

SHEEHAN PHINNEY

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April 12, 2024

Via Email Only ([REDACTED])

Glenn Douglas
[REDACTED]

Londonderry, NH 03053

**Re: Right to Know Request – Compensation
Town of Londonderry, New Hampshire**

Dear Mr. Douglas:

Please accept this letter as a follow up to the letter sent by my colleague, Elizabeth Bailey, dated February 29, 2024, my letter of March 15, 2024, and my letter of March 29, 2024. As you know, this office represents the Town of Londonderry, New Hampshire (the “Town”). Pursuant to RSA 91-A:4, IV, I am writing regarding your February 23, 2024 governmental records requests relative to “any and all documents relating to, referring to, discussing, mentioning or referencing the compensation for and/or to Sherry or Sharon Farrell (different names appear in the Town Annual Reports) and/or the position of Town Clerk to include but not limited to any and all contracts, oaths, monetary information, budgetary documents, pay scales, RSA 42:25, etc. from 2013 to present.”

As you know, the Town conducted an initial review of documentation in its files and produced to you all of the responsive documentation of which it is actually aware. In an effort to respond fully to your request, however, the Town proceeded to formulate search terms to be run against the email account of every employee reasonably believed to have engaged in discussions which may be relevant to your request, including a number of individuals who are no longer employed by the Town. This process has yielded well over 10,000 emails, each of which must be reviewed for privilege and exemption concerns prior to the Town proceeding with disclosure.

The Town is required to make available “reasonably described” governmental records. RSA 91-A:4, IV. However, the Town is not required to “honor a request that requires an unreasonably burdensome search ... that would require the [Town] to locate, review, redact, and arrange for inspection of vast quantities of material.” Am. Oversight v. U.S. Env'tl. Prot. Agency, 386 F. Supp. 3d 1, 15 (D.D.C. 2019); see also New Hampshire Right to Life v. Dir., New Hampshire Charitable Trusts Unit, 169 N.H. 95, 103 (2016) (New Hampshire Supreme Court looks to cases interpreting federal Freedom of Information Act for guidance). Given the vast amount of material that is responsive or potentially responsive to your request, the Town has concluded that your request does not reasonably describe the requested governmental records

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and requires an unreasonably burdensome search. Notwithstanding the foregoing, the Town remains willing and able to provide you with documentation responsive to a reasonably tailored request. Accordingly, the Town respectfully requests that you “narrow and focus [your] request for the benefit of both the [Town] and the requester.” Am. Oversight, at 15; see also Gov’t Accountability Project v. U.S. Dep’t of Homeland Security, 355 F. Supp. 3d 7, 12 (D.D.C. 2018). Should you provide a reasonably narrowly tailored request, the Town will revise its previously formulated search terms and produce the responsive information to you.

By way of further explanation, and to address your inquiry more specifically, the compensation of the town clerk is fixed as set forth in the governmental record attached hereto.

Very truly yours,

/s/ Megan C. Carrier

Megan C. Carrier

cc: Michael Malaguti, Londonderry Town Manager (via email only)

From: [Michael Malaguti](#)
To: [Kristine Perez](#)
Subject: Re: [SPAM]Town Clerk position

Rep. Perez,

Elected salaries, including the Town Clerk's, are included in the budget and voted on by the Town Council and residents each year. The sitting Town Clerk was designated a department head, in charge of managing the clerk's office and the clerk's staff (which was not previously the case) in 2016. The Town Clerk regularly works well over 40 hours a week and receives no insurance or benefits.

The salary of a new town clerk would be determined by the Town Council and then become part of the yearly budget process.

Sincerely,

[Michael J. Malaguti](#)
Town Manager
Town of Londonderry
603-432-1100 x 151

From: Kristine Perez <[REDACTED]>
Sent: Thursday, February 22, 2024 6:39 PM
To: Michael Malaguti; Kristine Perez
Subject: [SPAM]Town Clerk position

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

Mr. Malaguti,

It was my understanding, and I may be incorrect, but are elected town employee's salaries voted on by the citizens?

I have lived in town since 2008 and I don't recall these votes.

Also, what would be the salary if a new clerk was elected?

Thank you,

Kristine Perez

The current Town Clerk was elected in 2014. The Town Annual Reports indicates yearly compensation as follows:

2014 – \$30,000.00

2015 – \$37,500.00

2016 – \$37,500.00

2017 – \$49,500.00
2018 – \$55,158.37
2019 – \$47,010.63
2020 – \$62,052.33
2021 – \$66,543.36
2022 – \$70,869.60

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