

Londonderry Town Council Minutes
Monday, November 6, 2023
7:00 PM
Moose Hill Council Chambers

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

Attendance: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Ted Combes, Jim Butler, 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 Libby Canuel and her family.

PUBLIC COMMENT

Chairman Farrell opened public comment.

Name: Kristine Perez

Address: 5 Wesley Drive

Ms. Perez noted she took an oath when taking public office. A young representative put the Legislative Body on notice that they need to honor their oath to uphold the Constitution. She reminded the Councilors of their responsibilities and said they should not waste the people's money. She said voting machines are illegal under the state Constitution. She said although the RSAs have allowed voting machines since 1979, the Constitution supersedes any RSA. On November 29th, the Supreme Court is hearing testimony regarding the legality of voting machines. She asked the Council to wait to pick a voting machine until judgment is made, to avoid wasting taxpayer money.

Name: Bob Slater

Address: 1 Stonehenge Road

Mr. Slater said the taxpayers funded a portable building at the beginning of the school year. There were technicalities involved with connecting the sprinklers and fire alarms. He expressed his gratitude and that of the School Board for the Fire Department's help in resolving these issues at the state level. He complimented the Recreation and Highway Departments for their work on the athletic fields and the roads around them. He thanked the Town Manager and Town staff, and said they should receive more compliments on the work they do.

Name: Tony DeFrancesco

Address: 1 Chester Court

Mr. DeFrancesco complimented the Council members for doing due diligence on issues presented to them and ensuring they represent all citizens. He asked the Councilors to keep in mind there often is a silent majority they do not hear from. He asked the Council to budget for a new electronic sign to replace the current sign in front of the Municipal Complex, which only displays information

to those who are driving south. He offered his help in obtaining a new sign.

Chairman Farrell closed public comment.

PUBLIC HEARINGS

Resolution #2023-21 – Acceptance of Unanticipated Revenue from the U.S. Department of Justice, Office of Community Oriented Policing Services

Resolution #2023-22 – Acceptance of Unanticipated Revenue from the State of New Hampshire Department of Safety

Resolution #2023-23 – Acceptance of Unanticipated Revenue from the New Hampshire State Council on the Arts

Councilor Combes moved to open the public hearing. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Chairman Farrell asked Director of Finance Justin Campo if these resolutions could be addressed simultaneously. He noted that they address unanticipated revenue.

Mr. Campo explained that for Resolution #2023-21, ARPA funds were requested in August to revamp the Dispatch Center, with the understanding that a grant would be received. They have received \$75,000 to rewire and restructure the Dispatch Center. For Resolution #2023-22, \$10,000 has been received to assist with protection at Manchester Airport. For Resolution #2023-23, funding has been received for three years to fund Concerts on the Commons, with the assistance of the State Arts Council.

Chairman Farrell asked for public comment.

Name: Cindy Rice Conley

Address: 373 Winding Pond Road

Ms. Conley asked for the amount of funding on the third grant. Mr. Campo said it was \$5,400.

Councilor Combes asked if more funding could have been received from the Council on the Arts. Mr. Campo said more was requested but the Council disperses funds they feel are appropriate.

Councilor Combes asked how the airport funds would be spent. Mr. Campo said he believes they will be spent on elevated infrastructure to assist with providing additional protection at the airport.

Vice Chairman Franz moved to approve Resolutions #2023-21, 22, and 23. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Vice Chairman Franz moved to close the public hearing. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

NEW BUSINESS

Adoption of New Electronic Ballot Counting Devices

Chairman Farrell noted this is the first presentation the Council has seen regarding these devices.

Town Moderator Jonathan Kipp and Town Clerk Sherry Farrell appeared before the Council. Mr. Kipp presented information on ballot counting devices/machines. He said the governing body needs to approve their use and decide which one will be used, and then notify the Secretary of State of their decision.

The machines Londonderry has used for years are at the end of their lives. The New Hampshire Ballot Law Commission has identified three devices that have been used on a trial basis throughout the state this year. Mr. Kipp reviewed the due diligence that was done so that they could make a recommendation to the Council.

The Commission has conditionally approved two of the devices to be used in March 2024, those manufactured by LHS Associates and VotingWorks. The Town issued RFPs to these manufacturers and as a result, chose the LHS Associates device. He reviewed the rationale behind this choice.

Regarding this rationale, Vice Chair Franz said that having the write-in ballots separated from the rest of the ballots is reassuring. Councilor Combes noted it is important that LHS is willing to respond within 30 minutes to any issues experienced with the devices. Councilor Butler commended the Town elections staff on the quality of work they do.

Councilor Dunn asked if the Council can delay making this decision until the next meeting. Mr. Kipp said. LHS would like to know by December 1. He suspects the timeline for VotingWorks is similar. He noted the current machines will no longer be supported after 2024. Ms. Farrell said there are issues finding parts for the current machines and expressed her concern if there are problems with the current machines during the election.

Chairman Farrell asked if the poll pads would work with the new devices. Mr. Kipp said they are separate systems, so the poll pads will continue to operate as they always have.

Councilor Combes asked if they have spoken with other Town clerks. Ms. Farrell has seen that larger communities are leaning toward using the LHS devices. Councilor Combes noted this might cause a problem with availability of machines. Mr. Kipp said the Town will purchase six machines.

Councilor Dunn invoked councilor privilege. This topic will be addressed at the next Council meeting and a vote will be required at that time. Councilor Combes expressed his concern that due to the delay in getting materials across all industries, delaying this decision two weeks could cause a problem obtaining a machine in a timely manner.

Order #2023-15 – The Expenditure of Maintenance Trust Funds for Winter Maintenance

Director of Public Works & Municipal Facilities Dave Wholley addressed the Council. He explained this request is to allow for a drawdown of \$18,000 of the winter maintenance funds. This will allow him to pay bills from contractors as they are received. Any funds not spent will be returned to the budget.

Vice Chairman Franz moved to approve this request. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Winter Operations Presentation

Director of Public Works and Municipal Facilities David Wholley appeared before the Council and presented the winter emergency operations plan. He noted that Public Works are first responders and make it possible for other first responders to respond to emergencies. He reviewed the organizational chart of the department and challenges that impact performance, including equipment, materials, and staffing. He thanked his staff for the hard work they do. He recommended citizens refer to the Department's Facebook page for updates on plowing operations.

The Council commended Mr. Wholley on his presentation.

OLD BUSINESS

Town Treasurer Warrant Article Discussion

At an earlier meeting, the Town Treasurer recommended that the Treasurer position be appointed instead of elected. The Council discussed whether to have a public hearing on this issue on November 20th and agreed to do so.

Old Mammoth Road Gate Petition

Mr. Malaguti explained that concerns around the four-way intersection at Page Road/Grenier Field Road/Mammoth Road have been discussed for decades, primarily by the Traffic Safety Committee. Although the Police Department has upgraded enforcement, there have not been many infrastructure improvements. It was agreed that if interventions are to be made, the decision needs to come from the Town Council. Chairman Farrell noted that only Town Council can close a road.

A petition has been presented to the Council to install a gate on Mammoth Road. The Council discussed the unintended consequences of this and if the petition reflects the thoughts and opinions of everyone affected by this decision. The Council asked for more of a cross-section of thoughts and opinions. More signatures have since been received.

Councilor Dunn asked if residents have been asked how they would be impacted, if a gate is installed. Mr. Malaguti said the concern he has heard most frequently is the ability to turn left and travel north on Rockingham Road. He said suggestions for less significant interventions have been reviewed, such as installing speed tables and speed bumps.

Chairman Farrell said the Council will investigate this issue. This investigation would have to be funded by the taxpayers.

Chairman Farrell asked for public comment.

Name: Steve Kelly

Address: 552 Mammoth Road

Mr. Kelly said the problem is along Mammoth Road, not just at the intersection. The road is used as a cut-through from Rockingham Road to the airport. The high speed of this traffic is a safety issue. He supports installing a gate. He asked for a solution, not for the issue to be pushed down the road again. Chairman Farrell urged him to call the Dispatch Center to report violations.

Name: Brian Mead

Address: 555 Mammoth Road

Mr. Mead asked for a timeframe for this to be addressed. Chairman Farrell said the voters will have to be asked for funds and explained the process for doing so. Mr. Mead clarified he would like to know when a decision will be made whether or not action will be taken. Chairman Farrell said he will ask the Council for a decision, once public comment is closed. The process of obtaining facts and discussing alternate solutions, then noticing and having public hearings, etc., could take two to three months.

Name: Eric Morin

Address: 528 Mammoth Road

Mr. Morin suggested instead of installing a gate, half of the road be closed to eliminate traffic turning from Mammoth Road onto Grenier Field Road to access the airport. The Council said they would need to discuss this with the Fire Chief, as the North Station is located there.

Name: Dave Robbins

Address: 532 Mammoth Road

Mr. Robbins said due to the double stripe on the road, cars are not giving pedestrians room as they pass, so it is less safe. He said if traffic could be slowed down with stop signs and/or speed tables, drivers might opt to take a different road.

Name: Robin Stewart

Address: 522 Mammoth Road

Ms. Stewart said traffic needs to be stopped from going through the area. She asked if the other end of Mammoth Road could be closed. She said the striping makes the road look bigger and cars are traveling faster. She hopes there is a solution. Chairman Farrell assured her he will put it to a vote.

Councilor Combes asked about closing Mammoth Road near Rockingham Road. Mr. Malaguti said this was evaluated but the traffic consultant did not recommend it, based on the second-order effects that it would create.

Name: Melissa Martin

Address: 537 Mammoth Road

Ms. Martin noted that the accidents at the intersection and the speed of cars traveling along Mammoth Road are two different issues. She gave examples of problems she has experienced with cars speeding down the road. She has contacted the Dispatch Center and police patrols have been sent; however, as soon as the patrol leaves, the speed increases again.

Mr. Wholley suggested installing a cul de sac at the end of Mammoth Road at Rockingham Road.

He said speed bumps are not allowed by law in roadways and rights-of-way. In certain situations, there can be speed humps/tables; however, trailers and tractor-trailers crossing these create a lot of noise.

The Council asked for data on accidents and speed offenders, as well as information on each of the suggested solutions. They also asked for the cost of installing a gate, and for department heads to present information to the Council.

This issue will be on the agenda for the December 4, 2023, meeting.

APPROVAL OF MINUTES

Councilor Dunn moved to approve the October 16, 2023, Town Council minutes as presented. Vice Chairman Franz seconded the motion.

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

Motion passed 3-0-2, with Vice Chairman Franz and Councilor Butler abstaining.

OTHER BUSINESS

Chairman Farrell asked for a cost on the electronic sign for the Municipal Complex. Mr. Malaguti will look into this.

Councilor Combes praised Mr. Campo for his extensive knowledge of the budgeting process.

Liaison Reports

Councilor Dunn reported the Budget Committee toured the DPW and thanked Mr. Wholley for his assistance. He also said the Utility Committee is meeting November 7, 2023, at 7:00 p.m.

Vice Chairman Franz said there is a School Board meeting on November 7, 2023.

Councilor Combes was not able to attend the Planning Board meeting, but shared that the plans for the Tesla facility were approved.

Town Manager Report

Mr. Malaguti recognized the staff for the work done to prepare for the budget workshop on

November 4, 2023.

Assistant Town Manager Caron made her report.

MEETING SCHEDULE

- November 20, 2023: Moose Hill Council Chambers, 7:00 p.m.
- December 4, 2023: Moose Hill Council Chambers, 7:00 p.m.
- December 18, 2023: Moose Hill Council Chambers, 7:00 p.m.

ADJOURNMENT

Councilor Combes moved to adjourn. Councilor Dunn seconded the motion.

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

Motion passed 5-0-0.

Meeting adjourned at 9:02 p.m.

Minutes prepared by Beth Haggeli