



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: March 25, 2016

Date of Meeting: May 12, 2016

Submitted by: Parks and Recreation Director Matt Casparius

Department: Parks and Recreation

Time Required: 10 minutes

Speakers: Matthew Casparius

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input checked="" type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Wasserman Park Function Hall Rental Discussion [Follow-up from the March 24, 2016, Town Council Meeting]

DESCRIPTION OF ITEM

Town Council to review, discuss and consider the approval of the application / fee structure for the use of the Function Hall at Wasserman Park as a rental facility.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:	
Charter Article:	Town Meeting:	
Other:	N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	<u>Matthew Casparius</u>	Address	<u>116 Naticook Road</u>
Phone Number	<u>882-1046</u>	Email Address	<u>mcasparius@merrimacknh.gov</u>

APPROVAL

Approved: April 14, 2016

Posted: April 19, 2016

MOTION made by Councilor Mahon and seconded by Councilor Dwyer to grant initial approval for the discontinuation of a portion of a Class VI road in Grater Woods called South Grater Road and for a short portion of the road to be made into an Emergency Lane, and to allow the Commission to work with Town staff to proceed with the process of a Public Hearing

ON THE QUESTION

Vice Chairman Mahon remarked this matter has been discussed since his time on the Commission. He is familiar with the discussions that have occurred relative to damage being done in the area and the desire to discontinue a portion of the road.

Councilor Rothhaus commented there are Ordinances in place to address off-road vehicles going through wetlands, and if they are not being enforced that needs to be addressed. Councilor Dwyer suggested it may simply be a matter of available resources, e.g., manpower. Mr. Tenhave noted that area on the Plan is marked as open for wheeled access, e.g., ATVs, dirt bikes, etc. However, users cannot be going through the wetlands. When the trail is re-routed, that access will remain, but will be done properly. Councilor Rothhaus remarked he has supported ATV use from the start, but he expects there to be respect for the property. Within the past 6 years the Council put in place an Ordinance dealing with off-road vehicles going into wet areas. He remarked just because there is a trail, doesn't allow a user the right to go through and ruin it because it is soaked in water at the time. He added if the Ordinance is not being enforced he has a problem with that. The Police Department has a four-wheeled vehicle and a staff that he believes to be adequate to address those types of issues. It may be a bit of a nuisance taking an officer off the road, but if it is a problem, that is how it should be tackled.

Mr. Tenhave stated patrols would have to be increased noting every time that activity is reported it turns into a three-hour ordeal for the person doing the reporting because they have to wait for someone to come out, they have to take a report, etc. It is not convenient for the folks that witness it. Councilor Rothhaus reiterated if we are not going to enforce it, even if it is a closed Class VI road that will continue to occur. Mr. Tenhave stated that is why the Commission intends to gate it and close it. He noted the gating of Old Kings Highway was successful. Councilor Rothhaus remarked the Council can gate Class VI roads. Mr. Tenhave stated they can be made subject to gates and bars, but you have to leave them unlocked or if they are locked they have to be able to be unlocked and allow passage because it is a Class VI road. By turning it private it can be locked down.

MOTION CARRIED 6-1-0

Councilor Rothhaus voted in opposition

6. Wasserman Park Function Hall Rental Discussion

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to review, discuss and consider the approval of the application / fee structure for the use of the Function Hall at Wasserman Park as a rental facility.

Matthew Casparius, Director, Parks and Recreation Department, stated the waterline to the Function Hall at Wasserman Park is complete, the heating system is essentially done at this point; new propane tank was hooked up the prior day, and final inspections are pending. Bids have been received for the sprinkler system, which will be going in at some point in the next month.

Approved: April 14, 2016

Posted: April 19, 2016

The completion of these projects triggered the department to look at the existing rules and regulations for the Function Hall. The Function Hall has not been used in the past 7 years, and the last time the rules and regulations were update was approx. 10 years ago. He spoke of having received half a dozen phone calls over the past few weeks from individuals interested in renting the building.

The original fee was a flat \$275 for a six-hour block of time regardless of residency. A review was conducted of the going rate around Town understanding the primary competitor would be the O'Leary Center. The Function Hall has two main rooms plus the kitchen. The two main rooms cannot be locked off from each other because the bathrooms are in the main hall, and you have to come through the front room to get to the main hall.

One of the things the department has been considering is adjusting the fees; distinguishing between resident and non-resident groups and taking into consideration non-profit organizations. What is being proposed is a fee of \$125.00 for a three-hour block and \$25 for each additional hour for a Merrimack based resident, business or non-profit to utilize the hall with an additional \$50 fee for use of the kitchen. Non-residents would be charged a fee of \$300 for a three-hour block of time, \$25 for each additional hour, and a \$50 fee for use of the kitchen.

The original security deposit was \$30, and is proposed to increase to \$50. Realistically if damage occurs \$50 would likely not cover the cost, which is why there would be language within the Rental Application that would basically say users would be billed for the cost of damages.

With the non-profits based in Merrimack, one of the thoughts was to provide those organizations the opportunity to exchange volunteer hours in the park for use of the building. The Boy and Girl Scouts do a lot of community service already, and this would provide a nice way to give back to them as well.

Whether or not alcohol would be permitted was an issue that was discussed. The Parks & Recreation Committee felt allowing alcohol would certainly open up more rental possibilities. It is likely the facility will see more birthday party and family reunion type activities versus the type of functions that might be a little more formal, such as those held at the O'Leary Center. The O'Leary Center allows alcoholic beverages, which could become a competing factor.

Director Casparius stated he has spoken with Chief Doyle as well as Primex. What they came up with was if a group were going to have alcohol present, they would be required to hire a bartender or caterer that already has a permit. The caterer or bartender would have to provide the Town with a Certificate of Liability Insurance naming the Town as an additional insured.

Vice Chairman Mahon noted most Town properties prohibit alcohol. The exception was usually with the approval of either the Town Manager or the Council. Councilor Rothhaus stated that language is included in an Ordinance. Vice Chairman Mahon suggested a review of the Administrative Code so that the language within the Rental Application could be adjusted accordingly.

Councilor Dwyer commented he is supportive of the idea with the procedure in place. He does not see anything wrong with allowing each group to present their case. For large events, requiring approval would also provide the opportunity to discuss issues such as whether or not a police detail should be required.

Approved: April 14, 2016

Posted: April 19, 2016

Town Manager Cabanel noted other language related to hours of operation for parks, which the Council may wish to amend. She requested the Council consider tabling the matter until the language details could be ironed out.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to table the item until the Council's meeting of April 14th or 28th. MOTION CARRIED 7-0-0

7. Personnel Policy Amendment – Smoking Policy

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will consider approval of an updated Smoking Policy within the Personnel Policy, Chapter VI – Standards of Conduct/Disciplinary Action of the policy.

Town Manager Cabanel remarked differing types of tobacco products has resulted in a request to change the definitions of the Smoking Policy to include spit tobacco, smokeless tobacco, and vaping; any nicotine products in Town owned vehicles or Town owned buildings. When asked, she stated there are employees that chew tobacco in public buildings and Town cars, but there is nothing in the current policy that addresses that.

Councilor Rothhaus commented he understands the issue of smoking or vaping, but does not understand the spit tobacco. Town Manager Cabanel stated the issue came up as a result of employees at the voting venue at the High School chewing tobacco and spitting into a cup.

Vice Chairman Mahon questioned how the policy would address nicotine patches. Town Manager Cabanel responded we don't need to go down that road. Councilor Vaillancourt commented amending the policy would provide continuity among all Town departments.

MOTION made by Councilor Koenig and seconded by Councilor Mahon to adopt the updated Smoking Policy as presented

ON THE QUESTION

Councilor Rothhaus questioned if it would remain allowable for an employee to step outside the back door of the building to smoke. Town Manager Cabanel responded an employee standing outside of a building smoking a cigarette is not a good look. Perhaps the policy does not prohibit that activity, but that can be controlled by identifying areas where smoking is and is not allowed.

MOTION CARRIED 7-0-0

Minutes

Approve the minutes from the Town Council meetings of February 11, 2016 and February 25, 2016.

MOTION made by Councilor Mahon and seconded by Councilor Koenig to table acceptance of meeting minutes until the Council's next regularly scheduled meeting. MOTION CARRIED 7-0-0

Comments from the Press - None

From: Matthew Casparius
Sent: Monday, February 29, 2016 2:50 PM
To: Eileen Cabanel
Subject: Wasserman Park Function Hall Rental Applications Revision

Hi Eileen

A couple of weeks ago I had sent you a draft of the proposed changes to the Function Hall Rental Agreement and included an updated version after Paul made some suggestions.

I am attaching what I hope will be the final version of the document for your review. The Water Line is just about complete and work on the heating system started today. The sprinkler system should be complete by the end of March. I was hoping to be able to get on the Town Council's Agenda for their March 24th Meeting so that I can get everything approved for when the building is ready to be rented out. We've already gotten a half dozen phones from individuals hoping to rent it.

The main things that are included in this application compared to what was in practice when the building was last rented out 7 years ago include:

- The fee structure has changed. Before it was a flat \$275 for 6 hours of use. We looked at what other facilities are charging and wanted to ensure that we are competitive in the marketplace. Our rentals are now 3 hour blocks at a flat rate and then a surcharge for each additional hour. We have also separated out the kitchen if they want to use that facility there is an extra cost. On our end we figure they would be using the propane and also electricity for the fridge & freezers.
- We separated out Residents & Non-Residents and charged a higher rate for non-residents to use the facility. We have also defined who qualified in what category. One of the new ones includes Merrimack Based Non-Profits and we had a stipulation in here that the rate could be reduced in exchange for community service work for Parks & Rec (at the Park).
- New information about events wishing to have alcohol present and what rules there will be for that. These rules came as a result of discussions with Chief Doyle and also Primex.
- Lastly we increased the security deposit from \$30 to \$50.

Please let me know if you would like to meet to discuss it at all or your thoughts on moving it to the March 24th agenda?

Matt

Matthew Casparius C.P.R.E.

Director of Parks & Recreation

Town of Merrimack

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www.merrimackparksandrec.org

<https://www.facebook.com/MerrimackParksandRecreation>



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WASSERMAN PARK FUNCTION HALL RENTAL APPLICATION

Group/Organization Name: _____

Contact Person: _____

Address: _____

Contact's Phone #: (Home) _____ (Work) _____ (Cell) _____

Alternate Contact Name: _____ Alternate Contact Telephone Number: _____

Email Address: _____

Are you a Non-Profit Organization? Yes: _____ No: _____

Date(s) Requested: _____ Set-Up Time: _____ Event Start Time: _____ Event End Time: _____

Area(s) Requested: Front Room: _____ Main Hall: _____ Kitchen: _____

Estimated number of people: _____ Purpose of Event: _____

Will there be alcohol present at your event? * Yes: _____ No: _____

*Additional requirements apply

RENTAL FEE SCHEDULE

ROOM	Merrimack Based Non-Profit	Merrimack Resident/Business	Non-Resident
FUNCTION HALL	\$125.00 3 hour time block	\$125.00 3 hour time block	\$300.00 3 hour time block
	\$25.00 for each additional hour	\$25.00 for each additional hour	\$25.00 for each additional hour
KITCHEN	\$50.00	\$50.00	\$50.00

- A \$50.00 security deposit is required to reserve any date.
- All rentals require a certificate of liability insurance naming the Town of Merrimack as additionally insured. See rules & regulations for specific requirements.
- Kitchen Area for cooking and/or refrigeration requires an additional fee.

I am applying to use of the Wasserman Park Function Hall. I have read the Rental Rules & Regulations and agree to abide by them. My signature signifies my understanding and acceptance of all Rules and Regulations.

 Signature of Contact Person

TOTAL AMOUNT DUE: _____

RENTAL CATEGORY DEFINITIONS

- **Merrimack Non-Profit Organization:** Organization must be recognized by the IRS as a Non-Profit organization and the organization must be based in Merrimack. These organizations can earn free use of the facility in exchange for community service performed for the Parks & Recreation Department. Qualifying community service must be setup in advance with the Director of Parks & Recreation.
- **Merrimack Resident/Business Groups:** Individual or business renting the facility must reside in the Town of Merrimack.
- **Municipal Town Departments:** Are eligible to use the building free of charge with advanced reservation.
- **For-Profit Recreation Entities:** In lieu of a daily rental fee for-profit recreation entities may rent the Function Hall at a fee of \$10 per person per program.
- **Non-Resident Groups:** Anyone not specifically identified in the above categories would fall into this category.
- **Reduced rates available for user groups renting the facility on a routine basis.**

DESCRIPTION OF PHYSICAL SPACE

- The Front Room measures 25 feet x 35 feet (875 square feet) and can hold 100 people or 50 people if seated theater/classroom style based upon our New Hampshire Permit to Operate a Place of Assembly.
- The Main Hall measures 35 feet x 50 feet (1750 square feet) with a high ceiling and can hold 200 people or 100 if seated theater or classroom style based upon our New Hampshire Permit to Operate a Place of Assembly.
- The Kitchen features a Propane Convection Oven, Commercial Stove, Refrigerator, Walk-In Cooler and Microwave along with a three compartment sink.
- The building is heated during the winter months, but the space is not air-conditioned. We have a variety of 5-Foot, 6-Foot and 8-Foot rectangular tables and chairs available for use.

RULES & REGULATIONS

- Rentals are available 7 days per week between 7:00 am – 11:00 pm. Parks & Recreation Department activities have first priority use on the building. All other rentals are on a first-come first-serve basis based upon availability. Requests for rentals on federal holidays will be granted at the discretion of the Director of Parks & Recreation.
- All rentals require a certificate of liability insurance naming the Town of Merrimack as additionally insured. The insurance policy must provide for general liability coverage with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate, for person injury, bodily injury and property damage. Applicants may obtain this policy from their own insurance carrier or they can obtain a Tulip Event Insurance Policy thru Primex NH. A copy of the insurance binder must be submitted to the Parks & Recreation Department at least one week in advance of the event or the event will be cancelled.
- **Events wishing to have alcohol present must also meet the following conditions:**
 - Hire a Licensed Caterer or Bartender who is authorized by the NH Liquor Commission to serve alcohol at an offsite venue. Caterer/Vendor must also provide a certificate of liability insurance naming the Town of Merrimack as additionally insured.
- No smoking is allowed anywhere inside the building. No fog machines or pyrotechnics devices are allowed. If the fire alarm or the sprinkler system is set off; fines will be imposed upon the renters.
- Tacks push pins or similar hardware to hang decorations should not be used. If tape is used, it must be fully removed afterwards. Hanging decorations from sprinkler system pipes is prohibited.
- Groups using the facility are responsible for room setup and neatly returning all tables and chairs to the storage area. Building must be left secure with all lights turned off and windows closed and locked.
- Users are responsible for cleaning up after any activity including, but not limited to, picking up trash, sweeping floors, and arranging the room back to its original condition. All trash should be collected and properly disposed of in the dumpster outside. Failure to cleanup will result in loss of security deposit.
- The Town of Merrimack and its employees are not responsible for any lost or stolen articles or for the safety of any property brought onto the premises.
- Any damages to Town property; even accidental damages are the responsibility of the individual or organization renting the facility. Damages must be reported to the Parks & Recreation Department within 24 hours or the next business day. In addition, all injuries or incidents including vandalism or theft must be reported to the Parks & Recreation Department within 24 hours or the next business day.
- Applicant is applying for the use of the Function Hall building at Wasserman Park only; all other amenities at Wasserman Park are open to the general public and usage of those amenities cannot be restricted.

RULES & REGULATIONS

- Individuals can be dropped off in the loading zone near the entrance to the facility but all cars should be parked in any of the designated parking lots during the event. Parking is available in the Resident Parking Lot located behind the Parks & Recreation Department Office, in front of the Day Camp Office or in the Non-Resident Parking Lot located near the Park's exit. In addition, two handicap accessible parking spaces are available directly next to the buildings entrance. Handicapped accessible parking spaces are for vehicles with appropriate license plate or placard. Parking is prohibited along the park roadways or in the grass near any of the buildings. Renters are responsible for informing their attendees of the parking regulations at the facility.
- In the event of inclement weather and the Town is forced to close the building; a reasonable attempt will be made to notify the contact person named on the reservation form. The Town of Merrimack is not responsible for any cost or inconvenience incurred by the organization or individual.
- The Director of Parks & Recreation has the authority to make exceptions to all fees and rules and can add additional requirements for permitted events if deemed necessary based on the nature of the event.
- An on-site walk through is recommended for first time renters and will be scheduled when requested.

PAYMENTS, CHARGES & REFUNDS

- A \$50.00 deposit is due at time of reservation. The security deposit will be refunded after the key has been returned and the facility has been inspected for cleanliness and free of damage.
- Final balances, caterer information and liability insurance must be received one week prior to the scheduled rental date or renter's date and deposit will be forfeited.
- Checks should be made payable to the: **TOWN OF MERRIMACK**
- If the facility is left unclean or damaged from your rental, you will be billed for at least the costs needed to repair the facility.
- Refunds may be granted with notice of 10 business days. Cancellation of reservations will result in a \$25.00 administrative processing fee. In the event of a cancellation due to weather, renter has the option to reschedule the rental to a mutually agreed upon date or receive a full refund.

LIABILITY & INDEMNITY AGREEMENT

In consideration of the permission granted for the use of the Town of Merrimack's property known as the **Wasserman Park Function Hall**, I the below signed hereby release the town, their officers, employees and agents from any and all liability for injury or death which may be sustained by any member of our group while participating in said recreational activities, whether or not caused by the negligence of the town's officers, employees and agents, and waive all claims and the right to sue to which we may otherwise be entitled as a result of such injury or death.

I further agree to indemnify the town, their officers, employees and agents from any and all liability, loss or damage, including but not limited to bodily injury, illness, death or property damage, and reasonable attorney fees and costs which they may become legally obligated to pay as a result of claims, demands, costs or judgment against them arising out of our use of the **Wasserman Park Function Hall**, whether or not negligence of the town, their officers, employees and agents is involved, and whether or not liability is sole, joint or several.

I am aware that use of the facility and participation in recreational activity may present a strain on our participant's bodies and by doing so exposes them to the always present risk of injury or death and, therefore, we represent to the town that, we assume all risks of our participation.

I have read this form and understand all its terms, plus have the authority to sign granted by the above listed group. I hereby execute it voluntarily and with full knowledge of its significance.

Signature: _____

Date: _____

QUESTIONS?

For questions regarding rental policies and procedures or if you would like to schedule a tour of the building, please contact the Merrimack Parks & Recreation Department at 603-882-1046 or by email at mcasparius@merrimacknh.gov.

MERRIMACK PARKS & RECREATION
116 NATICOOK ROAD
MERRIMACK, NH 03054

Town of Merrimack, NH
Tuesday, April 5, 2016

Chapter 142. Parks and Recreation Areas

[HISTORY: Adopted by the Annual Town Meeting of the Town of Merrimack 5-8-1990 by Art. 28; last amended by Town Council 2-25-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Conservation areas — See Ch. 111.

Dogs — See Ch. 119.

Swimming pools — See Ch. 174.

§ 142-1. Legislative intent; enforcement.

In accordance with the provisions of RSA 31:39, I(a), the Town of Merrimack hereby adopts this chapter to regulate, protect and preserve the use of Abbie Griffin Park, Veterans Memorial Park, the park portion of Wasserman Park, the park areas at Twin Bridges, Martel Field, Weston Park, Harold and Barbara Watson Park, Cpl. Tim Gibson Memorial Athletic Complex, Joseph and Josephine Twardosky Ball Field, Merrimack Skate Park, Reeds Ferry Athletic Fields, Bise Field, Depot Street Boat Ramp, Frazier Square, the ATV facility off West Road and the tennis courts, ice rinks and any other Town-owned property designated as being a park or for recreational area [hereinafter referred to collectively as "restricted recreational area(s)"]. The declared purpose for this chapter is to enhance certain opportunities for the public for recreation, education, cultural development and other activities consistent with the existing uses and preservation of these restricted recreational areas. Any park rules in addition to those set forth herein shall be posted on the property. This chapter shall be enforced by the Merrimack Police Department.

§ 142-2. Park hours.

No person may occupy, remain, stay or loiter upon any restricted recreational areas prior to 1/2 hour before sunrise or 1/2 hour after sunset, except under the direction of or with the written permission from the Town Council, the Town Manager or his designated agents. (This provision shall in no way be intended to preclude authorized and regularly scheduled activities or events from occurring outside of the prescribed times.)

§ 142-3. Fires.

No person shall make or kindle any fire in any restricted recreational area, except in picnic stoves or other designated areas provided for that purpose.

§ 142-4. Glass containers.

No person shall possess any glass containers in any restricted recreational area.

§ 142-5. Waste disposal.

No person shall throw, leave or discard any trash, rubbish or garbage in any restricted recreational area except in containers provided therefor.

§ 142-6. Picnicking in designated areas.

No person shall picnic in any restricted recreational area, except in designated areas.

§ 142-7. Alcoholic beverages and unlawful drugs.

No person shall use, consume, carry or bring any alcoholic beverages or any unlawful drugs as defined by RSA 318-B:1 upon or within any restricted recreational area for any reason. With prior written permission of the Town Council or its designee, alcoholic beverages may be consumed in predesignated areas.

§ 142-8. Use of vehicles.

A. No parking is allowed in any restricted recreational area, except in designated areas.

- B. No person shall drive, operate or maintain any off-highway recreational vehicle as defined in RSA 215-A:1, VI, in any restricted recreational area except as otherwise permitted herein. "Off-highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes, running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel or other unimproved terrain, whether covered by ice or snow or not, where the operator sits in or on the vehicle.
- C. No person shall drive, operate or maintain any motorized vehicle off the roads and designated parking areas within any restricted recreational area.
- D. Any off-highway recreational vehicle within any restricted recreational areas in violation of Subsection B may be impounded by the Merrimack Police Department. All expenses, i.e., towing or transportation and storage, shall be paid by the owner of said vehicle prior to redemption, such reasonable charges to be determined by the Chief of Police or his designated agent.
- E. Exception. An off-highway recreational vehicle as defined in RSA 215-A:1, VI, shall be permitted to be driven, operated or maintained only in the ATV facility located off West Road.

§ 142-9. Animals.

No person shall bring or allow any animal to be in any restricted recreational area, except on a leash or in a cage.

§ 142-10. Firearms; hunting, trapping and fishing.

- A. No person shall discharge firearms within any restricted recreational area.
- B. No hunting or trapping will be done or permitted within any restricted recreational area unless necessitated by reasons of wildlife management, preservation or conservation practices.
- C. Fishing shall be permitted at designated times and locations within restricted recreational areas.

§ 142-11. Defacing equipment and plants.

No person shall remove or deface any building, equipment, tree, shrub or flower located in any restricted recreational area.

§ 142-12. Smoking.

No smoking shall be permitted in any restricted recreational area except in designated areas.

§ 142-13. Temporary closure.

Town parks/facilities under the jurisdiction of the Director of Public Works or the Director of Parks and Recreation may periodically be closed, in whole or in part, and access denied to the public. No person shall enter upon or use these facilities while under closure without the expressed written permission of the Town. The Town Council and Town Manager shall be notified of all closures before they are effected and notice shall be posted at each point of public access, on the Town website and other electronic media, and in at least two public places in the Town notifying the public of the closure.

§ 142-14. Access to ATV facility limited.

Use of the ATV facility off West Road shall be limited to Town of Merrimack residents only.

§ 142-15. Wasserman Park Beach.

- A. The Wasserman Park Town Beach shall be for the exclusive use of Merrimack residents and their authorized guests. Nonresident visitors are permitted to use the area only when accompanied by a Merrimack resident or have the appropriate parking pass affixed to their vehicle. Passes shall consist of either a valid Merrimack Facility Pass or rear-view mirror placard.
- B. Parking for the Wasserman Park Beach shall only be allowed in the parking lot adjacent to the Parks and Recreation Office. Signs will identify the parking lot.

§ 142-16. Violations and penalties.

Any person violating the provisions of this chapter shall be guilty of a violation and shall be subject to a penalty not to exceed \$1,000. Such penalty may be used to improve or repair the Town's park facilities.