it the original one. This project went on for fifteen years before it went in. Perez stated that something seems off about the whole scenario. Something doesn't seem right and she hopes someone can explain to the town why negotiations are being made.

Name: Ralph Giangregorio

Address: 16 White Plains Avenue Londonderry, NH

Giangregorio stated that he would like to show his gratitude and appreciation to the police and fire departments, as well as Vice Chairman Franz. Giangregorio stated that their help and assistance and effort with regards to an unsettling event. Giangregorio stated that his daughter was lost in the Musquash Conservation area and the police and fire departments went out of their way to help find her and bring her home safe. Giangregorio shared his experience with the Council. Giangregorio stated that it's comforting that this town has the resources to assist the citizens in time of trouble and it made a big difference to his family and they are thankful.

Name: Peter Kimpton

Address: 89 Fieldstone Drive, Londonderry, NH

Kimpton stated that he agrees with Representative Thomas on his statement about the cleaner and cheaper the power, the more it benefits residents. Kimpton stated four days ago Representative Thomas said solar and wind may be popular now, but he believes they will be too costly and unreliable in the near future. Kimpton stated that he is concerned that Representative Thomas will be working closely on the project and he advises the Council to work closely on it as well. Kimpton also stated that Representative Thomas has received campaign donations from Eversource.

Name: Doug Thomas

Address: 143 Mammoth Road, Londonderry, NH

Thomas stated that Kimpton is correct, they do not believe one hundred percent renewable energy is going to be the cheapest form of energy in the future, and they work hard to have a balance. Thomas stated that the characterization that he may be on the take for Eversource is a figment of someone's imagination. Thomas stated that ninety-five percent of his campaign he paid for, but it is true one time, for one campaign, he received a two-hundred and fifty-dollar donation from Eversource.

Name: Ray Breslin

Address: 3 Gary Drive, Londonderry, NH

Breslin spoke about the project that the town is going to be looking at. Breslin stated that it has been going on since 2017 and the town has to realize who is really behind it. Breslin stated that the town has to look at the big picture. Breslin stated that it's a good idea the group is coming in and presenting.

Name: Ann Chiampa

Address: 28 Wedgewood Drive, Londonderry, NH

Chiampa stated that she didn't expect to speak. Chiampa stated that she wants to recognize Laura Gandia and Beth Morrison. Both did a wonderful job for the town. Chiampa thanked both of them for all they did and a job well done, from her point of view.

Chairman Farrell closed Public Comment. Chairman Farrell corrected a few statements. Chairman Farrell stated that the Woodmont agreement was filed over ten years ago with the deed. If the public wants to know what it says, it's many pages, feel free to go read it.

Councilor Butler shared a few things with the public. Councilor Butler stated that he has had some comments the last few meetings. Councilor Butler shared some emails and correspondences and made some clarifications as to what people don't see, the emails that come back to the Council. Councilor Butler stated that everyone has a right to 91-A. But when does it become abusive? Councilor Butler clarified some accusations the Council has received.

NEW BUSINESS

State of Londonderry DPW Presentation

Director of Public Works and Municipal Facilities, Dave Wholley, presented. See attached PowerPoint. Wholley stated that he has been in this position for almost two years now, but he has been a resident of Londonderry for almost twenty-four years. He also has twenty-six years of service to public works. Wholley presented that it's important to come before the Council to give them a snap shot as to where they are in time right now with the infrastructure within the department, their assets, what the employees deal with, and the level of service they try to provide. Wholley stated that he knows there have been a lot of questions asked over the years, he has been doing a lot of listening and he hopes he can answer some. Chairman Farrell stated that Wholley and the Public Works Department do a fantastic job in town. Wholley said the Town of Londonderry has been into modernizing their facilities over the last few years. Wholley went through his PowerPoint. Wholley shared some upcoming projects.

The Council thanked Wholley for his presentation.

Chairman Farrell moved the agenda around. The Council conducted Pickleball interviews.

BOARD APPOINTMENTS/REAPPOINTMENTS

The Council interviewed Dawn Cava, Christine Adie, and Michael Nader.

Chairman Farrell suggested that the Council should wait for more applicants at the next meeting, or they can appoint the members who interviewed tonight. Councilor Combes motioned to appoint the five members who put their names in, as five regular members. And if two more apply they can be alternates. Vice Chairman Franz stated that the Council didn't meet all five, so he is proposing an amendment. Vice Chairman motioned to appoint Christine Adie, Dawn Cava, and Michael Nader as full members and leave the alternate positions open. Second by Councilor Combes.

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

Chair votes 5-0-0. The Council thanked the members for volunteering.

NEW BUSINESS CONT.

Resolution #2023-11 – Resolution Relative to Reconstructing the Municipal Aggregation Committee

Chairman Farrell introduced Resolution #2023-11, a Resolution reconstituting the Municipal Aggregation Committee. Town Manager Malaguti presented. Malaguti stated that in pursuit of the goal to offer community choice aggregation the town formed the Municipal Aggregation Committee sometime last year. It was a standalone committee. After the Council created the utility committee, it seemed to make sense to simply ask the Utility Committee to take up the work of the Municipal Aggregation Committee and to replicate its membership.

Motion to approve Resolution #2023-11 made by Vice Chairman Franz. Second by Councilor Butler.

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

Chair votes 5-0-0.

Order #2023-05 – An Order Relative to Expenditure of Roadway Maintenance Trust Funds

Director of Engineering and Environmental Services, John Trottier, presented. Trottier stated that back in April 2023 they put out to bid for this.

Motion to approve Order #2023-05 made by Vice Chairman Franz. Second by Councilor Butler.

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

Chair votes 5-0-0.

Resolution #2023-10 – Elderly Income and Asset Limits Revision

Town Assessor Steve Hamilton presented. Hamilton stated that this is the first of two Resolutions that the department will be bringing forward this year that deal with the elderly and disable exemptions. This is about the qualifications for the income and asset limits. Hamilton stated that there is a small amount of rounding. Chairman Farrell stated that next budget season we will look at what Windham does for those eighty and over.

Motion to approve Resolution #2023-10 made by Vice Chairman Franz. Second by Councilor Butler.

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

Chair votes 5-0-0.

APPROVAL OF MINUTES

Motion to approve the non-public minutes from April 24th made by Vice Chairman Franz. Second by Councilor Combes.

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

Chair votes 5-0-0.

BOARD APPOINTMENTS/REAPPOINTMENTS CONT.

Town Manager Malaguti stated that there was some confusion at the last meeting about how many open seats there were on the Utility Committee. There is one open alternate position on that board.

Councilor Dunn motioned to appoint Deb Paul to the open alternate position on the Utility Committee. Councilor Combes stated that we need to put it out to the public before we appoint someone. The other members of Council agreed. Motion died without a second.

LIAISON REPORTS

Council members gave their liaison reports.

TOWN MANAGER REPORT

Town Manager Malaguti informed the Council about an award the Town Clerk, Sherry Farrell received recently.

Town Manager Malaguti gave his update on the trespass order. Malaguti stated that this matter didn't involve the Town Council, as the Town Manager oversees the town facilities. Town Manager Malaguti stated that he does not plan to elaborate his reasons any further. See video link for the Manager's full statement.

Town Manger Malaguti shared how much time he has spent answering 91-A requests over the past year. Malaguti stated that a conservative estimate of the amount of time he has spent on these requests is 151.75 hours over the past year. Town Manager Malaguti shared what it would have cost the town if all of these requests had been sent off to an attorney as opposed to being fulfilled by the Town Manager.

Town Manager Malaguti shared some emails he has received in the past from two residents who spoke negatively this evening about how the Town government is conducting itself, thanking him for all that he is doing.

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308

309 The Council discussed upcoming Council meetings. The next meeting is June 5th and June 19th.
310 After that it will be summer schedule.

311

312 **ADJOURNMENT**

313

314 **Motion:** Vice Chairman Franz

315 **Second:** Councilor Combes

316

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

317

318 Chair votes 5-0-0.

319

320 Minutes taken by Kirby Brown on 5/15/2023

321 Minutes typed by Kirby Brown on 5/17/2023

322 Minutes approved by Town Council on 6/5/2023