
From: Jonathan Esposito
Sent: Tuesday, August 29, 2023 7:55 AM
To: Megan Carrier
Cc: Elizabeth D. Foster; Michael Malaguti
Subject: Town of Londonderry - Right to Know Request - Notarization Issue
Attachments: image002.png

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Atty Carrier

Thank you for your reply, noted

Jonathan Esposito

From: Megan Carrier <mcarrier@sheehan.com>
Sent: Tuesday, August 29, 2023 8:41:11 AM
To: Jonathan Esposito <[REDACTED]>
Cc: Elizabeth D. Foster <efoster@sheehan.com>; Michael Malaguti <mmalaguti@londonderrynh.org>
Subject: RE: Town of Londonderry - Right to Know Request - Notarization Issue

Mr. Esposito:

Thank you for this additional information. In response to your question below, you will need to submit a separate request to the Londonderry Police Department for documents held in that department's custody.

Thank you,
Megan

Megan C. Carrier | Sheehan Phinney Bass & Green PA | (603) 627-8103

From: Jonathan Esposito <[REDACTED]>
Sent: Thursday, August 24, 2023 8:43 AM
To: Elizabeth D. Foster <efoster@sheehan.com>
Cc: Megan Carrier <mcarrier@sheehan.com>
Subject: Re: Town of Londonderry - Right to Know Request - Notarization Issue

Good morning all,

If it assists the Town in responding in less than 21 days, here is supplemental information about the original complaint that rthat created the records I am seeking). Please see below.

////////

"The Smith's, fairly certain directed by Kevin Smith on the heels of announcing his US Senate run used town resources in the form of his former assistant Kirby Brown's notary services to notarize two threatening letters to Brian and Jessica Smith, and Mary Friedel. [REDACTED]

These are the facts.

Kirby confirmed with town officials, a town resident, and from what we were told State Investigators that Bruce was not there to sign, and that Bruce's signature was forged. Kirby had no record of the signature and could not confirm to Brian, Jessica, or Mary just who actually showed up. Kevin then used Town resources to have Officer Alfaro call Mary to tell her if she keeps it up she could be arrested. Keep what I ask?

[REDACTED] is this good use of town resources? Certainly unethical, vindictive, and perhaps criminal, at the very least we agree with Investigator Hogdon who confirmed to all of us that this was a clear notary violation.

Mary's word vs Bruce's word sure....Facts that the letters to intimidate were notarized by Kirby...Facts and no AG is needed to confirm that."

////////

Atty Carrier, Can you kindly clarify if these records will include records regarding officer alfaro's phone calls & involvement from the LPD in assisting the town with this matter? Or does that require a separate records request to LPD?

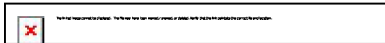
Thank you for advising.

Jonathan Esposito

From: Elizabeth D. Foster <efoster@sheehan.com>
Sent: Wednesday, August 23, 2023 11:54:07 AM
To: [REDACTED] <[REDACTED]>
Cc: Megan Carrier <mcarrier@sheehan.com>
Subject: Town of Londonderry - Right to Know Request - Notarization Issue

Good afternoon. Attached please find correspondence from Attorney Carrier.

Liz Foster
Legal Assistant to
Elizabeth A. Bailey, Esq.
Megan C. Carrier, Esq.
David W. McGrath, Esq.
John-Mark Turner, Esq.



Sheehan Phinney Bass & Green PA
1000 Elm Street, 17th Floor
Manchester, NH 03101
T 603.627.8143

F 603.627.8121

efoster@sheehan.com

www.sheehan.com

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From: Jonathan Esposito
Sent: Wednesday, November 15, 2023 11:58 AM
To: Arthur Rugg; Al Sypek; Lynn Wiles; Jake W. Butler; aciampa@londonderrynh.org; Jeff Penta; Roger Fillio; Jason Knights; Tony DeFrancesco; Ted Combes; Giovanni Verani; Bruce Hallowell III; Chad Franz
Subject: [New post] Planning Board Members Opposed to public Comment
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Fix yourselves.

I am requesting this message be read by the Chair for the record at the December 2023 Planning Board meeting.

Please advise.

Jonathan Esposito
[REDACTED]

From: TownUnderground.com, Londonderry NH <donotreply@wordpress.com>
Sent: Tuesday, November 14, 2023 12:43:50 PM
To: [REDACTED] <[REDACTED]>
Subject: [New post] Planning Board Members Opposed to public Comment



Planning Board Members Opposed to public Comment

Admin

Nov 14

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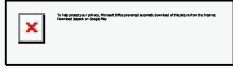
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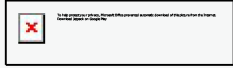
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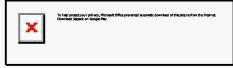
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Subject: Planning Board 9.13.23 | Lion's Hall CIP item & conduct of public comment
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Good morning,

I am troubled at the thinly veiled mockery of Londonderry citizens that occurred at the Planning Board at the 9.13.23 CIP workshop meeting.

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Please include this email in the minutes of the 9.13.23 Planning Board.

Jonathan Esposito
[REDACTED] Londonderry NH 03053

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[REDACTED] Londonderry NH 03053

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From: Jonathan Esposito
Sent: Thursday, July 27, 2023 5:52 AM
To: Kirby Brown; Michael Malaguti
Subject: CIP Committee web listings

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Good morning,

I've been perusing the various Town Committees, hence my traffic last week regarding the Budget Committee and when we would see minutes. (To date, I have not seen May's approved or June's draft minutes, which I believe is non-compliance with the RSA.)

I also noticed the CIP Committee doesn't have email links on the Town website. Normally the name of the individual on the committee for the town is a hyperlink that leads to their email.

However, on the CIP page, Jake Butler's link goes to a page that doesn't exist, Jeff Penta' and Ted Combes' go to a contact form instead of their email, and Sarah Meier and Bob Slater don't have working links at all.

Could the CIP Board Chair and Town Manager /designee kindly work to address this? There should be some standardization and residents should have a means to contact Committee members.

Thank you!

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, July 25, 2023 12:42 PM
To: Kirby Brown
Subject: Londonderry

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Good afternoon

The Londonderry rumor mill has produced that you have given your notice and will be departing town employment at some time in the near future.

I don't give too much stock to rumors. Nonetheless, if it is true and you are in fact departing employment with the town of Londonderry, I did wish to offer a brief apology for any negative or seemingly disparaging correspondence from myself as a citizen in the past.

Any perceived vitriol was specifically directed at what I often believe to be the incompetence of the municipality as a whole, rather than directed towards you as an individual.

If you are indeed departing, it would be extremely beneficial to me as a taxpayer, and my personal request to you, if you would submit an exit interview or exit statement even if not asked to conduct one by the Town.

Not as some great gotcha moment, not out of spite, but as a clear opportunity for insight into why the staffing situation at our town hall does not seem to be.....ideal.

Thank you and if the rumor is indeed correct I wish you well in your forward adventures.

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Friday, July 21, 2023 4:07 PM
To: Kirby Brown
Cc: Michael Malaguti; Patrick Cassidy
Subject: Budget Committee meeting minutes

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you all

I know there was video recording issues with that least one of the meetings recently so I am interested in seeing the finalized minutes from April and May. As of today both April and May meeting minutes were draft on the town website.

Patrick could you advise when you will be bringing the budget committee in compliance with 91A:2? I know the five working day requirement under the law is a tad stringent but we are almost 30 days after the June 22nd public meeting- would appreciate it if those draft minutes could be provided to Kirby so that they could be posted for citizen consumption.

Jonathan

From: Kirby Brown <kbrown@londonderrynh.org>
Sent: Friday, July 21, 2023 3:36:25 PM
To: Jonathan Esposito <[REDACTED]>
Cc: Michael Malaguti <mmalaguti@londonderrynh.org>; Patrick Cassidy <Pcassidy@londonderrynh.org>
Subject: RE: Budget Committee meeting minutes

Hi Jonathan,

I am copying the Budget Committee Chair, Patrick Cassidy, on this email. He can provide the finalized minutes, and whether the draft minutes were accepted for May. What is on the website is what I have been provided. Once we receive the minutes, they are usually put on the website right away.

Thank you,

Kirby

From: Jonathan Esposito <[REDACTED]>
Sent: Friday, July 21, 2023 2:23 PM
To: Kirby Brown <kbrown@londonderrynh.org>
Subject: Budget Committee meeting minutes

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon and sorry to trouble you

Could you advise when the final April and May minutes from the budget committee will be posted to the town website?
I was looking but it appears they are still draft.

Can you also advise when at least the draft of the June budget committee minutes is going to be posted?

Thank you very much!

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Friday, July 21, 2023 1:23 PM
To: Kirby Brown
Subject: Budget Committee meeting minutes

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Good afternoon and sorry to trouble you

Could you advise when the final April and May minutes from the budget committee will be posted to the town website? I was looking but it appears they are still draft.

Can you also advise when at least the draft of the June budget committee minutes is going to be posted?

Thank you very much!

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, July 11, 2023 6:26 PM
To: John W. Farrell; Michael Malaguti; TownCouncil
Cc: Kirby Brown
Subject: Town Council rules of order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Just as a clarification to earlier, to ensure that there was no mistake:

While Mr Chairman may consider the thread closed as far as future replies from the council, I still await a full answer and clarification from town manager malaguti on the three items I originally inquired about. The thread is not closed in the regards that I am still seeking clarification from the town manager upon his return to office.

I will give a reasonable amount of time following his return to office and then if no answer is forthcoming We will revert to 91A. Hopefully the Council can avoid incurring those additional expenses on behalf of the town.

Jonathan Esposito

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, July 11, 2023 4:37:42 PM
To: John W. Farrell <jfarrell@londonderrynh.org>; Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <TownCouncil@londonderrynh.org>
Cc: Kirby Brown <kbrown@londonderrynh.org>
Subject: Re: Town Council rules of order

Contrary to the assertion that no minutes would be created, I am requesting that this email thread be added to the minutes of last night's council meeting. As the town manager has been especially arbitrary in his inclusion of email traffic, as I pointed out regarding minutes for council meetings during calendar year 2022, it would be appropriate for you to be more inclusive on behalf of the municipality as opposed to less, Mr chairman.

Thank you

Jonathan

From: John W. Farrell <jfarrell@londonderrynh.org>
Sent: Tuesday, July 11, 2023 4:16:27 PM
To: Jonathan Esposito <[REDACTED]> Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <TownCouncil@londonderrynh.org>
Cc: Kirby Brown <kbrown@londonderrynh.org>
Subject: Re: Town Council rules of order

Town Councilors do not respond to this email as it constitutes a meeting.

This is completely inappropriate behavior

We will not hold meetings outside to the Town Council chambers no minutes will be created

Thread is now closed.

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, July 11, 2023 4:07 PM
To: John W. Farrell; Michael Malaguti; TownCouncil
Cc: Kirby Brown
Subject: Re: Town Council rules of order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for your response Chairman Farrell

No interpretation of a public meeting is intended and thank you for your clarification. Thank you for also clarifying that public business is conducted at public meetings and not through email. Unfortunately, as under your leadership the Londonderry Town Council has significantly restricted the opportunity and right of citizens to be heard at public meetings, conversations will continue with the town as a municipality as necessary to appropriately seek redress.

I am in receipt of your copies of The Town Council rules of order that were originally adopted in 2018, as well as the word document as they exist currently. These are the same rules that former chairman Tom Dolan declared to be aspirational but unenforceable.

I do believe I requested to know, per the town charter, at what public meeting the current session of the Town Council voted to adopt these rules.

As per public statements made by yourself as the chairman previously, a prior session of the town council cannot encumber the new session, and therefore these rules being adopted in 2018 would not be binding on this most recent session of the council unless they were readopted at the reorganization meeting within 10 days of the most recent town election.

As these rules were not voted on at the reorganization meeting in March of 2023, they would have to have been voted on by this current session of the Council, that includes Councillors Combes and Dunn, in order to be binding on citizens.

I will await further clarification from the town manager as to on what date the current session of the council beginning March 23 adopted these rules, and as to what the vote tally was to adopt them per the town charter. I have a feeling no such vote has occurred since March 2023.

I will also await the accounts payable documents backing up the claims of multiple advisement under Council that your rules are in fact binding on the new session of the council because this would contradict previous statements that you have made.

I will also await the town managers clarification on the inappropriate restriction of public comment prior to the licensing agenda item and vote on July 10th 2023.

Thank you again for your response Mr. Chairman.

My copying of the entire council in this response is simply to ensure widest dissemination, and as you noted does not in any way constitute or attempt to constitute conducting a public meeting.

I would add one final note-I would have simply ended my remarks requesting that you conduct public comment in a more favorable manner, had you not taken to scowling down at me from your podium. I was not in any way out of order declaring that you needed to conduct yourself with more decorum and to remove the extremely displeased scowl from your visage. This is not the first time that I have addressed a shocking lack of decorum from those who, volunteer or not, are servants and beholden to the public.

As far as I am concerned, you can sit there and put a smile on your face and play nice just like everyone else who serves the public.

If you find that you are unable to restrain your personal displeasure from the professional conduct of your town office at a public meeting, a resignation may be in order.

I will await Mr malaguti's return.

Jonathan Esposito

From: John W. Farrell <jfarrell@londonderrynh.org>

Sent: Tuesday, July 11, 2023 3:48:13 PM

To: Jonathan Esposito <[REDACTED]> Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <TownCouncil@londonderrynh.org>

Cc: Kirby Brown <kbrown@londonderrynh.org>

Subject: Re: Town Council rules of order

Good afternoon

Michael Malaguti is on vacation until July 17, 2023.

The Town Council will take your comments under advisement we only conduct meetings in public and will not be responding to your mail in detail.

Please do not reply all or reply to this mail as that communication would be inappropriate and possibly constitute a meeting.

The Town Council does not meet privately with citizens to address public matters. We don't continue conversations from the night before. Many of your statements below are based on your interpretations and opinions as previously stated we will take them under advisement.

With regard to the Town Council's Rules this has been answered multiple times since their adoption after months of public discussions. The Town Manager most recently responded to Glenn Douglas in March of 2023.

As a courtesy I have attached the documents provided to him. You may want to contact Mr. Douglas for any additional communications, possibly he has already shared this with you. Perhaps you should check your records.

Any other items the Town Manager may or may not chose to respond and this may or may not happen upon his return from vacation.

To be extremely clear the Town Council conducts their business in the Town Council Chambers not on email. We will not be responding to anything further on this email thread as that could be view as a meeting.

Thank you

John Farrell
Chairman, Londonderry Town Council

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, July 11, 2023 1:54 PM
To: Michael Malaguti; TownCouncil
Subject: Town Council rules of order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Good afternoon

Continuing last night's conversation, as I do not believe the Tom Council chairman was correct in stating that I misinterpret the charter:

1. Could the town kindly advise on what date and at what meeting the town council voted to accept the current rules of order purported by Chairman Farrell? I recall no such vote, only chairman Farrell announcing them prior to public comment at the meeting following the reorganization. As chairman Farrell is not empowered to unilaterally determine the council rules of order, can you kindly also confirm per the charter what the vote tally was by name?

2. In lieu of a 91A request, could you kindly produce for me the AP invoices for the dates of consultation described by Mr chairman at the July 10th 2023 Meeting? In response to public comment by citizen Tom Estey, Mr Chairman stated that the console had consulted with attorneys "multiple times" and been advised to that their rules of order were in fact binding, even in light of the fact they were not voted on during the reorganization meeting.

I apologize that I cannot give you a more narrow time frame for the second request, it is not my goal to waste taxpayer resources but chairman Farrell was not clear on when these consultations occurred. I would assume that a reasonable date range would be March 14th 23 to July 19th 23.

3. Could the town confirm in writing whether or not public comment was due to be allowed before the conclusion of the licensing agenda item? I was not clear as one citizen was informed that public comment was not allowed and was then escorted out under claims he was unruly, but then after private consultation the council appeared to agree to allow public comment.

Please respond to these three inquiries within five working days if reasonably practical. I eagerly await your replies.

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, July 11, 2023 3:38 PM
To: John W. Farrell; Michael Malaguti; TownCouncil
Cc: Kirby Brown
Subject: Town Council rules of order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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Thank you

Jonathan

From: John W. Farrell <jfarrell@londonderrynh.org>
Sent: Tuesday, July 11, 2023 4:16:27 PM
To: Jonathan Esposito <[REDACTED]> Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <TownCouncil@londonderrynh.org>
Cc: Kirby Brown <kbrown@londonderrynh.org>
Subject: Re: Town Council rules of order

Town Councilors do not respond to this email as it constitutes a meeting.

This is completely inappropriate behavior

We will not hold meetings outside to the Town Council chambers no minutes will be created

Thread is now closed.

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, July 11, 2023 4:07 PM
To: John W. Farrell; Michael Malaguti; TownCouncil
Cc: Kirby Brown
Subject: Re: Town Council rules of order

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Thank you for your response Chairman Farrell

No interpretation of a public meeting is intended and thank you for your clarification. Thank you for also clarifying that public business is conducted at public meetings and not through email. Unfortunately, as under your leadership the Londonderry Town Council has significantly restricted the opportunity and right of citizens

to be heard at public meetings, conversations will continue with the town as a municipality as necessary to appropriately seek redress.

I am in receipt of your copies of The Town Council rules of order that were originally adopted in 2018, as well as the word document as they exist currently. These are the same rules that former chairman Tom Dolan declared to be aspirational but unenforceable.

I do believe I requested to know, per the town charter, at what public meeting the current session of the Town Council voted to adopt these rules.

As per public statements made by yourself as the chairman previously, a prior session of the town council cannot encumber the new session, and therefore these rules being adopted in 2018 would not be binding on this most recent session of the council unless they were readopted at the reorganization meeting within 10 days of the most recent town election.

As these rules were not voted on at the reorganization meeting in March of 2023, they would have to have been voted on by this current session of the Council, that includes Councillors Combes and Dunn, in order to be binding on citizens.

I will await further clarification from the town manager as to on what date the current session of the council beginning March 23 adopted these rules, and as to what the vote tally was to adopt them per the town charter. I have a feeling no such vote has occurred since March 2023.

I will also await the accounts payable documents backing up the claims of multiple advisement under Council that your rules are in fact binding on the new session of the council because this would contradict previous statements that you have made.

I will also await the town managers clarification on the inappropriate restriction of public comment prior to the licensing agenda item and vote on July 10th 2023.

Thank you again for your response Mr. Chairman.

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I would add one final note-I would have simply ended my remarks requesting that you conduct public comment in a more favorable manner, had you not taken to scowling down at me from your podium. I was not in any way out of order declaring that you needed to conduct yourself with more decorum and to remove the extremely displeased scowl from your visage. This is not the first time that I have addressed a shocking lack of decorum from those who, volunteer or not, are servants and beholden to the public.

As far as I am concerned, you can sit there and put a smile on your face and play nice just like everyone else who serves the public.

If you find that you are unable to restrain your personal displeasure from the professional conduct of your town office at a public meeting, a resignation may be in order.

I will await Mr malaguti's return.

Jonathan Esposito

From: John W. Farrell <jfarrell@londonderryh.org>

Sent: Tuesday, July 11, 2023 3:48:13 PM

To: Jonathan Esposito <[REDACTED]> Michael Malaguti <mmalaguti@londonderryh.org>; TownCouncil <TownCouncil@londonderryh.org>

Cc: Kirby Brown <kbrown@londonderryh.org>

Subject: Re: Town Council rules of order

Good afternoon

Michael Malaguti is on vacation until July 17, 2023.

The Town Council will take your comments under advisement we only conduct meetings in public and will not be responding to your mail in detail.

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With regard to the Town Council's Rules this has been answered multiple times since their adoption after months of public discussions. The Town Manager most recently responded to Glenn Douglas in March of 2023.

As a courtesy I have attached the documents provided to him. You may want to contact Mr. Douglas for any additional communications, possibly he has already shared this with you. Perhaps you should check your records.

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Thank you

John Farrell

Chairman, Londonderry Town Council

From: Jonathan Esposito <[REDACTED]>

Sent: Tuesday, July 11, 2023 1:54 PM

To: Michael Malaguti; TownCouncil

Subject: Town Council rules of order

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Good afternoon

Continuing last night's conversation, as I do not believe the Tom Council chairman was correct in stating that I misinterpret the charter:

1. Could the town kindly advise on what date and at what meeting the town council voted to accept the current rules of order purported by Chairman Farrell? I recall no such vote, only chairman Farrell announcing them prior to public comment at the meeting following the reorganization. As chairman Farrell is not empowered to unilaterally determine the council rules of order, can you kindly also confirm per the charter what the vote tally was by name?

2. In lieu of a 91A request, could you kindly produce for me the AP invoices for the dates of consultation described by Mr chairman at the July 10th 2023 Meeting? In response to public comment by citizen Tom Estey, Mr Chairman stated that the console had consulted with attorneys "multiple times" and been advised to that their rules of order were in fact binding, even in light of the fact they were not voted on during the reorganization meeting.

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3. Could the town confirm in writing whether or not public comment was due to be allowed before the conclusion of the licensing agenda item? I was not clear as one citizen was informed that public comment was not allowed and was then escorted out under claims he was unruly, but then after private consultation the council appeared to agree to allow public comment.

Please respond to these three inquiries within five working days if reasonably practical. I eagerly await your replies.

Jonathan Esposito

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From: Jonathan Esposito
Sent: Tuesday, July 11, 2023 3:07 PM
To: John W. Farrell; Michael Malaguti; TownCouncil
Cc: Kirby Brown
Subject: Town Council rules of order

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Thank you for your response Chairman Farrell

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declaring that you needed to conduct yourself with more decorum and to remove the extremely displeased scowl from your visage. This is not the first time that I have addressed a shocking lack of decorum from those who, volunteer or not, are servants and beholden to the public.

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I will await Mr malaguti's return.

Jonathan Esposito

From: John W. Farrell <jfarrell@londonderrynh.org>

Sent: Tuesday, July 11, 2023 3:48:13 PM

To: Jonathan Esposito <[REDACTED]> Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <TownCouncil@londonderrynh.org>

Cc: Kirby Brown <kbrown@londonderrynh.org>

Subject: Re: Town Council rules of order

Good afternoon

Michael Malaguti is on vacation until July 17, 2023.

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Thank you

John Farrell
Chairman, Londonderry Town Council

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, July 11, 2023 1:54 PM
To: Michael Malaguti; TownCouncil
Subject: Town Council rules of order

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Good afternoon

Continuing last night's conversation, as I do not believe the Tom Council chairman was correct in stating that I misinterpret the charter:

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Please respond to these three inquiries within five working days if reasonably practical. I eagerly await your replies.

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, July 11, 2023 12:57 PM
To: Kirby Brown
Cc: Michael Malaguti; TownCouncil
Subject: Town Council rules of order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hey Kirby not sure if you can advise or if the inquiries will need to await Mike's return

Jonathan Esposito

From: Michael Malaguti <mmalaguti@londonderrynh.org>
Sent: Tuesday, July 11, 2023 1:54:46 PM
To: Jonathan Esposito <[REDACTED]>
Subject: Automatic reply: Town Council rules of order

I will be out of the office from July 11 through July 14. If you need immediate assistance please reach out to Kirby Brown at kbrown@londonderrynh.org, or 603-432-1100 x120.

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, June 20, 2023 8:41 AM
To: Kirby Brown; Michael Malaguti; Pollyann Winslow
Subject: Personal item

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

So sorry to trouble you folks.

I wanted to thank you once again for the excellent leadership Londonderry program and the graduation event in the barn was very pleasant. This was well done and kudos to you all for it. I hope Mr Maliguti will remind me of my kind words if I ever get ahead of myself in the future in my correspondence to the town (it happens)

That being said, a minor request: did anyone happen to collect a slightly faded ball cap that says Londonderry on the front of it? I may have left it under a chair at the event.

Thank you for the time!

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Friday, June 2, 2023 4:24 PM
To: Michael Malaguti; TownCouncil; Kirby Brown
Subject: Londonderry Budget committee opening 2023

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

Could you advise when the opening for the budget committee will be posted by the town?

Alternatively, if the most recent vacancy has already been posted, could you advise on what date that it was posted?

Lastly, could you advise at what upcoming public meeting of the Town Council Will candidate's interviews and appointments be heard?

Your response is respectfully requested within five working days

Jonathan Esposito
[REDACTED]

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Thursday, June 1, 2023 10:19 AM
To: Kirby Brown
Cc: Londonderry GOP
Subject: OHD Parade Form
Attachments: 2023 OHD Parade Registration Form - Londonderry Republican Committee.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning

Please see attached parade registration form for the Londonderry Republican Committee

Kindly confirm receipt at your earliest convenience?

Jonathan Esposito
LRC Chair

This email was scanned by Bitdefender



2023 LONDONDERRY OLD HOME DAY

Parade Registration Form


Parade Date: August 19, 2023 at 10:15 AM

Business Name: Londonderry Republican Committee

Contact Name: Jonathan C. Esposito

• Contact name is the responsible party for your group on the day of the parade.

Mailing Address: 

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 (Please specify the # of marchers: 6-12)
- We will have vehicles (Please specify the # of vehicles: 1 For Float)

THERE IS A NEW LINEUP LOCATION THIS YEAR AT THE LAFA FIELDS

***Check-in and lineup will be from 8:00 AM – 9:15 AM.**

Please note: Lineup will be determined by the parade committee. Turning in your application **does not mean** acceptance into the parade. Applications will be reviewed by the Old Home Day Chairs. You will receive an email with detailed information once your application is accepted.

This form must be returned by mail, emailed, or in person to by **July 28, 2023**: Old Home Day Parade Committee, Londonderry Town Hall, 268B Mammoth Rd, Londonderry, NH 03053. Or email form to Kirby Brown at kbrown@londonderrynh.org.

From: Jonathan Esposito
Sent: Wednesday, March 29, 2023 9:45 PM
To: Michael Malaguti; Kellie Caron
Subject: Groups of citizens seeking Town Facility Access

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good evening,

I'd like to begin by stating that I just peaceably assembled with Litchfield citizens last night in their Fire Department common room. Their station is a lot smaller and more humble than ours, and yet we had access even to visual communication software provided by the FD, to set up Zoom for Virtual Attendees. No cost, no problem.

I imagine that the Londonderry Fire chief, much like Police Chief Bernard, has delegated authority to be a steward of that property and grounds. I offer that example not as a request to use the FD, but specifically as a model of what reasonable access for citizens, with restrictions, can and should look like.

I do seek to be less contrarian in the nature of our communications, but I am compelled to offer that I have taken a fairly comprehensive sampling of our local communities, both geographic comparison and per Capita comparison (similar population sizes and town budgets) to include their various municipally owned, taxpayer funded facilities that have meeting spaces/halls/community rooms (not just Town Hall). I would be glad to summarize this data in an excel sheet and present it to you, but allow me to generalize and state that the trend is overwhelmingly in favor of citizen access, without cost, with reservation/reasonable notice, and with restrictions (as you noted.)

I do appreciate that you are continuing to examine the feasibility of rental of Town Hall to groups of citizens, as the Town Manager in charge of facilities under the Charter.

However, I must refer to John Farrell's statement as the Town Council Chairman during public comment on 3.20.23, in response to remarks that I made during public comment. Chairman Farrell stated plainly:

-there was a resolution in the 2000s,

- there is an entire sanctioning process as a result of this resolution, to be sanctioned "by the Town Council" was the authority he cited, and

-that "any group" of citizens can apply for said sanction from the Council, to use Town Facilities in the same fashion as the example I cited (the nonprofit Londonderry Soccer Club.)

We have agreed on the fact that the sanction process referenced by Mr. Chairman was the one offered to Recreation groups, which is, to use Town Hall facilities without cost, with reasonable notice and restriction.

In keeping with Mr. Chairman's remarks that "any group" of citizens may be sanctioned by the council, The Town has historically sanctioned even non recreation groups to use Town Hall, such as the Historical Society, a nonprofit that has met in the Moose Hill Council Chambers in the past.

If I may Mr. Town Manager, while I believe examining renting Town Hall for a modest fee to citizens is a step in the right direction;

I am still plainly and separately once again requesting that the sanctioning process/mechanism be made available to me, as applied even to non recreation groups.

It is my intent to apply for sanction/approval from Town Council, to gather at a Town Hall meeting space, with notice, with restrictions, but without cost, as per the LSC and Historical Society examples cited.

Kindly advise thru what mechanism I may make this request?

Jonathan Esposito

From: Michael Malaguti <mmalaguti@londonderrynh.org>

Sent: Wednesday, March 29, 2023 9:27:43 PM

To: Kellie Caron <kcaron@londonderrynh.org>; [REDACTED] <[REDACTED]>

Subject: Re: Groups of citizens seeking Town Facility Access

Hello again,

I have reviewed prior email traffic and believe I have accurately set forth the Town's historic and existing policy about the reservation and use of town hall meeting spaces.

I have reached out to 4 surrounding communities, and heard back from 3.

Of the entities I surveyed and heard back from:

- 1 does not rent Town Hall; and
- 2 do rent Town Hall, for \$75 and \$80 per meeting.

All have restrictions.

I am evaluating the feasibility of making space available for public rental on the first floor of Town Hall and intend to soon address this publicly.

In the meantime, the Senior Center is currently available for rental. Please let me know if you would like me to connect you with them.

Sincerely,

Michael J. Malaguti
Town Manager
Town of Londonderry
603-432-1100 x 151

From: Michael Malaguti

Sent: Monday, March 27, 2023 10:20 PM

To: Kellie Caron; [REDACTED]

Subject: Re: Groups of citizens seeking Town Facility Access

Good evening,

The only "sanctioning" process of which I am aware is reflected in the attachment to your email. As you noted, it applies to recreation groups.

I am doing some additional due diligence to better inform my reply to you. I appreciate your patience.

Sincerely,

Michael J. Malaguti
Town Manager
Town of Londonderry
603-432-1100 x 151

From: Kellie Caron
Sent: Tuesday, March 21, 2023 4:57 PM
To: [REDACTED]
Cc: Michael Malaguti
Subject: RE: Groups of citizens seeking Town Facility Access

Mr. Esposito,

My understanding is you are seeking the sanctioning process/information discussed at the Town Council meeting yesterday 3/20. I will defer to the Town Manager to ensure you receive accurate and current information about this.

Your patience is appreciated.

Thank you,

Kellie Caron
Assistant Town Manager | Director of Economic Development
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053
(603) 432-1100 x 129

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, March 21, 2023 9:18 AM
To: Kellie Caron <kcaron@londonderry.org>
Subject: Fwd: Groups of citizens seeking Town Facility Access

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Not sure if you can reply in Mr malaguti's absence

Jonathan Esposito

From: Michael Malaguti <mmalaguti@londonderry.org>
Sent: Tuesday, March 21, 2023 9:16:53 AM
To: Jonathan Esposito <[REDACTED]>
Subject: Automatic reply: Groups of citizens seeking Town Facility Access

I am out of state with limited access to phone and email, and will return to the office on Tuesday March 28. The Assistant Town Manager, Kellie Caron, will act as Town Manager during this time. Please feel free to reach out to her in my absence at kcaron@londonderrynh.org.

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Thursday, March 23, 2023 6:57 AM
To: TownCouncil; Kellie Caron; Michael Malaguti
Subject: Violation of acceptable use policy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I notice that the Town Manager had time to put a letter in the paper, suggesting that citizens who currently come to Town Council Meetings are ones with extreme polar ends of views and that more moderate citizens need to attend.

I agree that more citizens need to attend so more voices are in being heard in the public sphere. I disagree with the contention made that those who are currently attending are of extreme ends of citizens viewpoints. Holding government officials accountable is not divisive, contrary to attempts to paint citizens in a negative light.

As there has been time to draft correspondence criticizing the citizens who participate in Town government, I just wanted to query if the Town Manager also had time to follow up on this complaint of misuse of electronic resources.

Could you kindly confirm receipt and advise?

Jonathan Esposito

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, March 14, 2023 9:08:04 AM
To: Michael Malaguti <mmalaguti@londonderrynh.org>; TownCouncil <towncouncil@londonderrynh.org>
Subject: Violation of acceptable use policy

Hello,

I contend that the retransmission of my emails sent to the town as citizen correspondence with the municipality,

From John Farrell's personal email address, as well as Jim Butler's distributed correspondence,

Both violated the towns acceptable use policy as attached.

Both councillors transmitted emails regarding complaints about corruption and complaints, as well as official 91A work product, to private email groups.

The acceptable use policy states that it covers board and committee members and anyone entrusted with information from the town of Londonderry.

The acceptable use policy and applicable subsections spell out clearly:

A. network access provided by the town is for business purposes only.

B. information sent to the town is proprietary and may only be shared with Town Manager approval.

C. blanket forwarding of emails outside the towns network is specifically prohibited.

D. Concealing one's identity is prohibited (intentionally not signing off on emails).

E. intimidating, hostile, or offensive comments are prohibited.

Please note that there is a specific provision in the acceptable use policy that states these tenets apply, even when accessing the internet network from personal means, if the individual is doing so in a manner in which they may be identified as an official of the town of Londonderry. John Farrell's use of his [REDACTED] email which he has previously transmitted official correspondence on, identifies him as an official of the town of Londonderry.

It is my contention that emails sent on March 7th and March 8th by both chairman Farrell and councilor Butler, violate the above terms of the acceptable use policy, with the exception of item d, as I believe counselor Butler identified himself in his emails, so this section would not apply.

Please note that in denying to substantiate my election law complaint, the department of Justice clearly accepted the fact that town officials were transmitting private correspondence from their personal email address. This is a material fact not disputed by the DOJ, as the assistant attorney general stated that their behavior was not an election law violation, but covered free speech.

As there is no contest as to whether or not these officials were engaged in the aforementioned behavior, and even if it was free speech, I respectfully submit that the town of Londonderry and the town manager are obligated to enforce the acceptable use policy for the violations noted.

Please advise

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Tuesday, March 21, 2023 8:18 AM
To: Kellie Caron
Subject: Groups of citizens seeking Town Facility Access

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Not sure if you can reply in Mr malaguti's absence

Jonathan Esposito

From: Michael Malaguti <mmalaguti@londonderrynh.org>
Sent: Tuesday, March 21, 2023 9:16:53 AM
To: Jonathan Esposito <[REDACTED]>
Subject: Automatic reply: Groups of citizens seeking Town Facility Access

I am out of state with limited access to phone and email, and will return to the office on Tuesday March 28. The Assistant Town Manager, Kellie Caron, will act as Town Manager during this time. Please feel free to reach out to her in my absence at kcaron@londonderrynh.org.

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Monday, February 27, 2023 1:27 PM
To: Kellie Caron; TownCouncil
Subject: Letters

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Copying the assistant Town manager as I got the town managers out of office reply

For the record this is the third transmission of this inquiry, the first transmission was sent on January 26th and the second on February 14th

A lack of any substantive reply for over 30 days gives the appearance that the council and the town are ducking the matter in a cowardly fashion

A reminder that requested suspense is March 3rd 2023. For the record, this inquiry is not going away.

Jonathan Esposito

From: Jonathan Esposito <[REDACTED]>
Sent: Monday, February 27, 2023 1:22:21 PM
To: townCouncil@londonderrynh.org <townCouncil@londonderrynh.org>
Cc: Michael Malaguti <mmalaguti@londonderrynh.org>
Subject: Re: Letters

Getting a little ahead of myself with impatience perhaps but this is a roughly 14-day follow up to the below inquiry inquiring why letters requested to be added to council meeting minutes are not being added.

Requested suspense for your reply is 03 March 2023

Jonathan Esposito

From: Jonathan Esposito <[REDACTED]>
Sent: Tuesday, February 14, 2023 9:10:01 PM
To: townCouncil@londonderrynh.org <townCouncil@londonderrynh.org>
Cc: Michael Malaguti <mmalaguti@londonderrynh.org>
Subject: Letters

Following up on my inquiry regarding no letters being attached to TC meeting minutes in 2022, despite submissions and requests from both citizens and duly elected representatives that such submissions be included with TC meeting minutes.

Why?

I await your reply.

Jonathan Esposito

This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Saturday, August 20, 2022 3:07 PM
To: Kirby Brown
Subject: No barricade for touch a truck

Flag Status: Flagged

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Very bad ball drop

Sending for record

Jonathan Esposito

Sent from Samsung Galaxy smartphone.
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This email was scanned by Bitdefender

From: Jonathan Esposito
Sent: Saturday, July 23, 2022 3:09 PM
To: Kirby Brown
Cc: Lisa Drabik
Subject: Trailer situation Shelley Drive

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Not to make a fool of the very kind officer who came to the neighborhood

And was told it was "just there for the day for utility work"

Has been there since that encounter several days ago, unmoved from where it has sat

I understand our friends from PD were gonna drop by eventually and also check with zoning

--Kirby, I did not receive a response from the town - can you confirm if Londonderry has had past zoning/legal issues with 6A/6B Shelley Drive as Donna verbally stated?--

Please consider this a formal inquiry and please respond no later than close of business 7.25.22.

Thank you!

Jonathan Esposito

Sent from Samsung Galaxy smartphone.

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From: Jonathan Esposito
Sent: Wednesday, July 20, 2022 5:00 PM
To: Kirby Brown
Subject: Addendum

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Going to limit my correspondence to you and allow you to disseminate so that I do not overstep

The officer in her mixed guidance/response stated to call LPd later in the day if the trailer from this AM was still onsite. I will not be troubling LPD after they made their position clear on the matter this AM

Please see attached, photos from my side mirror so as not to inadvertently provoke anyone

Trailer is still there in the roadway circa 5:56 PM tonight

Understood perhaps no town ordinance RE parking 100% on the roadway

Still wish to document RE my prior inquiry regarding enforcement of commercial use in a residential zone

V/r

Jonathan Esposito
5 Shelley Drive

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From: Jonathan Esposito
Sent: Wednesday, July 20, 2022 8:48 AM
To: Kirby Brown; Donna Limoli
Subject: Complaint for Zoning Dept
Attachments: 20210729_104306.jpg; 20210729_104310.jpg; 20210729_104247.jpg; 20210729_104219.jpg

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kirby, Donna

Donna had advised me when I spoke to her last year that to enable the town to pursue this matter I would need to make a formal written complaint and not just call in to the town

Please see below my written complaint documenting the beginning of this issue last year. I hope this will be helpful. I emailed it to Sherry Farrell and mailed a copy to Donna.

I also noted the PD interaction from last year which I referenced in today's earlier emails.

Sent from Samsung Galaxy smartphone.
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From: Jonathan Esposito <[REDACTED]>
Sent: Thursday, July 29, 2021, 11:31
To: SFarrell@londonderry.org <SFarrell@londonderry.org>
Subject: Complaint for Zoning Dept

Sorry to trouble you as the town clerk, could you forward to zoning?? Regards.

I would like to file a written complaint regarding the homeowner and Tenant at 6A and 6B Shelley Drive.

This email shall serve as my complaint in writing, dated 7.29.21.

I have had several verbal interactions with the folks at 6 Shelley Drive regarding their fencing company. The tenants work for a fencing company offsite but they use the Cul-De-Sac on Shelley Drive for commercial staging. On multiple dates between 6.29.21 and 7.29.21, 3-4 day laborers with MA plates are parking in the Cul-De-Sac, despite 6 Shelley Drive having extensive driveway space, and leaving their vehicles to go work at other sites.

At least twice a week between the same dates, the folks at 6 Shelley Drive are having equipment dropped off from Wayside Fence Co., which they then stage either on a small trailer that they park in the cul-de-sac daily, or is loaded to be brought to other job sites.

To restate, these laborers and supplies are not working here on Shelley Drive. They are using the Cul-De-Sac as commercial staging for their fence operations elsewhere.

My verbal attempts to address the tenant and homeowner were rebuffed. I placed one or two complaint calls to the zoning dept and was advised to place this complaint in writing.

This Zoning issue because a traffic issue on 7.29.21 and I had to contact the Londonderry police. A black Chevy with MA plate 7HAV 10 attempted to drop a trailer of supplies directly in front of my residence on my side of the circle. When I requested that the fence day laborer not leave his trailer in the roadway in the Cul-De-Sac, he became verbally abusive, swearing and calling me "tough guy." Londonderry PD came and addressed the issue, I do not recall the officers name who reported but I contacted dispatch around 1140 AM.

Please address this improper commercial use of the Shelley Drive roadway by the fence company being operated out of 6 Shelley Drive by the owners and tenants.

Jonathan Esposito



Sent from Samsung Galaxy smartphone.
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WAYSIDE
FENCE CO.

800-847-7789

waysidefence.com

US DOT 491871



NEW YORK

From: Jonathan Esposito
Sent: Wednesday, July 20, 2022 8:35 AM
To: Kirby Brown; Donna Limoli
Subject: 6 Shelley Drive

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello

I guess I am very confused by the statement that folks do not know what I am referring to.

The town of Londonderry has previously had a matter at 6A and 6B shall we drive with the owners and residents (Zannini?) I do not know who owns and who leases.

I contacted the town in 2021 because for the last several years the tenants across the street have parked trucks and trailers all over the cul-de-sac as they were coming and going.

In 2021 I had spoken via telephone with Donna who informed me that the town of Londonderry had previously been into court over the folks at 6A/6B shall we drive using the residential zone for commercial purposes. Supposedly they were already under an order to not be using the zone for the operation of a commercial enterprise

Donna informed me last year at the time of the June slash July complaints that I am referencing that the town would likely have to go back into court in order to compel the 6A/6B Shelly Dr residents to comply with the order to not operate a commercial enterprise in the residential zone.

After my calls to Donna last year as well as the LPD incident in June or July that you were kind enough to forward on, they no longer parked their fence company trucks in the cul-de-sac and have been reasonable and gracious fellow residents for the last year or so.

In the last two weeks we have been away out of town camping but I have been returning to the residence early in the morning and late at night to check on things and tend to home items in our absence and I noticed that in our absence they immediately resumed parking multiple commercial vehicles and trailers there. The first e-mail with the green truck and trailer was related to their fence company business, the second and third emails were conjoined also regarding them using the cul-de-sac for parking for their fence company business which I also photographed and documented.

Kirby

I appreciate your involving LPD on the matter but I am specifically seeking input from the town zoning side and not just the Police Department side and I am specifically inquiring with the town where Donna informed me the town had been to court against these residents for this matter before

It is my contention that if the town had been to court against the residents over using this area which is residential, as a commercial zone, then the town is obligated to continue to follow up on that matter and I don't understand why Donna does not recall any of that conversation?

Can anyone advise??

Jonathan Esposito

Sent from Samsung Galaxy smartphone.
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From: Kirby Brown <kbrown@londonderrynh.org>
Sent: Wednesday, July 20, 2022 9:27:08 AM
To: Donna Limoli <dlimoli@londonderrynh.org>; Jonathan Esposito <[REDACTED]>
Subject: RE: 6 Shelley Drive

Hi Jonathan,

Thank you for your email. I've forwarded it to the Police Department and to Code Enforcement. Someone should be reaching out to you soon.

Thank you,

Kirby

From: Donna Limoli <dlimoli@londonderrynh.org>
Sent: Wednesday, July 20, 2022 9:08 AM
To: Jonathan Esposito <[REDACTED]>
Cc: Kirby Brown <kbrown@londonderrynh.org>
Subject: RE: 6 Shelley Drive

Hi Jonathan,

To the best of my knowledge we do not have a ban on parking in the Right-of-way until the winter which would be in effect from November 1 to April 1, 2022.

Since I am not familiar with your other issues I have forwarded your 3 emails to Executive Assistant, Kirby Brown. She may be able to lead you in the right direction.

Best regards,
Donna

From: Jonathan Esposito <[REDACTED]>
Sent: Wednesday, July 20, 2022 5:51 AM
To: Donna Limoli <dlimoli@londonderrynh.org>
Subject: 6 Shelley Drive

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Came home at 5 this morning from a camping trip away

They apparently are back to using the circle as storage/parking for their trailers for their work that they perform offsite.

My cul de Sac is becoming commercial parking again.

Is business parking on the main thoroughfare in defiance of town guidance a stationary offense that I can call into the PD?

Can you advise if the town is in fact pursuing redress against these folks for violating the previous order to not run a fence business here?

What are my options because I hate to be that complaining neighbor but I am about to take some of my Disabled Veteran income and divert it from my family to a civil filing in Rockingham if I could find grounds for one.

At this point I would file both against the owners/tenants and even against Londonderry if it would make the town uncomfortable and force a result quicker

Can I make this a town council issue

Please advise

V/r

The Esposito's

 Londonderry

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From: Jonathan Esposito
Sent: Monday, July 18, 2022 9:19 AM
To: Kirby Brown
Subject: Policy

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Hi Kirby

Following up as I briefly saw an out of office from the very kind Mr. Malaguti

Could you kindly direct me to the town policy I am inquiring about below

Very Respectfully

Espo

Jonathan Esposito

Sent from Samsung Galaxy smartphone.
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From: Jonathan Esposito <[REDACTED]>
Sent: Monday, July 18, 2022 10:16:02 AM
To: mmalaguti@londonderry.org <mmalaguti@londonderry.org>
Subject: Policy

Policy Question for you sir, and good morning

Can you kindly direct me to the Londonderry Town policy/ordinance covering the lease and management of Town owned properties?

I'm trying to draw some correlation/similarity between how the town has handled the nonprofit situation at the Londonderry Senior Center as compared to how this Lions matter has been conducted and I am having a hard time finding said policy that would govern these particulars.

V/r

Jonathan Esposito

Sent from Samsung Galaxy smartphone.
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From: Michael D. Ramsdell <mramsdell@sheehan.com>
Sent: Monday, July 18, 2022 8:16:44 AM
To: Jonathan Esposito <[REDACTED]>

Cc: John W. Farrell <jfarrell@londonderrynh.org>; Michael Malaguti <mmalaguti@londonderrynh.org>

Subject: RSA 91-A request regarding Lions Hall

Dear Mr. Esposito:

This firm represents the Town of Londonderry, New Hampshire ("Town" or "Londonderry") regarding your RSA 91-A request sent to the Londonderry Town Council ("Town Council") via email on July 14, 2022. The request states as follows:

I am requesting copies of work product from/between John Farrell, Joe Green, Jim Butler, Chad Franz, and Deb Paul.

Subject: all correspondence RE Lions Hall & 256 Mammoth Rd Londonderry

Dates: 4.1.22 - 7.1.22

Scope: to include but not be limited to letters, emails, meeting minutes, written notes, instant messages, phone records, texts and any other work product related to the subject above

Also to include correspondence with David Wholley and Public Works, as well as any correspondence with David Steinhauer on the subject

Please be advised that when responding to an RSA 91-A request, the Town complies with the definition of government records stated in RSA 91-A:1-a:

any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term 'governmental records' includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term 'governmental records' shall also include the term 'public records.'

The Town also complies with the exemptions stated in RSA 91-A:5.

The Town interprets your requests as seeking: all correspondence of any kind from 4.1.22 to 7.1.22: (a) between and among any members of the Town Council; (b) between any member of the Town Council and David Wholley; (c) between any member of the Town Council or David Wholley and any member of Public Works; and (d) any correspondence between a member of the Town Council or David Wholley and David Steinhauer concerning the Lions Club.

The Town Council does not possess any government records responsive to your request. In the interests of being over-inclusive, however, the Town Council has located a single government record regarding the same subject matter that involves a Town Councilor and the Town Manager. The government record, an email chain, appears in green below.

From: Michael Malaguti

Sent: Wednesday, May 4, 2022 9:59 PM

To: John W. Farrell

Subject: Fw: Urgent - Lion's Hall

FYI.

Do you want to inform the Council or should I?

From: Michael Malaguti
Sent: Wednesday, May 4, 2022 9:57 PM
To: [REDACTED]; Brian McCurley
Cc: Dave Wholley; Nick Codner; Brian G. Johnson
Subject: Urgent - Lion's Hall

Brian and Kara:

I am writing with some bad news. There have been several inspections of the Lion's Hall in the last couple of weeks that have given rise to serious life safety concerns vis à vis the structure and existing uses. Specifically:

- The sag in the floor has grown larger.
- It has come to my attention there is an educational use being made of the facility involving K-8 children, some of whom are learning in a small room on the second floor. Neither of the two existing means of egress is compliant with the building or fire code, and both are, in fact, seriously deficient in this regard. The learning group is not in compliance with the annual education inspection requirement. I am informed that if the required inspection took place tomorrow the building would fail for this use. The group is also not compliant with fire drill requirements. Lastly, the upstairs space is not designed or equipped to prevent smoke infiltration in event of a fire;
- We have observed larger rentals and more intensive uses of the structure as the Lion's, to their credit, have begun focusing more on establishing and maintaining a positive financial condition. However, such uses are concerning given the sag in the floor, and other recently observed issues including:
 - Exposed electrical, rotted wire insulation;
 - Bulging walls;
 - Foundation cracks and evidence of shifting; and
 - An improperly installed moisture barrier under the floor, allowing mold to grow.
- An example of a larger use is the comedy night scheduled for this Friday. Based on what we have found, we were initially quite worried about this event. However, I learned that as of this evening, only six tickets have been purchased.

As you know, we started conducting these inspections as part of the Town's and Lion's discussions concerning a renegotiating of the parties' lease. We did not anticipate finding issues of such concern.

I well recognize the hardships involved, but it is my obligation as Town Manager to see to the "preservation of the health, safety and welfare of persons and property." (Town Charter § 4.6(A)). For the above reasons, and in the exercise of my authority as Town Manager, and with the support of the Fire Department and Building and Code Enforcement Department, the Town is immediately **prohibiting the educational use of the structure and is stipulating that the facility is closed off indefinitely until such a time that either a formal evaluation of the extent of danger has been**

determined and/or a plan of significant repair can be ascertained. Given this closure, I request that the Lion's communicate with us concerning all future rentals and uses. These will be taken on a case-by-case basis with the determining factor being whether they can be conducted safely.

As for two matters of immediate concern:

- Thursday 5/5 and Friday 5/6 - The Town recognizes it may work an extreme hardship on parents to close the building entirely to the Prenda on Thursday and Friday. I request that if the Prenda desires to remain in the building for these two days, it immediately reach out to Division Chief Brian Johnson tomorrow morning to determine if this is feasible and what will be required. At a minimum, it will be required that only the first floor be utilized, and that appropriate clearance around the sagging floor be maintained.
- Comedy night - Recognizing this event appears much smaller in scope than had been feared, the Town will likely permit it, provided clearance around the sagging area is maintained, and provided further that the Lion's informs the Town if the attendance is expected to exceed 25 people.

Following 5/6, however, the Town expects the bolded directive above to be honored.

Please understand the Town does not lightly take this action, and will gladly assist in lessening its impact and in securing alternative arrangements. I am happy to discuss the matter as well.

For clear communication going forward, please include Chief Building Inspector Nick Codner, Division Chief Brian Johnson, DPW Director Dave Wholley, and me on all correspondence. For clarity, Nick is responsible for determinations concerning the Building Code, and is also the Health Officer, Brian is responsible for determinations concerning the Fire Code, and Dave is responsible for municipal facilities in general.

I look forward to working through these issues with you and appreciate your understanding that we are acting solely for the safety of our residents, and especially our children.

Mike

Michael J. Malaguti
Town Manager
Town of Londonderry
603-432-1100 x 151
mmalaguti@londonderry.org

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The Town has not withheld or redacted any documents based on a claim of privilege or exemption.

Please do not hesitate to contact me if you have any questions regarding this response.

Sincerely,

Michael D. Ramsdell

Sheehan Phinney Bass & Green PA

1000 Elm Street, 17th Floor

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From: Jonathan Esposito
Sent: Thursday, May 26, 2022 4:34 PM
To: Kirby Brown
Subject: Fire Dept Visit

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Hello are you able to respond or do I have to wait for Mr. Mals return?

From: Michael Malaguti <mmalaguti@londonderrynh.org>
Sent: Thursday, May 26, 2022 5:29:43 PM
To: Jonathan Esposito <[REDACTED]>
Subject: Automatic reply: Fire Dept Visit

I'll be out of the office until May 31. If you need immediate assistance please reach out to Kirby Brown at kbrown@londonderrynh.org (603-432-1100 x 120).

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