

**Londonderry Town Council Minutes**  
**Monday, October 17, 2022**  
**6:00 PM (Non-Public)**  
**Moose Hill Council Chambers**

**Attendance:** Present: Chairman John Farrell; Councilor Jim Butler, Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Finance Director Justin Campo; Absent: Vice Chairman Joe Green; Absent: Kirby Brown, Executive Assistant

**Non- Public**

The meeting began at 6:00 PM in non-public.

**Call to Order**

Chairman Farrell called the Town Council meeting to order at 7:00 PM. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for all of those who serve us both here and abroad, especially our Londonderry first responders and the Public Works Department and all who work to keep our roads safe, especially this winter.

**Public Comment**

Chairman Farrell introduced the new Londonderry Police Captain, Jason Breen, a member of Londonderry Police Department, LHS graduate. The Council congratulated Captain Breen on his promotion.

**Name:** Mike Speltz

**Address:** 18 Sugar Plum Ln, Londonderry

Chairman Farrell waived the three minutes so Speltz could make a presentation to the Council. Speltz stated that he is a member of the Energy Efficiency Task Force and he is going to provide an update to the Council on what they recommend for next steps and what the Task Force has been up to so far. Speltz presented a PowerPoint. See attached. Speltz showed the Council how much energy we are using, and next steps to how we can conserve energy going forward.

**Name:** Ron Dunn

**Address:** 12 Quincy Rd, Londonderry

Dunn stated that as a committee, they would like to take a look at both options, Freedom Energy and they would like a consensus as to what direction the Task Force should go in. Chairman Farrell suggested that this be an agenda item at the next Council meeting and decide where the town goes

from there with the task force. The next step should be a workshop. A decision will be made at the next meeting as to if the task force will stay in place or if a smaller committee needs to be formed.

**Name:** Dan Bouchard

**Address:** 18 O'Connell Drive, Londonderry

Bouchard stated that there are solar panels on North Fire. Councilor Paul stated that they are not being used. Chairman Farrell stated that was a green building based on the requirements when it was built. Bouchard suggested it may be good to look at putting them on other town buildings.

**Name:** Janet Huttula

**Address:** 5 Stony Point Dr, Londonderry

Huttula stated that she wants to express concern about the election pens and their area. Huttula stated that she is the Chair for the Republican Committee, and they are not happy with putting both democrats and republicans together in one area. A two-pen area is good so it doesn't confuse the voters. Huttula stated that we should still be open to adjusting it.

**Name:** Jonathan Esposito

**Address:** 5 Shelley Drive, Londonderry

Esposito stated that he is a representative of the Republican Party and he would like to speak to the pen issue as well. Esposito stated that he has some concerns about the plan Town Moderator Jonathan Kipp presented. It does not offer equal opportunity to voters to have conversations with people in the pen. Esposito shared his thoughts about conversational access. A single pen needs to be reconsidered. Esposito stated that he lacks trust in the town to follow-up on election day issues.

**Name:** Kristine Perez

**Address:** 5 Wesley Drive, Londonderry

Perez stated that this is a safety concern. There is a small area for people to access to have conversations with people entering. Perez stated that she is concerned for the safety of herself and others if everyone is going for that one little corner where people have access to have conversations with the voters. Perez stated that according to Greg Carson, the reason there were two pens the last few years is because there was a problem that occurred when they were all together. The democrats and Republicans came up with a plan together to separate. Perez asked how many incidents have happened where police and fire weren't able to access them during polling.

**Name:** Roger Fillio

**Address:** 3 Hampshire Ln, Londonderry

Fillio spoke to the Council about energy and the type of storage for things such as wind power or solar panels so that we can use them later on. Fillio stated that at the air traffic control center in Nashua, there was a room of just regular car batteries. There were eight panels of these car batteries and every year they replaced 1/7<sup>th</sup> of the batteries. Fillio stated that it worked to have electricity

for quite some time. Fillio stated that there's option out there that allow you to put smaller panels various places and have a storage facility.

**Name:**

**Address:** 6 Bridle Path, Londonderry

Stated that she supports the question about the additional pens. Is there going to be a discussion and will it be reconsidered? Chairman Farrell stated that it is not a Council decision.

Chairman Farrell made a statement regarding the upcoming elections. Chairman Farrell stated that the Moderator put out his decision for the November 8<sup>th</sup> election. It was reviewed by the town attorney. The town attorney deemed that it meets all the requirements of the state statue. Under the statute, it is solely the Town Moderator's decision. Chairman Farrell reminded people of the duties of the Council. Which is supply the polling place, the funds for the polling place, and the security. Chairman Farrell went over the processing ballots throughout election day. Chairman Farrell stated that what the Moderator is asking, is to be kind and be nice. The Council does not have the authority to overrule the Moderator.

### **Public Hearing**

**Resolution #2022-16** - Acceptance of Unanticipated Revenue (Under RSA 31:95-b, III (a), 2022 Homeland Security Grant – Endpoint Detection & Response Cyber Security

**Motion to enter public hearing:** Vice Chairman Green

**Second:** Councilor Franz

**Vote:** 5-0-0

Finance Director Justin Campo presented. Campo stated that we received this Grant to boost the cyber security at the police department. This will help prevent any cyber attacks on the email system, network, and website. Motion to approve Resolution #2022-16 made by Vice Chairman Green and second by Councilor Franz. Chair votes 5-0-0.

**Resolution #2022-17** – Acceptance of Unanticipated Revenue (Under RSA 31:95-b, III (a), Londonderry Police Department Office of Highway Safety Grant

Finance Director Justin Campo presented. This Grant has a required match. Motion to approve Resolution #2022-17 made by Vice Chairman Green and second by Councilor Franz. Chair votes 5-0-0.

**Motion to close public Hearing:** Vice Chairman Green

**Second:** Councilor Franz

**Vote:** 5-0-0

**New Business**

Chairman Farrell stated that Attorney Panciocco has requested a release of deed restrictions at 94 Pillsbury Road.

**Name:** Attorney Pat Panciocco

**Address:** Bedford, NH

Attorney Pat Panciocco stated that she is here with Cheryl and Mark Tepper, who reside at 92 Pillsbury Rd. Attorney Panciocco requested that the board consider releasing two covenants that are in a deed to a parcel of land that her clients purchased from the town in 2001. Attorney Panciocco presented drawings to the Council to help understand the geography. Attorney Panciocco went over why the parcels can't be used for recreational use. Attorney Panciocco stated that the client paid \$15,000 to the town to buy this parcel, and they invested approximately \$6,000 (they don't have the receipts but recall it was around that) to subdivide it from the Nelson Rd field so that they could acquire it. One requirement was that they merge it with 94. Attorney Panciocco stated that her clients are looking to have the restrictions released from the deed. Town Manager Michael Malaguti suggested that the town release restrictions, not only conservation restrictions, but any restrictions, only in unusual circumstances. Chairman Farrell stated that the Council is happy to look at it. Attorney Panciocco stated that she wouldn't characterize it as a conservation restriction, it's more of a use restriction because there are other uses in the agricultural district that they can't use the back land for. Attorney Panciocco she does have a complete copy of the file from the Land and Conservation Group that the council can look at. The Council stated that they will look at it.

**Lions Hall Existing Conditions Presentation**

**Presented by: Dave Wholley – Department of Public Works Director & Tan Tenney, Weston & Sampson**

Wholley introduced Dan Tenney, representing Weston & Sampson. Wholley gave a report about the Lions Hall update and the structural deficiencies of the formal Lions Hall. Wholley stated that in the budget cycle they will be talking about how to move forward with the facility. Wholley presented a PowerPoint. See attached. Tenney stated that the building is in pretty good condition, it's just old. Chairman Farrell confirmed that what they presented, all things considered, it's in good shape. Tenney stated yes everything above the ground appears to be. Councilor Franz stated that he would be interested to see what the different numbers are during budget season so it can be decided what to do with the building. Vice Chairman green thanked Wholley and Tenney for a great report and all the need to be decided is what should be done with the building. Town Manager

Malaguti stated that he is happy to find out what the community's wishes are. Malaguti stated that it is important that we don't rush it. The Council discussed that the floor is unsafe and the floor is what holds the walls up. This will all be discussed during the budget process.

**Extend Lancaster Drive Grant Agreement**

**Presented by: Michael Malaguti, Town Manager**

Chairman Farrell stated that there isn't a Notary present at the meeting so he will sign this at Town Hall. Town Manager Malaguti stated that this is an unmitigated success. Malaguti stated that he is happy to report that we have successfully brought drinking water out to those contaminated wells for residents out in the Lancaster Drive area in cooperation with DES and Pennichuck Water. Malaguti stated that the town's portion of this was funded under a grant agreement with the State of New Hampshire, because the final paving and restoration work has to wait until the spring so the settling can take place, we need to extend the grant agreement to do that into next year.

Motion to authorize the Town Manager to submit an amendment request to the state to extend the grant agreement until the end of next year, made by Vice Chairman Green. Second by Councilor Franz. Chair votes 5-0-0.

**Extend Strategic Planning Grant Agreement**

**Presented by: Michael Malaguti, Town Manager**

Town Manager Malaguti stated that this is the same issue. The Strategic Planning Grant is looking at the feasibility of a town-wide water system, similar to the other project, grant money from the state. We couldn't get going on this because there was a town funding component until the beginning of the fiscal year. It's a nine-month project from start to finish and won't be done by the end of the year.

Motion to authorize the Town Manager to submit an amendment request to the state to extend the grant agreement until the end of next year, made by Vice Chairman Green. Second by Councilor Franz. Chair votes 5-0-0.

**Resolution #2022-18 – A Resolution Relative to creating the Municipal Aggregation Committee**

**Presented by: Town Manager Michael Malaguti**

Town Manager Malaguti stated that there was discussion about this at the last meeting. At the moment we are under contract with Freedom Energy. They're in the process of putting together a Municipal Aggregation Plan that needs to be reviewed by a Municipal Aggregation Committee, by state law, and worked on by that committee.

Motion to approve Resolution #2022-18 made by Vice Chairman Green and second by Councilor Butler. Chair votes 5-0-0.

### **DPW Winter Operations Presentation**

**Presented by: Dave Wholley – Department of Public Works Director**

Dave Wholley presented a PowerPoint about the DPW's winter plan. See attached. This is the winter emergency operation plan for the 2022/2023 winter season. The Council thanked Wholley for a great presentation.

### **Sister City Discussion**

**Presented by: Councilor Deb Paul**

Councilor Paul stated that a while back we dissolved our relationship with the Russian sister city. Councilor Paul stated that she was approached by Carla Diaz who had gone over to Ireland to meet with Londonderry, Ireland. One of the members, Linda, who accompanied Diaz on the trip let Councilor Paul know she knows the mayor and it would be nice to open the door and relationship with Londonderry, Ireland.

**Name: Linda Harvey**

**Address: 11 Avery Road**

Harvey stated that she enjoyed carrying the Proclamation from their Council to Londonderry, Ireland in April. Harvey stated that they liked the idea of being sister cities with us. Harvey stated that her friend is a Councilor over there. Londonderry is a county there. Chairman Farrell stated that some investigation needs to be done in regards to the history behind it so that everyone understands who came here, etc. and start building things to see if there is something there to consider. Let's figure out what the relationship is.

### **Appointments/Reappointments**

Chairman Farrell stated that the applicants of the Energy Task Force were sent an email regarding the state of the Task Force and the fact that it may be dissolving soon, and if the Council will be doing appointments. Chairman Farrell stated that it is up to the Council how they want to move forward. Councilor Paul stated that the Task Force hasn't finished what they set out to do. The Council agreed to move forward with the interviews.

The Council interviewed Anne Fenn and Janice Harvey for the position on the energy Task Force. Councilor Paul stated that there are three openings two alternate and one full-time.

The Council stated that they will take this up in the workshop and decide from there.

The Council interviewed Lynn Wiles for a position on the Budget Committee. Motion to appoint Lynn Wiles to the Budget Committee made by Councilor Butler. Second by Councilor Franz. Chair votes 5-0-0.

### **Town Manager Report**

Town Manager Malaguti stated that we are still in a moderate drought. The drought seems to be receding. The Council agreed to keep the restrictions as they are now.

Town Manager Malaguti stated that since June when we passed the commercial and industrial tax exemption program and there have been a handful of developers where it has been a convenient talking point for him when they talk about coming to town, and no one has applied for the program yet, because of the high cost of admission and the state of the economy, inflation and interest rate. Malaguti stated this is making it harder to develop projects. Is the Council interested in expanding the eligibility and availability of the program at this time. Malaguti stated that he is happy to revamp it. Chairman Farrell stated that the Council is open to the discussion.

Town Manager Malaguti stated that last May, 2021, the Council passed a TIF District on the east side of I-93 in the Woodmont Commons area. Malaguti stated that work didn't immediately start over there. Malaguti stated that the advice he got from the town Attorney was it's not a good thing to have the skeleton TIF out there. Malaguti suggested the Council rescind Resolution #2021-10 so that we can work with the developer on a new plan to develop the site. The Council made it an agenda item at the next Council meeting.

### **Approval of Minutes**

**Motion to approve the minutes from October 3, 2022:** Councilor Paul

**Second:** Councilor Butler

Chair votes 4-1-0, Vice Chairman Green abstained.

### **Adjournment**

**Motion:** Vice Chairman Green

**Second:** Councilor Franz

Chair votes 5-0-0

Minutes taken by Kirby Brown on 10/17/2022

Minutes typed by Kirby Brown on 10/25/2022

Minutes approved by Town Council on 11/7/2022