

Londonderry Town Council Minutes
Monday, October 2, 2023
7:00 PM
Moose Hill Council Chambers

Meeting Link: <http://173.166.17.35/CablecastPublicSite/show/12339?channel=4>

Attendance: Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Ted Combes, Jim Butler, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron; Administrative Support Coordinator Kirsten Hildonen

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 the Londonderry Fire Department.

NON-PUBLIC MEETING

Chairman Farrell announced that the Council would be holding a non-public meeting under RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

A roll call vote was taken to go to non-meeting:

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

The Council entered the non-public meeting at 7:01 p.m.

The Council returned from the non-public meeting at 7:20 p.m.

Councilor Butler joined the Council during the non-public meeting.

A roll call vote was taken to come out of the non-public meeting:

John Farrell	Yes
Chad Franz	Yes

Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

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38 Motion passed 5-0-0.

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40 **PUBLIC COMMENT**

41
42 **Chairman Farrell opened public comment.**

43
44 Londonderry Fire Chief Butler presented an update on the Fire Department. Due to the recent
45 promotion of Chief Butler, the following positions are available:

- 46
47 • Phil LeBlanc was promoted from Battalion Chief to Deputy Chief
48 • The Battalion Chief position was posted on October 2, with a closing date of October 9, 2023.
49 • The lieutenants underwent an assessment interview and written exam last week. The results
50 were scored by an outside agency and will be presented to Deputy Chief Heinrich. The
51 positions will then be filled.

52
53 Chief Butler recognized Division Chief Brian Johnson, who streamlined the posting of these
54 openings to seven days.

55
56 The notification deadline for winners of the SAFER grant, which would fund four firefighter
57 positions, was last Friday. Londonderry has not been informed regarding the status of this grant.

58
59 The Fire Department had a Budget Committee site visit on October 25, 2023, which was time well
60 spent. He thanked Councilor Dunn for his participation as well as the chairman of the Budget
61 Committee, Patrick Cassidy.

62
63 Chief Butler reported a kitchen fire at 29 Red Deer. He noted all Londonderry fire personnel were
64 committed to other emergencies when the call came in, so off-duty personnel were called in and
65 responded. There were no injuries and a cat was rescued. The fire is under investigation.

66
67 **Name:** Richard Bielinski

68 **Address:** 89 Hall Road

69 In July, R. Bielinski asked for clarification regarding \$80,000 owed to the Town for repairs to the
70 Lions Hall. He has not received a response and submitted a 91-A request to the Council.

71
72 **Name:** Kristine Perez

73 **Address:** 5 Wesley Drive

74 K. Perez said that a citizen organized an open house last month to discuss what should be done
75 with the Lions building. A meeting was scheduled on October 14 by the Town for citizens to
76 discuss what should be done with the Lions building. She noted that tonight, a very detailed plan
77 is being presented regarding the Lions building, but the Town has not heard what the people of

78 Londonderry want from this building. She said this presentation should occur at the October 14th
79 meeting, to receive citizen input. She said this appears as a "done deal," which is why the people
80 of Londonderry don't trust the transparency of the town.

81

82 **Chairman Farrell closed public comment.**

83

84 **NEW BUSINESS**

85

86 **Town Treasurer Discussion**

87

88 M. Malaguti noted during last year's budget season, there was a discussion regarding possible
89 changes to the method of installing the Town Treasurer. This is currently an elected position. The
90 Council voted to move a charter amendment to the ballot that would appoint the Town Treasurer
91 instead, which failed.

92

93 Due to the lead time involved in bringing this measure forward, M. Malaguti invited the Town
94 Treasurer to address the Council regarding this issue. He clarified that he is not proposing this this
95 year, but alerting the Council that now is the time to begin discussing this, if they want to consider
96 it in the future.

97

98 Kathleen Wagner, Town Treasurer, explained that it is appropriate for a Finance Department to
99 manage the Town's \$40 million budget. She said that residents who are concerned about oversight
100 can ask to see the Town's books. She noted that over \$500,000 is processed by the Town, and this
101 should not be managed by an elected treasurer who is paid \$2,500/annum.

102

103 Chairman Farrell said businesses are being run differently than they were 20 years ago and the
104 Council should discuss these changes. K. Wagner noted the budget was approximately \$1 million
105 to \$3 million in the '70s. She said there have been accusations of wrongdoing and questioned why
106 anyone would run for this position, with today's political environment. An appointed person would
107 be protected from this.

108

109 Chairman Farrell asked M. Malaguti to obtain a legal opinion as to whether or not the Town could
110 conduct a background check on applicants for this position.

111

112 Vice Chair Franz asked K. Wagner to outline the duties and responsibilities of the Town Treasurer,
113 which she did. She noted that if there are misappropriations, she is held responsible, although she
114 does not set the budget or have authority over how funds are spent. She said she is obligated to
115 pay all Town bills, and there are protection points to prevent the treasurer from going into a bank
116 account.

117

118 The Council asked if K. Wagner is in favor of this change. She said she is, due to what an individual
119 undergoes when running for public office. She said participating in a Town election is a popularity
120 contest and not the most qualified person is elected. She feels that the Town would be in a better
121 position to have the treasurer appointed.

122

123 The Council requested a list of Towns that have an appointed treasurer. Vice Chair Franz expressed

124 an interest in finding out what their experience is with having an appointed treasurer and if they
125 transitioned from elected to appointed. Vice Chair Franz asked the Finance Director to contact
126 these towns and find out when they changed from elected to appointed and their observations. K.
127 Wagner recommended finding out if they receive a stipend as well.

128
129 Vice Chair Franz clarified the reason the Town needs to move to an appointed treasurer is there
130 are people who are hesitant to run for the elected position based on the political outfall. Also, if
131 the position is appointed, some form of legal background check could be conducted on qualified
132 applicants. K. Wagner added that the position is antiquated at this point. She requested that if a
133 citizen is appointed, it should be someone who is not in the Town Hall, to retain transparency.

134
135 K. Wagner also suggested citizens be educated on how the Town government works and what
136 responsibilities the individual positions have.

137
138 Councilor Combes noted that if this position becomes appointed, the job description would have
139 to change, as the majority of the financial tasks are now completed digitally.

140
141 M. Malaguti said if the Council decides to pursue this issue, an earlier Public Hearing would allow
142 more time to receive community input but also to adjust the wording of the charter amendment.
143 Chairman Farrell said if they receive information from the other towns before the next Council
144 meeting, this subject can be addressed again.

145
146 **Ordinance #2023-05 – An Amendment to Londonderry Zoning Ordinance, Building Code**
147 **Amendments, Section 9 Reflecting the Adoption of the 2018 Editions of the International**
148 **Codes**

149
150 Chairman Farrell noted this is a first reading only.

151
152 Vice Chair Franz moved to waive the first reading and Councilor Butler seconded the motion:
153

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

154
155 Motion passed 5-0-0.

156
157 Chairman Farrell announced the first reading is waived.

158
159 Chairman Farrell announced there will be a public hearing on October 16 regarding Ordinance
160 #2023-05.

161

162 **Ordinance #2023-04 – Amending the Fee Schedule for the Issuance of Permits by the**
 163 **Londonderry Fire Department (First Reading)**

164
 165 Chairman Farrell noted this is a first reading only.

166
 167 Vice Chair Franz moved to waive the first reading and Councilor Combes seconded the motion:
 168

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

169
 170 Motion passed 5-0-0.

171
 172 Chairman Farrell announced the first reading is waived.

173
 174 **First Pass Lions Hall Presentation**

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 176 Chairman Farrell noted this is the first opportunity the Council has to see what has been discussed
 177 for several months. There will be no public comment. There will be a listening session on October
 178 14th. If this concept is entertained during the budget process, there will be multiple public hearings.
 179 The Council has made no decisions.

180
 181 Dave Wholley, Director of Public Works and Municipal Facilities, addressed the Council. He
 182 presented a timeline of the history of the building. The Town assumed all operational costs and
 183 oversight of the facility in September 2022. Weston & Sampson were brought in to evaluate the
 184 structure of the building and determine its deficiencies. The Town entered into a contract in July
 185 2023 with Weston & Sampson to create a conceptual design. They were tasked to find out what it
 186 would take to reopen the building as a municipal facility, being sensitive to the fact that it is a
 187 historical building.

188
 189 Daniel Tenney, Weston & Sampson, appeared before the Council and presented the results of their
 190 investigation. They evaluated the structure and the site for condition, accessibility, energy
 191 compliance, and building code compliance. He presented a preliminary concept plan that addresses
 192 issues including parking, accessibility, interior renovations, and landscaping. He also presented
 193 anticipated costs of the building additions, repairs, and renovations, which total approximately
 194 \$3.5 million. There are items that have been zeroed out, such as the kitchen, sprinkler system,
 195 generator, and parking lot markings, until a direction for the building is established. Councilor
 196 Combes noted these numbers are "spot on," from his experience.

197
 198 D. Wholley said this is the time for discussions to occur. These numbers will be presented to the
 199 CIP Committee. The community meeting on October 14th will give the public an opportunity to

200 share questions and comments.

201
202 Chairman Farrell asked if there were grants available to help address these costs. M. Malaguti
203 explained there is a grant for community centers, but structures that are currently being used as
204 community centers fare better under the ranking criteria. He has had no discussions about the
205 building being used for anything else than a community center. D. Wholley added there is the
206 potential for other grants to offset some of the costs.

207
208 Councilor Butler pointed out the improvements needed to meet ADA standards will be required,
209 regardless of what the building is used for. It is not useable at this point, as it is not accessible. D.
210 Wholley noted the planned use of the building will also determine what changes are made.

211
212 Councilor Combes asked if everything need to be updated, once repairs begin. D. Wholley said
213 commercial buildings fall under heavy scrutiny. Councilor Combes asked about the potential use
214 for the vault. D. Wholley replied that it would probably be used for storage.

215
216 Chairman Farrell noted it is imperative to decide what will be done with the building before
217 anything else is done. Public input is vital. He believes it will be a tall task for the voters to absorb
218 this cost. D. Wholley agreed. Vice Chair Franz asked D. Wholley to determine what the operating
219 cost would be to maintain the building as is. D. Wholley noted the electricity needs to remain on
220 to keep the building operational, although there are minimal expenditures for mowing, plowing,
221 and so on.

222
223 D. Wholley added that bids were opened for the library roof. The goal is to have the work
224 completed before wintertime.

225
226 The Council thanked D. Tenney and D. Wholley for their work on this project.

227
228 **OLD BUSINESS**

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230 **Final Review of Term Expiration List for Appointed Town Boards**

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232 K. Hildonen shared the list of all Board and Commission positions that are either expiring this
233 year, are vacant, or are open due to resignations. Two people resigned from Boards this past
234 week: Glenn Douglas (Recreation Commission) and Lee Jeffers (Heritage Commission).

235
236 Vice Chair Franz moved to accept the resignations as presented and Councilor Combes seconded
237 the motion:

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

Ron Dunn	Yes
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Motion passed 5-0-0.

Chairman Farrell expressed his disappointment over G. Douglas's resignation and wished him well.

K. Hildonen said she reviewed the Town municipal code and the Town charter, and found there is one additional spot that is not on the list: an alternate position for the ZBA. She will send this to the newspaper and post it on the website and social media.

Chairman Farrell said they will discuss whether Council will interview sitting Board members. K. Hildonen will contact sitting members to update their current information. She noted there are a large number of positions that will need to be filled, and there are only four meetings to fill these positions. Chairman Farrell said they will determine if they are going to interview the applicants and, if necessary, can hold an additional meeting.

APPROVAL OF MINUTES

Minutes for the September 25, 2023, meeting were presented.

Vice Chair Franz moved to approve the minutes as presented and Councilor Combes seconded the motion:

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

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Motion passed 4-0-1.

APPOINTMENTS/REAPPOINTMENTS

None

LIAISON REPORTS

Vice Chair Franz reported the School Board had their second reading of their purchasing policy and that will move to a third reading.

Councilor Combes is on the building committee for the study of building the kindergarten. The

275 building committee will be presenting their findings to the School Board on October 3.

276

277 **TOWN MANAGER & ASSISTANT TOWN MANAGER REPORTS**

278

279 M. Malaguti noted that the claim during public comment that 91-A requests must be filed to get
280 information from the Town is incorrect. He said the Town departments are very responsive to any
281 requests received from the public. He also clarified that R. Bielinski's claim that the Town has
282 ignored his request about recovering \$80,000 to repair the Lions Hall was incorrect, which he has
283 discussed with Mr. Bielinski. Chairman Farrell clarified that the expenditure of the funds was
284 approved by the sitting Town Council.

285

286 M. Malaguti outlined the Rec Department fall activities and events.

287

288 Assistant Town Manager Caron made her report.

289

290 **OTHER BUSINESS**

291

292 **MEETING SCHEDULE**

293

294 1. October 16, 2023: Moose Hill Council Chambers, 7:00 p.m.

295 2. November 4, 2023: Budget Kick-off workshop, Moose Hill Council Chambers, 9:00 a.m.

296 3. November 6, 2023: Moose Hill Council Chambers; 7:00 p.m.

297 4. November 20, 2023: Moose Hill Council Chambers; 7:00 p.m.

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299 **ADJOURNMENT**

300

301 Vice Chair Franz moved to adjourn, with Councilor Combes seconding the motion:

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

303

304 Motion passed 5-0-0. Meeting adjourned at 8:44 p.m.

305

306 Minutes prepared by Beth Hanggeli