

**Londonderry Town Council Minutes**  
**Monday, July 10, 2023**  
**7:00 PM**  
**Moose Hill Council Chambers**

**Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12303?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 silence led by Chairman Farrell for all of those who serve us both here and abroad.

**PUBLIC COMMENT**

Chairman Farrell welcomed up Londonderry Town Clerk Sherry Farrell and Clerk Debbie Desrochers to present the Rabies Clinic check to the Londonderry High School Band. This money will go to the band for their trip to London. Serge Beaulieu, Band Director, was not present at the time.

Stephen Lee, Julie Lee, and Larry Casey with the Londonderry Arts Council presented an update on the 2023 Londonderry Concerts on the Common series. Casey also gave an update on things that the Arts Council is working on. Lee stated that average attendance for outside concerts is around five hundred. Lee thanked the Council and administration for all that they do to support Concerts on the Common.

Serge Beaulieu entered the meeting. Sherry Farrell presented the Rabies Clinic check to Beaulieu.

Chairman Farrell stated that public comment will be held to three minutes per speaker and public comment will be open for about twenty minutes.

**Name:** Mark Oswald and Pollyann Winslow

**Address:** 11 Verdi Lane and 4 Hearthstone Drive, Londonderry, NH

Winslow and Oswald asked the Council for continued support for the Londonderry Leadership program. Oswald stated that this program is important for residents to know how we govern as a community. Oswald thanked the Council and School Board for their continued support, and all of

the departments. Chairman Farrell stated that they will continue to support it. Chairman Farrell stated that the Town Manager has continued to have conversations with Oswald and Winslow and asked for a little breathing space so he can get his staff up and running.

**Name:** Chief Darren O'Brien, Londonderry Fire Department

Chief O'Brien updated the Council regarding a question brought up a few months ago about the apparatus that the department has that contains the firefighting foam with PFAS. Chief O'Brien stated that he has contacted a cleanup company to see what the estimate would be to get the systems flushed and be able to replace it with the new green foam that's out there. It will be somewhere around thirty-thousand dollars. Chief O'Brien stated that he did receive word from the State Fire Marshalls Office and the state is now going to move forward with the reclaiming of all of the foam that these fire departments have.

**Name:** Richard Bielinski

**Address:** 148 Mammoth Rd, Londonderry, NH

Bielinski shared information that came from the town regarding the Lions Hall. Bielinski stated that the Lions Club owes the town eighty thousand dollars that the Town expended on repairs for the Lions Hall. Bielinski stated that per the lease that they originally signed in 1972, they owe one hundred percent. They are responsible for all maintenance and repairs, inside and outside. That is why they got it for one dollar a year. Bielinski stated that he also found out from a Lions member that they have eighty thousand dollars sitting in an account, as well as sixteen thousand dollars in donations from Home Depot and Bensons for repairs on the building that they didn't use. Bielinski asked what the town is going to do to get the taxpayers money back. Bielinski stated that he understands it's a town building, but they had a lease. Bielinski stated that the last lease wasn't even signed, so they were in there with an unsigned lease. Bielinski stated that he would like some answers coming up. Chairman Farrell let Bielinski know his time has expired. Bielinski reminded the Council that they didn't vote in their rules after the election.

**Name:** Brian Mead

**Address:** 555 Mammoth Road, Londonderry, NH

Mead stated that with the proposal of two apartment buildings going in at the Mammoth Road and Page Road intersection, he wanted to bring the dangers of that intersection to the Councils attention. Mead shared the history of the dangers of the intersection from Traffic Safety Committee meeting minutes. Mead stated that he proposes the road to be a dead-end road with a gate. Chairman Farrell stated that usually they would ask the Town Manager to direct the police department and the fire department to come back to the Council with additional information around the accidents, and see what we can do to address it. Chairman Farrell stated that Mammoth Road is a state road so we can only do so much. Town Manager Malaguti stated that the Grenier Road and Rockingham Road intersection is state controlled. Any changes made needs to be run by DOT. Malaguti stated that progress has been made, and will continue to be made.

84 **Name:** Jonathan Esposito

85 **Address:** 5 Shelley Dr, Londonderry, NH

86 Esposito stated that he would like to address how public comment is being conducted. Esposito  
87 stated that a prior citizen was cut off. Esposito stated that according to the Town Charter, the  
88 Council has to vote on the Council rules within ten days of the election at their reorganization  
89 meeting. Esposito stated that no rules were voted on. Chairman Farrell stated that with regards to  
90 the rules, both gentlemen are wrong. The rules for the Council stand as they are. They are wrong  
91 about the Charter.

92

93 **Name:** Ray Breslin

94 **Address:** 3 Gary Drive, Londonderry, NH

95 Breslin stated that in regards to the Woodmont Common Agreement and the town, the agreement  
96 has been modified a few times. Breslin stated that his concern on this is the water and sewer.  
97 Breslin stated that we need to look at the rest of the town and how the town will handle water and  
98 sewer.

99

100 **Name:** Representative Wayne MacDonald

101 **Address:** 11 Dickey Street, Londonderry, NH

102 MacDonald talked about the state budget that just passed.

103

104 **Name:** Ann Chiampa

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

106 Chiampa stated that as a member of the Planning Board, she voted against the rezoning due to the  
107 traffic and accidents on that corner. Chiampa passed packets around to the Council, a page from  
108 Willy's Book of Nutfield. Chiampa discussed the old meeting house.

109

110 **Name:** Tom Estey

111 **Address:** 9 Old Nashua Road, Londonderry, NH

112 Estey stated that section 3.2 of the Charter, Organizational Meeting, states that the Council needs  
113 to meet within ten calendar days following the election and adopting the rules. Chairman Farrell  
114 stated that Council has already spoken to the attorney and the Council meeting can be run at the  
115 discretion of the Chair.

116

117 **Name:** Marge Badois

118 **Address:** 189 Litchfield Road, Londonderry, NH

119 Badois stated that she is with the Conservation Commission and the commission took no formal  
120 position on the Woodmont pump station, but they did recommend that it not be placed within the  
121 wetland buffer. The conditional use permit was approved over the Conservation Commissions  
122 recommendation. Badois stated that there is no map in the agenda on where it is located.

123

**Name:** Deb Desrochers

**Address:** 25 Royal Lane, Londonderry, NH

Desrochers read a letter into the record about the incident that took place at Town Hall a few weeks ago when members of the public came in and recorded employees. Desrochers discussed how professional employee's at Town Hall are and how employee's go out of their way for residents.

**Chairman Farrell closed public comment.**

**PUBLIC HEARING**

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

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

Chair votes 5-0-0

Chairman Farrell introduced Resolution #2023-13, Scobie Pond boat launch grant acceptance, presented by Town Manager Malaguti. Malaguti stated that Mike Speltz from the Conservation Commission has been working with him on it. Malaguti stated that there is a boat launch right now, but it is not in good condition. This state funding will allow for the upgrade of town and city boat launches. The grant requires a twenty-five percent match from the municipality. Malaguti went over the details of the dock the town is looking at and the quote that was given. A grant application has been submitted. In order to get an award, the Council has to accept the funding and agree the municipality will accept it. The town match would come from the Conservation Fund, which is not taxpayer money. Badois stated that this dock provides good fishing as well. All the motor boats that are on the pond are residents who live there as there isn't a very good launch.

**Name:** Ann Chiampa

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

Chiampa asked if the residents in the area will be contacted about this. Chairman Farrell stated that there is only one entry point.

Motion to approve Resolution #2023-13 and accept the unanticipated revenue made by Vice Chairman Franz, and seconded 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 Public Hearing made by Vice Chairman Franz, and seconded 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**

### **Proposed Funding Agreement with Pillsbury Realty (Woodmont Commons) for Completion of Pillsbury Pump Station Sewer Infrastructure Project**

Town Manager, Michael Malaguti, and Assistant Town Manager and Economic Development Director, Kellie Caron, presented. Malaguti stated that he briefed the Council over the last month on this matter. Malaguti stated that there is a lack of sewer capacity to build out the Woodmont area. This has been a concern for a number of years. This is paid for my user fees. Malaguti stated that this is requiring a full environmental study at the federal level.

Ari Pollack, Gallagher Callahan & Gartrell, has been representing Pillsbury Realty for many years. Pillsbury is the developer for Woodmont. Pollack stated that what was referenced earlier was the permitting related to the water supply booster station, adjacent to Michael's Way. That did have an impact on a wetland buffer. It was approved by the Planning Board. Pollack stated that to his knowledge the pump station, which is proposed on the north side of Pillsbury Road, has not had any permitting done, besides some conceptual designs, and that would all be required. Pollack stated that he would like to address why Woodmont has moved slow. Some reasons are market based and financial reasons, as well as physical. Sewer is a big issue as well.

Motion to approve the funding agreement for signature made by Vice Chairman Franz, and seconded by Councilor Butler.

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

Chair votes 5-0-0.

### **ARPA Request Lions Hall Conceptual Request**

Director of Public Works, Dave Wholley, presented. See attached presentation. Wholley stated that they are not going to change the appearance in any way, but maybe a new layout of the parking lot. This is more of a general layout and we are looking to bring back some of the glamor and preserve the building. Wholley stated this request is for \$18,750.00 to work with Weston & Sampson. Take it out of ARPA Funding.

The Council gave consensus to move forward.

### **Pickelball Interviews**

Chairman Farrell moved pickleball interviews forward. There are two alternate, and two full-time positions open.

The Council interviewed Steve Spaziani, and Margo Spaziani, of 12 Gary Drive; and Brian Samolyk, 25 Moulton Drive.

Motion to approve Brian Samolyk and Steve Spaziani as full-time members, and Margo Spaziani as an alternate member, made by Councilor Combes. Seconded by Vice Chairman Franz.

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

Chair votes 5-0-0.

**Order #2023-06 – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (Murray’s Auto)**

Assistant Building Inspector, Brad Anderson, presented. Anderson stated that an inspection of 55 Hall Road was done on June 5<sup>th</sup>. Chairman Farrell stated that there is no public comment on either Order.

Councilor Dunn asked about a car that was parked out front of the business.

Richard Bielinski tried to speak up from the audience about an RSA after he was asked not to, and was escorted out of the meeting.

Town Manager Malaguti asked Councilor Dunn which RSA was in question. Councilor Dunn pulled up an RSA on his phone.

Chairman Farrell announced that the Council would take a five-minute break to review the RSA.

Upon returning, Council Farrell stated that if anyone would like to speak on these licenses, he would entertain it at that time. There was no comment.

**Order #2023-07 – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (S&S Metals)**

Assistant Building Inspector, Brad Anderson, presented. Anderson stated that the inspection was done on June 5<sup>th</sup>.

Motion to approve Order #2023-06 and Order #2023-07 made by Vice Chairman Franz, and seconded by Councilor Butler.

Councilor Dunn asked for clarification on the few issues brought up before we vote. Are there vehicles that are allowed to be parked outside of the property and is he allowed to have an auction, because it was in the Londonderry Time’s as an auction. Town Manager Malaguti stated that there is a letter dated November 23, 2021 addressed to an abutter. It addresses most of the issues, the vehicles issue. Vehicles are not permitted to be parked outside in general. Town Manager Malaguti stated that he drove by twice and he did not witness this, but he doesn’t doubt the resident’s complaint. Town Manager Malaguti addressed some of the other concerns. Auctions are not permitted, Town Manager Malaguti stated. If someone has evidence, he encourages that person to report it to the Code Enforcement Office. Malaguti stated that going forward, there will be no more thirty-day warnings to cure the violation. The town will commence enforcement action, and violations will be tracked and presented to the Town Council. Councilor Dunn stated that there was an auction that took place on May 28<sup>th</sup> at 8:15 AM and it was a Subaru. Chairman Farrell

asked if the auction took place online. Councilor Dunn stated that he doesn't know, but he has a picture of the ad.

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

Chair votes 5-0-0. Order #2023-06 and #2023-07 pass.

**Order #2023-08 – An Order Relative to the Withdrawal of Recreation Department Capital Reserve Funds**

**Order #2023-09 – An Order Relative to the Withdrawal of Cable Equipment Capital Reserve Funds**

**Resolution #2023-12 – A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b for Rabies Clinic, Bode Equipment Donation & HealthTrust Wellness Program**

Chairman Farrell asked if Finance Director Campo could address both of the Orders and Resolution together. Campo stated that Order #2023-08 is requesting five thousand out of the fund to help purchase a diesel mower. Four bids were received and the town is going with TurfPro.

Campo stated that Order #2023-09 is for the School Districts annual request. There is a list of expenses they will be using this on.

Campo stated that Resolution #2023-12 is to accept unanticipated revenue from the Rabies Clinic; Bode Equipment donated five hundred dollars to the police department; and HealthTrust gives the town, police, fire, and the town five hundred dollars for maintaining healthy habits around town.

Motion to approve Order #2023-08, Order #2023-09, and Resolution #2023-12, made by Vice Chairman Franz, and seconded by Councilor Combes.

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

Chair votes 5-0-0. Order #2023-08, Order #2023-09, and Resolution #2023-12 pass.



**Order #2023-10 – An Order Relative to the Expenditure of Roadway Maintenance Trust Funds**

Director of Engineering and Environmental Services, John Trottier, presented. This is for repairs and improvements to various town roads. Councilor Combes asked which roads. The roads include the following:

Portions of South Road, from Gilcreast Road to Kendall Pond Road  
 Portions of Harvey Road  
 Portions of High Range Road  
 Portions of Shasta, from Mammoth Road to High Range Road  
 Sunrise Drive, which was reconstructed this past spring  
 Portions of Otterson Road  
 Some roads within the Kings  
 Hillside Ave, from the town lie to Londonderry Road  
 Webster Road

Each one comes with a different cost.

Motion to approve Order #2023-10 made by Vice Chairman Franz, and seconded by Councilor Combes.

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

Chair votes 5-0-0. Order #2023-10 passes.

**Order #2023-11 – An Order Relative to the Distribution of Fire Department Capital Reserve Funds**

Battalion Chief Bruce Hallowell presented. Hallowell stated that this is for some new gear.

Motion to approve Order #2023-11 made by Vice Chairman Franz, and seconded by Councilor

Combes.

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

Chair votes 5-0-0. Order #2023-11 passes.

**Assessing Department 2023 Revaluation Project Analysis/Preliminary Report**

Steve Hamilton, Town Assessor, and Adrienne Summers, Assistant Assessor, presented. Hamilton stated that every town has to do a revaluation every five years. Last time we did one in Londonderry was 2021. The Town Council has determined that it is appropriate to do them every two years now. We need to be able to bring properties to market value. Hamilton went over the revaluation process and how Londonderry will move forward. This is all property.

**Resolution #2023-14 – A Resolution Relative to Establishing the Londonderry Community Response Team Program**

Town Manager Malaguti presented. Al Sypek approached him to formalize this team so if something were to happen to a member of ALERT, they would be covered under our insurance.

Motion to approve Resolution #2023-14 made by Vice Chairman Franz, and seconded by Councilor Combes.

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

Chair votes 5-0-0. Resolution #2023-14 passes. The Council thanked the ALERT team for all that they do.

**Discussion on Proposed Conservation Easement (Map 17, Lot 10)**

Town Manager Malaguti presented with Marge Badois, Chair of Conservation Commission.

Malaguti stated that there has been a lot of discussion about development in the north end of town. Malaguti stated that one of the remaining undeveloped areas is map 17, lot 10, part of the Merrill Farm area. It is mostly forested and there is some wet to the right side of the property. The Conservation Commission voted to recommend to the Council to enter into an agreement to purchase a conservation easement on this land and that is what is on offer. Malaguti went over the proposal.

Ken Merrill, 585 Mammoth Road, co-owner of the Merrill Farm. Merrill wants to work together to preserve the parcel. It's a small parcel.

**Ordinance #2023-03 – An Ordinance Relative to the Rezoning of 556 Mammoth Road, Map 16, Lot 236**

Public hearing is scheduled for August 14<sup>th</sup>.

Motion to waive the first reading on Ordinance #2023-03 made by Vice Chairman Franz, and seconded 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 Town Council minutes from June 5<sup>th</sup> 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.

Motion to approve the Special Town Council minutes from June 21, 2023 made by Vice Chairman Franz, seconded by Councilor Combes.

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

Chair votes 5-0-0.

### **LIAISON REPORTS**

Council members gave their liaison reports.

### **TOWN MANAGER & ASSISTANT TOWN MANAGER REPORT**

Town Manager Malaguti gave the Council his Town Manager report. Assistant Town Manager Caron gave the Council her update.

### **ADJOURNMENT**

**Motion:** Vice Chairman Franz

**Second:** Councilor Dunn

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

Chair votes 5-0-0.

Minutes taken by Kirby Brown on 7/10/2023

Minutes typed by Kirby Brown on 7/17/2023

Minutes amended (as underlined) by Kirsten Hildonen for 9/11/2023.