

Londonderry Town Council Minutes
Monday, December 18, 2023
7:00 PM
Moose Hill Council Chambers

Meeting Link: <http://173.166.17.35/CablecastPublicSite/show/12462?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 Councilor Combes. This was followed by a moment of silence led by Councilor Combes for all the first responders and utility workers during the past storm.

PUBLIC COMMENT

Chief Kim Bernard provided a command update. Bernard congratulated two new promotions for Officer Maclean & Officer Marciano as well as four new hires Tony Ssonko, Michael Wizboski, Cameron Holdsworth, and Dakota Mulcay who are joining the PD. Bernard introduced Officer Rioux, the new comfort dog. Bernard explained without the Town Manager none of this would be a possibility. Bernard ended sharing Rioux will have a separate account dedicated to donations to the PD.

Chief Bo Butler provided a command update. Butler shared an emergency management update regarding the recent storm. Butler brought attention to the Exit 4A project which will redirect traffic from the hours of 7pm-5am starting around mile marker 11. Butler shared a hiring update explaining the roster is almost filled. Four of six current openings are filled with the remaining two being attached to conditional offers. Butler made a final statement sharing if anyone needs a Christmas tree, LFD will take care of them in partnership with the Lion's club for no charge.

Chairman Farrell provided some updates on the current tax rate. Farrell shared the municipal budget only went up by 1.15 percent whereas the county taxes raised by 12.5 percent and the State Education tax was raised by 32.4 percent. Farrell reassured the audience that The Town Council will keep doing their due diligence to control the tax rate as best as they can.

Chairman Farrell opened public comment.

Name: Dennis Martin

Address: 182 Pillsbury Rd

Martin expressed his thanks to the Town Council for allowing and being supportive of the Blues Festival every year. Martin shared concern over the increase in taxes as well as the housing evaluations increasing. Martin explained he was fearful it will be hard to stay in town if the taxes continue to rise the way they have been. Chairman Farrell explained The Town Council switched to reevaluation every two years to save the Town from abatements being filed against them. Farrell

47 explained if the Town can stay above 90 percent the balance between commercial and residential
48 property can remain. Martin thanked Farrell for the explanation.

49
50 **Name:** Marge Badois

51 **Address:** 189 Litchfield Rd

52 Badois expressed the Electronic Sign being proposed in the agenda is unnecessary and no need to
53 spend more taxpayer money.

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55
56 **Name:** Megan Donovan

57 **Address:** 45 Chase Rd

58 Donovan shared her concern for misinformation from a Budget Committee member on social
59 media. Farrell explained the Attorney General has spoken about this topic sharing all elected
60 officials to be careful what you post and remember wherever you are, you are representing yourself
61 as an elected official. However, the Attorney General also said elected officials also have freedom
62 of speech and there is nothing a Chairman can do other than caution them to double check
63 information. Donovan wanted to shed light on the raise question which was being discussed online
64 however Farrell explained it will be discussed in the Budget Workshop.

65
66 **Name:** Erica Lowie

67 **Address:** N/A

68 Lowie shared she is in favor of GMILCS and thanked The Council for their time.

69
70 **Name:** Dan Bouchard

71 **Address:** 8 Oconnell Dr

72 Bouchard shared concerns about the four new LFD positions being approved to go to the ballot as
73 well as the new prosecutor position for LPD. Bouchard suggested to look internally for positions
74 rather than open up new ones. Bouchard urged we need more suggestions that benefit the taxpayer
75 as well as thanking the Chairman for speaking up about the Lions Hall.

76
77 **Name:** Christine Fitzgerald Library Trustee

78 **Address:** N/A

79 Fitzgerald shared her position on the adoption of GMILCS in the library. Fitzgerald explained
80 while she is a trustee, she is against joining the consortium. Fitzgerald shared her opinion on being
81 concerned of the uncertainty of the yearly cost as well as shared some new tasks the staff would
82 have to uphold during the transition. Fitzgerald thanked The Council for their time.

83
84 **Name:** Kimberly Bears

85 **Address:** 19 Adams Rd

86 Bears explained she has been apart of consortiums since she graduated high school and that she
87 would have it no other way than the consortium. Bears ended noting the library is a need and
88 thanked the council.

89
90
91 Chairman Farrell closed public comment.

PUBLIC HEARINGS

Vice Chairman Franz 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.

Resolution #2023-26 – Acceptance of Unanticipated Revenue for Highway Grant

Vice Chairman Franz moved to approve Resolution #2023-26. 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.

Resolution #2023-27 – Acceptance of Unanticipated Revenue for Town Common Fence

Councilor Butler thanked Eric Turcotte for donating the money and for everything he has done to help the town.

Vice Chairman Franz moved to approve Resolution 2023-27. Councilor Combes seconded the motion.

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

Ron Dunn	Yes
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Ordinance 2023-06 – An Amendment to the Londonderry Zoning Ordinance Relative to Section 4.6.3 Floodplain Overlay District

Assistant Town Manager Kellie Caron explained there is a compliance review coming with new mapping and to stay compliant with FEMA this ordinance would have to be updated. Chairman Farrell explained The Council instructed Town Manager Malaguti to update ordinances that are out of date. Councilor Combes asked if not updated is there a fine associated? Caron responded sharing there would not be, however, flood insurance for residents would have to go through a private insurer which would result in much higher rates. Ray Breslin asked if the current regulations comply and if it had to be changed. Caron explained she is working to prevent the regulations from becoming non-compliant in the coming year with this change.

Councilor Combes moved to approve Ordinance 2023-06. Vice Chairman Franz seconded the motion.

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

Motion passed 5-0-0.

Ordinance 2023-07 – An amendment to the Londonderry Zoning Ordinance Relative to Adding “Hospital” as a Permitted Use in the Gateway Business District

Caron shared the amendment for adding “hospital” as a permitted use in the gateway business district. Caron explained there is a developer interested in building such a facility and cannot because while “hospital” is defined in the Zoning Ordinance, it is not permitted in any zoning district (an apparent mistake/oversight). Solution Health/ Elliot Hospital came to the public hearing to speak on the benefits of what they want to accomplish.

The DHHS Deputy Commissioner, Morissa Henn, explained the seriousness in the need for mental health care in NH. The Deputy Commissioner elaborated, saying, 1/5 of people are living with a mental health issue whereas ¼ people are living with someone who has such an issue in the household. Whether it be related to substance abuse or mental health, she explained there are not enough psych beds to get people the appropriate care. The Deputy Commissioner explained the State of New Hampshire is sponsoring \$15 million for the proposed project.

Ryan Cronin of the Budget Committee asked where the closest facility, like the one being proposed, is located. The Commissioner explained Elliott Hospital would be closest for beds however Hampstead would be the closest for psych related issues pertaining to children. Cronin asks if there is a shortage of beds. The Commissioner explained not necessarily since they are moving patients home who are not at the full level of need for inpatient psych care.

Chairman Farrell explained this is just for allowing “hospital” as a permitted use and not an application for a new build. It would have to go through the planning board.

COO of Elliott / Solution Health explained they picked Acadia as a partner for this venture since they are a national expert in the mental health field.

Councilor Butler asked the difference between boarding a patient and an emergency room. The COO explained boarding is when a patient requires a higher level of care and a diagnosis has been made which needs psychiatric admission. If there is no bed available, the patient would stay in the ER.

Miles Kramer from Acadia spoke to how this would be beneficial. Kramer explained Acadia has 21 joint ventures across the US and sees around 70 thousand patients every day. Kramer reiterated that no emergency departments would be coming, however, an ambulance bay would be available for transports from a local hospital given the patient needs the higher level of psychiatric care.

Farrell asked what help they would need from local first responders given the possible venture. Kramer explained it will be extended and echoed they only handle behavioral health.

Chief Butler explained it is a significant draw and LFD is taking on more of a work load. Butler suggested a give and take which Kramer acknowledged they are open to discussing that matter further.

Kathy Wagner thanked Elliott and Solution Health for the presentation but suggested to bring it to the Planning Board.

Dan Bouchard asked if it is smart to have a hospital in an industrial area where there could be chemicals from the factories.

Maria Barud shared her concern about transportation being needed for people who sign themselves out of the hospital. Kramer responded by explaining no one can leave a psych hospital voluntarily because it has to be signed off by an MD.

Kathy Wagner asked if the zoning ordinance is only for Pettingill Rd. Caron explained it is only for that area as well as shared the area supports medical related offices but not something to this level.

Chairman Farrell asked for further questions.

Vice Chairman Franz motioned to approve Ordinance 2023-07. Councilor Combes seconded the

motion.

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

Motion passed 5-0-0.

Budget Workshop

Director Campo brought attention to the Budget Committee & Town Council that the GL accounts, departments, and the tax rate calculator have all been updated. Some changes included a decrease in the Town Manager budget, LFD, LPD, Building, and an increase in DPW. Campo continued with bringing attention to advice from banking partners which advised to be more cautious with the decrease in federal rates.

Malaguti explained the loan authorization is put in the warrant article and reiterated the good deal the town is getting on the beginning of a municipal water system. Pickleball was held open since there is no consensus yet from the Budget Committee. Malaguti shared the Attorney General approved a charter amendment for the ballot regarding the Town Treasurer position. Campo added the Library also decreased their budget.

Director Matlin of the Leach Library explained the library budget. Matlin acknowledged the request to lower the staff merit increase eligibility to 2.5 percent, however, the trustees approved a cut to 3.5 percent for the time being and will reassess in the following year.

Kate Burbidge of the Budget Committee commended the library for being open to the idea of cuts. Chairman Cassidy agreed.

Vice Chairman Franz shared Chairman Farrell received a salary survey for library directors from HR Director Koza.

Malaguti expressed the Town Treasurer is here and there needs to be a yes or no for the amendment to appoint a treasurer with a background check on the ballot. Treasurer Wagner urged the public the treasurer is not going away, just changing it from elected to appointed.

Tony Defrancesco agreed with Wagner. Defrancesco expressed if nothing else the Town should hire some qualified people as department heads. Defrancesco ended with supporting the decision to go to the ballot.

Dan Bouchard explained people can still do something wrong even with screening. Bouchard shared last year people said they were not in favor of it and his fear is people are going to end up saying no to everything.

Maria Barud said to listen to the people. The people voted last year and shared their thoughts which should be listened to. Barud ended with stating it should remain the way it is.

Councilor Butler expressed how important it is the sitting finance director and town treasurer are requesting more protections. Butler said it should be sufficient if they are suggesting it. Butler continued by saying he cannot be in support of keeping it as an elected official and would be better to appoint with the concerns raised. Franz questioned Campo if he has any insight on how the other towns appointed treasurers and also explain how they solicit and obtain people in these roles.

Campo explained there are numerous ways to commit fraud and wanted to bring it up again due to concerns he has. Campo shared he can find out how they go through hiring people as well as listed the current towns who have appointed treasurers. Councilor Dunn expressed there is a struggle on both sides of the coin. Dunn shared some people expressed you can appoint someone and still have a risk of someone doing things to stay appointed versus being elected.

Vice Chairman Franz moved to approve amending the charter to appoint a Town Treasurer. 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.

Dunn had some questions for Pickleball Taskforce. The Budget Committee and Council discussed the different possible amounts to put on the warrant article.

Jason Goldman asked about the possible memberships for the courts and if they would cover anything. The Taskforce explained it would cover maintenance as well as priority for some of the courts. Franz explained the Taskforce used the numbers given based on the RFQ. Farrell shared there is a way to work the wording and the funding for Pickleball on the 11th of January. Farrell agreed \$490,000 on a warrant article is palatable for the voters. Combes asked is there a possibility to do 10 courts for the \$490,000 cost, to which the Taskforce explained it is possible.

Approved to go to the ballot at \$490,000.

Cassidy asked if there can be more language on the LFD “fly car” for the warrant article. Campo

explained if the warrant article mentions anything about paramedics, they would indeed have to hire paramedics. Malaguti shared they can play with the language to make it best case for everyone. Farrell explained after comments on social media and a local publication regarding salaries at the local library that the HR Director had provided salaries across the state for like-sized entities.

Director Koza spoke to Derry, Dover, Concord, Portsmouth, Pelham, Salem etc. Farrell gave numbers for the directors at these locations to share Londonderry is competitive with other similar salaries.

Maureen Hardy asked if we can compare to like-sized towns and cities which Farrell explained the ones shown are like-sized or smaller. Koza will also send this info to the Trustees of the Library for their records.

Councilor Combes motioned to close the public hearing. Councilor Butler 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

Merrill Conservation Easement

Malaguti shared this is to conserve roughly 20 acres of land in the village part of town which resulted in the Merrill family offering to conserve the property for “short money.” Malaguti explained the appraisal for the property as of November 1st was \$1.1 million. The purchase price is \$150,000 for 20 acres of easement which was approved by the Conservation Commission.

Vice Chairman Franz motioned to approve the purchase. Councilor Combes seconded the motion.

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

Motion Passed 5-0-0.

OLD BUSINESS

Old Mammoth Road Calming Measures

Malaguti called John Trottier and Dave Wholley to comment. The consensus that was reached from the council was they had to come back with final recommendations. The staff agreed with Councilor Butler's judgement and presentation. The stop sign set up will be used and put into place. Trottier explained there will hopefully be fewer accidents and fewer speeders. Trottier explained they are working from the south to the north and stop signs will be placed at the rail trail, Foxglove & Mammoth will become a 3-Way stop, Buckthorn and Mammoth will become a 3-Way stop.

Malaguti shared speed tables and speed bumps can be attempted later if stop signs are not successful but this is a great first step. Vice Chairman Franz explained it is to make the cut through more tedious so speeding is less likely. Councilor Combes asks Trottier how many stop signs there are as well as where Sanborn Rd & Hall Rd meets Mammoth can be added for stop signs. Trottier explained it is not the staff's recommendation to do that.

Farrell explained the stop signs meet requirements and prismatic signs are being used which are the brightest to use which is a step in the right direction. Consensus to proceed was granted.

Farrell shared he went to a political meeting at the local legion and had some thoughts he would like to share. Farrell explained it is hard to "hate up close" and "the loudest are not the most." Farrell shared it is best to talk to face to face and ask people to share what they have learned in the past years. Farrell said one thing he heard was, "you don't have to love me, but you can depend on me."

An update was shared on the electronic sign which the Town Clerk is spearheading. Malaguti will look into the ordinances and see if it is permissible to have a sign such as the one suggested on Town Property.

APPROVAL OF MINUTES

Vice Chairman Franz moved to approve the December 4, 2023, Town Council minutes. Councilor Combes seconded the motion.

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

Ron Dunn	Yes
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Motion passed 5-0-0

REAPPOINTMENTS

APPLICANTS FOR APPOINTED BOARDS - TERM BEGINNING 1/1/2024

December 18, 2023 – Council Version

BOARD	TOTAL # OF SPOTS	FULL	ALT	TERM END	APPLICANTS
Conservation Commission	4	3	1	12/2026 (all)	Marge Badois* Deb Lievens* Tiffani Macarelli*
Heritage Commission	4	2	2	12/2026 (2 full, 1 alt) 12/2024 (1 alt)	Krys Kenney* David Colglazier* Vickie Bradley (HC or RC)
LHRA	1	1	0	12/2028	Dan Root*
Planning Board	2	2	0	12/2026 (all)	Ann Chiampa* Art Rugg*
Recreation Commission	3	2	1	12/2026 (1 full, 1 alt) 12/2024 (1 full)	Jim Loiselle* Kristina Ciarametaro Vickie Bradley (HC or RC)
Senior Resources	2	0	2	12/2026 (1) 12/2024 (1)	none
Southern NH Planning <i>*goes to Planning Board first</i>	2	0	2	12/2024 (all)	Jeff Penta* Ray Breslin (applied late)
Zoning Board of Adjustment	1	0	1	12/2026	none

(*) indicates sitting member

Vice Chairman Franz moved to reappoint the above members. Councilor Combes seconded the motion.

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

Motion passed 5-0-0.

OTHER BUSINESS

N/A

Liaison Reports

Councilor Combes reported they are continuing to research the automatic electronic sign and will be presented on the 18th.

Vice Chairman Franz shared the School Boards update regarding the new purchasing policy which is on its 4th reading. Franz went into detail of the spending approvals.

Town Manager Report

Town Manager: None

Assistant Town Manager: None

MEETING SCHEDULE

- January 11, 2024: Moose Hill Council Chambers, 7:00 p.m. NOTE: MEETING SUBSEQUENTLY RESCHEDULED TO JANUARY 12, 2024 at 7:00 p.m.

ADJOURNMENT

Vice Chairman Franz 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 10:25 p.m.

Minutes prepared by Cameron Maher