

LONDONDERRY TOWN COUNCIL MEETING MINUTES

Londonderry Town Council Meeting Minutes August 29, 2022

The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd, Londonderry, NH 03053.

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

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 serves us here in Londonderry, all of our first responders who do a great job keeping us safe.

PUBLIC COMMENT

Chairman Farrell stated that there was a non-public prior to the meeting and the minutes have been sealed.

Kristine Perez, 5 Wesley Drive, stated that her name begins with a K and not a Ch. She would like it changed in the minutes.

Jonathan Esposito, 5 Shelley Drive, asked the Council about the closed session and stated that he plans on seeking third party review of the exemptions that the Council and School Board use a lot.

Racheal Killian, 6 Bridle Path, stated that she was curious about a recent event that took place and was highly publicized. Killian stated that she was wondering if other complaints were received and if there are any that were not publicly addresses. Chairman Farrell stated that it will all be addressed in the OHD debrief. Killian also asked if the Chairman and

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Council were aware of the recent events involving one of the Councilors being arrested. Chairman Farrell stated that it is a private matter+ and the Council knew nothing in advance. Killian also asked the Council when they met to decide to release the press release that was put out.

Maria Barut, 6 Bridle Path, asked if during the debrief, the public can ask questions. Chairman Farrell stated that it wouldn't be open to public comment. Barut stated that the Council addressed the flag issue but no one addressed the violent screaming from the pro-abortion group. They were screaming crazy things and Barut stated that she had to explain to her seven-year-old what abortion is. Barut stated that she would like the Council to address this. Barut asked who approved the group.

LPD Deputy Chief Kim Bernard brought the Council up-to-date with some milestones happening at the PD. Chief Bernard stated that on August 5th, Chief Hart retired. There are also two, twenty-year employees; Captain Patrick Cheetham and Srgt. Scott Balukonis. Chief Bernard also stated that Dispatcher Amelia McKeever resigned due to the fact that she's moving. Chief Bernard thanked McKeever for all of her hard work and dedication to LPD.

Kristine Perez, 5 Wesley Drive, stated that she was flabbergasted and deeply offended from the group. It was horrible what went on and it continued down at Mack's Apples.

Tom Estey, 9 Old Nashua Rd, stated that during the parade, with the flag, people from Kevin Smith's campaign took pictures of that jeep and there were only two registered vehicles for the parade, his and Don Bolducs. Estey stated how the jeep got in there and no one addressed it. Este asked who was responsible for the parade and if it was Kirby. Chairman Farrell stated that she was not responsible. Estey stated that everyone is here tonight for answers. Estey stated that he saw Chairman Farrell pass by the area multiple times. Chairman Farrell stated that he never saw it. Estey stated that Kevin Smith's campaign took pictures and saw the flag.

PUBLIC HEARING

NONE

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NEW BUSINESS

Town Manager Michael Malaguti gave an Old Home Day debrief. Malaguti addressed complaints and presented a PowerPoint to the Council and public. See attached. Malaguti stated that the town received complaints from five citizens about the pro-abortion people, three citizens who felt that the town should have taken more stance against the flag, two citizens who felt that Londonderry C.A.R.E.S. booth on the Common should have not been there because of that groups support of LGBTQ youth, and two citizens who complained about the statement from the Council condemning the flag. Malaguti stated that the town heard from four to five people regarding safety issues, and vehicle and traffic issues.

Town Manager Malaguti went over the process of parade registration and how it's put together. It's a small group made up of town staff and a few volunteers. Malaguti stated that there were only two to three people who were directing the whole thing on the day. Sixty-two separate groups were there. Malaguti stated that in order to register, you fill out a form. The form is sent back to Kirby Brown. Kirby then organizes them and sends them to Steve Dente. Not a single applicant was turned away and the town has never turned anyone away. We also let in late participants. The Rotary offers volunteers to help down at the parade lineup. Malaguti stated that he drafted the parade script and he only edited them due to length. Malaguti shared the forms of the groups that the town received complaints about.

Malaguti went over the rules and laws of what the town can say yes and no to. Malaguti stated that Londonderry stood on the right side of the First Amendment, even when it's uncomfortable to.

Councilor Paul asked if we can limit the amount of people in the parade.

Ann Chiampa, 28 Wedgewood Drive, stated that this should be an old-fashioned type of day and its been blown out of proportion. Chiampa stated that we need to restrain it to the meaning of the day. Chiampa stated that it turned into a circus.

Racheal Killian, 6 Bridle Path, thanked Malaguti for all of his research. Killian stated that the memo that went out, didn't seem impartial. Killian stated that the vehicle wasn't apart of anyone's campaign. Killian stated that jeep was rebuilt by a resident who was recreating it to be a replica of that era. A member of the audience corrected Killian and stated he's

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104 from Pelham. Chairman Farrell stated that he wished the candidate would have come to the
105 meeting and the Council would have accepted his explanation. Killian stated that that is not
106 something that candidate would have supported had it come to his attention.

107
108 Jonathan Esposito, 5 Shelley Drive, stated that there were two safety concerns. Esposito
109 stated that his wife called the Police Department regarding a safety issue at Moose Hill at
110 approximately 10:40 the morning of OHD. Esposito stated that the dispatcher for the PD
111 apparently didn't log it. When SRO Perry arrived, he had not received a communication
112 from the PD. Esposito stated that two elected officials apparently thought the touch-a-truck
113 area was a private parking lot and decided to drag a cone halfway across it. Esposito stated
114 that he still hasn't heard an explanation from the town on it. Esposito stated that Sunday
115 evening he emailed Town Manager Malaguti about another safety issue in which he and his
116 children were within another elected officials' vehicles when they pulled out from the
117 parade.

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119 Chairman Farrell asked Malaguti if an email complaint was received. Malaguti stated it was
120 and it was passed along to the PD. Esposito stated that along with that his wife called the
121 PD that morning and Esposito claimed the call wasn't logged and it was never relayed to
122 SRO Perry that there was an elected official who was dragging a cone across the parking
123 lot. Deputy Chief Bernard stated that he did receive an email from Esposito and he did
124 promptly respond to his email. Chief Bernard stated that he checked the police log and there
125 was not a call logger, not to say she didn't call, and not to say that the dispatcher was busy
126 with everything's and forgot to enter a parking lot complaint. Chief Bernard stated that PD
127 had a busy day that day, he received the call log and emailed him back immediately.
128 Chairman Farrell asked where the second incident took place. Esposito stated the
129 Londonderry Middle School parking lot. The staging area. Esposito stated that this person
130 took off to get into line in an inappropriate manner. Malaguti stated that he also responded
131 to Esposito's email as well. Chief Bernard stated that two officers were present at the
132 beginning on the parade and no report was made to either of the officers who were stationed
133 at that location. Chairman Farrell let Esposito know that we can try to do better going
134 forward.

135
136 Kristine Perez, 5 Wesley Drive, stated that she witnessed the incident at the Middle School.
137 Perez stated that she finds it suspicious that the people taking picture of the flag that day
138 were connected with another campaign and a campaign that Chairman Farrell is very
139 involved with. Chairman Farrell stated that no accusations should be made and he does not
140 participate in Mr. Smith's campaign and he will not sit there and listen to accusations. Perez

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141 stated that she finds it suspicious that something came out about the flag and not the other
142 issues.

143
144 Martha Smith, 38 Shasta Drive, stated that OHD has been a long-standing tradition in all of
145 the New Hampshire towns to celebrate the history of the town. Smith asked if there was a
146 difference between inviting a politician in the parade and political issues being addressed in
147 a parade. Chairman Farrell stated that we only invite politicians at the National level.
148 Malaguti stated all the others find us. Malaguti stated that because of free speech, if you let
149 one in, you have to let the other in.

150
151 Councilor butler stated that going forward we need to tighten it up and he suggested that the
152 people filing these complaints should get involved.

153
154 Councilor Paul stated that OHD should be all volunteers and the town shouldn't be involved
155 and everyone in the room should step up.

156
157 Ray Breslin, 3 Gary Drive, stated that a lot of statements have been made and we have
158 learned how people can step up going forward.

159
160 Ted Combes, 6 Bancroft Road, stated that if we start eliminating groups, we will get in a lot
161 of legal trouble.

162
163 Jake Butler, 2 Danbury Ct, stated that this was a great OHD. Butler stated that politics has
164 become ugly and it's sad that it overshadowed the whole event. Butler thanked the OHD
165 committee for everything they did.

166
167 Janet Hutala, 5 Stony Point Drive, stated that when she arrived only the parade director
168 knew what was going on. Hutala stated Steve was doing a great job. Hutala stated things
169 could be done better but we shouldn't be blaming it on the organizations.

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171 Mike Pettengill, 5 Apollo Road Ext., thanked Malaguti for the presentation and stated that
172 all groups should work together and you open a can of worms when you start to say no to
173 some groups and not to others.

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Steve

Chairman Farrell introduced the first reading of Resolution #2022-14, an updated policy against harassment and reporting procedures. Motion to waive first reading and schedule a public hearing made by Councilor Franz and second by Councilor Butler. Chair votes 4-0-0.

APPROVAL OF MINUTES

Motion to approve the Town Council minutes from July 11, 2022 as amended made by Councilor Franz, with the correction of the resident's name change. Seconded by Councilor Butler. Chair votes 4-0-0.

OTHER BUSINESS

The Council discussed keeping the drought restrictions as is since the state is still in a drought. The Council voted 2-2 on the issues, keeping the restrictions as they are now.

Town manager Malaguti stated that a resident is seeking relief from the drought restrictions due to the fact that they just hydroseeded their lawn. The Council stated that the request is denied due to the fact that it's a new neighborhood and it wouldn't be fair to one neighbor and not the others.

Malaguti thanked staff members, Kirby Brown Justin Campo, Dave Wholley, Ilona Arndt and Katie Sullivan on all their hard work on OHD.

ADJOURNMENT

Motion to adjourn made by Councilor Franz and second by Councilor Butler. Chair votes 4-0-0.

Notes and Tapes by: Kirby Brown

Date: 8/29/2022

Minutes Typed by: Kirby Brown

Date: 9/6/2022

Approved by: Town Council

Date: 9/12/2022




Old Home Day 2022

Addressing Complaints about the Parade and
Booths on the Common

Parade Organization

- Town staff and volunteer involvement
- Registration
- Traffic



2022 LONDONDERRY OLD HOME DAY
Parade Registration Form
Parade Date: August 20, 2022
Celebrating 300 Years of Londonderry!
Women's March Londonderry

Business Name: _____

Contact Name: _____

Mailing Address: _____ Londonderry, NH 03053

Phone #: (____) _____ Cell Phone #: (____) _____

Contact E-Mail: _____

Please check all that apply and complete information required:

☐ We will have a float & spotters (for floats with children riding on them).

☒ We are a marching unit (# of marchers: _____ up to 40)

☐ We will have vehicles (# of vehicles: _____)

Please specify the type(s) of vehicle(s) you plan to have (if applicable) in the parade:

Please describe your organization below. This information will be used to announce your organization from the viewing stand during the parade.

Women's March Londonderry is a local grass-roots group focused on women's rights

and empowerment. Our participation in the Old Home Day celebration will be focused on

getting people, women in particular, to vote this coming election season

This form must be returned by mail, emailed, or in person to by **July 29, 2022**: Old Home Day Parade Committee, Londonderry Town Hall, 268B Mammoth Rd, Londonderry, NH 03053. Or email form to Kirby Brown at kbrown@londonderrynh.org.

Parade Participants

- **Town government groups:** Town Council, School Board, Senior Resources Committee, Police, Fire, DPW
- **Government endorsed or approved groups and people:** Grand Marshalls, Citizen of the Year, Volunteer of the Year,
- **Community groups:** LHS Band, Northeast Italian Band, Hobo Band, Pinkerton HS Band, NHPA Pipes & Drums, Alvirne HS Band, Great American Marching Band Grand Marshalls, founding families trolley, stilt walkers, Babe Ruth team, Wildcats, LHS Dance Team, Miss Londonderry and Miss Londonderry Outstanding Teen, Little Miss and Mr. Londonderry, Red Star Twirlers, Southern NH Gymnastics, NH Diamond Dawgs, Ovation Theater, Londonderry Soccer, Miss Nutfield Teen and Outstanding Teen, Antique Cars, Rhythmic Revolutions Twirling, Blue Lions,
- **Political groups:** Sununu, Londonderry incumbents, Hassan, Pappas, Democratic Committee, Women's March, Baxter, Republican Committee, Bolduc, Sherman, Priestly, Conway, Stacey, Knights of Columbus, Mowers, Smith, Morse
- **Businesses:** Jersey Mike's, Sit Means Sit, Hass Dental, Altitude Trampoline, Certa Pro Painters, Mack's Apples, Waste Management, Waste Innovations, Student Transportation
- **Individuals:** Kay Weber, Stan Weat

Parade - First Amendment

Government speech

- Government may speak for itself.
- First Amendment does not apply.
- Requires “effective control” over the message being conveyed. *Pleasant Grove City v. Summum*, 55 U.S. 460 (2009).
- Example: Londonderry’s annual 9/11 observances or a veterans’ parade

Forum for private speech

- “The First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dep’t of Chicago v. Mosley*, 408 U.S. 92 (1972).
- Exceptions: obscenity, child pornography, true threats, incitement to imminent lawless action
- Example: Flag pole at Boston City Hall Plaza or public comment at a Town Council meeting

Limited or Dedicated Public Forum

- Government entity may create a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects.
- Examples:
 - *Leake v. Drinkard*, 14 F.4th 1242 (11th Cir. 2021)
 - *Good News Club v. Milford Central School*, 553 U.S. 98 (2001)
- Restrictions must be reasonable and viewpoint neutral

Booths on the Common



<p>1 YMCA of Greater Londonderry 2 100 Women Who Care – Spread the Love 3-6 Elliot Health Systems 7 Solo Agrega LLC 8 St. Marks Knights of Columbus 9 Refined Roofing LLC 10 Beacon Church 11 603 Chimney, Duct & Vent 12 Knights of Columbus Council 6949 13 Ovation Theatre Company 14 Sit Means Sit Dog Training 15 Southern NH Gymnastics 16 So Fresh & So Clean LLC 17 Pipe Dreams Brewery 18 Nutfield Eye Associates 19 Liberty Mutual Insurance 20 Convention of State 21 CentraPro Painters 22 Health on the Fly 23-24 Woo Kickboxing Academy 25 Londonderry Republican Committee 26 Braver Angels 27 Renovate Fitness 28 C.A.R.E.S. 29 Londonderry Democratic Committee 30 Londonderry Women's Club</p>	<p>31 Londonderry 300th Birthday Booth 32 The Green Team 33 Conservation Commission 34 Beautify Londonderry 35 Londonderry Rail Trail 36 Spindel Eye Associates 37 Londonderry School District 38 Leach Library 39 Senior Resources Committee 40 House of Samurai 41-42 Orchard Christian Fellowship 43 Londonderry Police Association 44 Londonderry Arts Council 45 Pet Butler 46 Jersey Mikes ARTIST ROW 47 603 String Art 48 Autumn Blaze Woodcraft 49 Athena's by Rose 50 Patty's Paintings & Crafts 51 Lavish Llama Bath & Body LLC 52 Carol St. George Crochet 53 Color Street Nails 54 Bluett Arts LLC 55 Virginia Crawford 56 Candles by Lizryth</p>
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<p> Londonderry Fire Department Booth</p> <p> Londonderry Police Department Booth & Londonderry Cadet post</p> <p> Information Booth</p> <p> Presbyterian Church</p> <p> Londonderry Grange</p>	<p>57 Derry Appliance Repair 58 Wear Urna 59 The Upper Room 60-62 ALERT 63-64 Great American Subs & Girl Scouts 65-68 Londonderry Wildcats  Londonderry STEM  Touch -A-Truck & Morrison House</p> <p> LONDONDERRY'S OLD HOME DAY CELEBRATION</p> <p>See back for Adult Den →</p>
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Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power, and want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that *the ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market*, and that truth is the only ground upon which their wishes safely can be carried out. *That, at any rate, is the theory of our Constitution.*

Abrams v. U.S., 250 U.S. 616 (1919) (Holmes, J. dissenting)

Sources

- *Pleasant Grove City v. Summum*, 55 U.S. 460 (2009)
- *Police Dep't of Chicago v. Mosley*, 408 U.S. 92 (1972)
- *Leake v. Drinkard*, 14 F.4th 1242 (11th Cir. 2021)
- *Good News Club v. Milford Central School*, 553 U.S. 98 (2001)
- *Shurtleff v. Boston*, 142 S.Ct. 1583 (2022)
- *Abrams v. U.S.*, 250 U.S. 616 (1919)
- *Walker v. Sons of Confederate Veterans*, 576 U.S. 200 (2015)