

Approved: September 12, 2019

Posted: September 17, 2019



Town Council Meeting Minutes

Thursday August 15, 2019 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Boyd (participated telephonically), Councilor Albert, Councilor Harrington, Councilor Healey, Councilor Rothhaus, Councilor Woods, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Girl Scouts Courtney Farrar and Mary Matheson led in the Pledge of Allegiance.

Announcements

Councilor Albert spoke of the passing of Tom Iverson. Tom was a Lieutenant on the Merrimack Police Department. He was a great leader and mentor. He started on the Manchester Police Department, went on to Bradford as Chief, was in Merrimack, went on to Pembroke as Chief, and ended his career in Litchfield. He leaves behind his Wife, three children, son-in-law, and many grandchildren.

Town Hall offices will be closed on Monday, September 2nd in observance of Labor Day.

Harrison Faust's Eagle Court of Honor will be held at 2:00 p.m. on Sunday, August 18th at Wasserman Park. Harrison created and erected a memorial at Veteran's Park, which is dedicated to Admiral Forrest Sherman who was from Merrimack and served as Chief of Naval Operations.

Regular meetings of the Town Council will be held on Thursday, September 12th and 26th and October 10th at 7:00 p.m. in the Matthew Thornton Room.

The last of the summer concerts in the park will take place on Wednesday, August 21st from 6:00 - 8:00 p.m., and will be a performance by the Manchester Community Music School Concert Band.

Comments from the Press and Public

Carol DiPirro, 10 Cambridge Drive

Spoke of the law enacted relative to the lowering of MCLs, and requested the Council contact the New Hampshire Department of Environmental Services (NHDES) and the Department of Health & Human Services (DHHS) to request a community meeting to advise residents what the law means. Chairman Koenig indicated the request would be made.

Recognitions, Resignations and Retirements

1. Recognition of Full-times Years of Service of Town Employees

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present recognition awards to the following Town employees:

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Assessing

Tracy R. Doherty - 20 years (8/1/1999)

Maureen A. Covell - 20 years (8/16/1999)

Fire

Capt. Brian C. Dubreuil - 25 years (7/1/1994)

Public Works

Philip F. Meschino | 35 years (6/18/1984),

Buildings and Grounds

Robert L. Lovering Jr. - 30 years (7/24/1989)

Town Clerk/Tax Collector's Office

Brenda S. DuLong | 25 years (5/31/1994)

Diane M. Trippett | 30 years (5/8/1989)

Police

Chief Denise I. Roy - 25 years (1/16/1994)

Brian Levesque, Deputy Chief, Merrimack Police Department remarked Chief Roy started with the department in 1991 as a part-time officer. She was hired full time in 1994, and has held every position within the department. She was assigned to the Attorney General's Drug Task Force where she worked in an undercover capacity for two years. She worked as a Police Prosecutor, was promoted to Captain in 2017 and Chief in October of 2017. She is a graduate of the FBI National Academy (only 1% of law enforcement in the country can attend).

Since 2014 she has served on the Board of Directors at The Plus Company. Chief Roy is always willing to help out and is very caring and empathetic. She has the best interest of the community and every officer in the department in mind with every decision she makes.

Denise Roy, Chief, Merrimack Police Department, commented she cannot believe 25 years has gone by since she started in the department. She spoke of the family that is the department and of her appreciation for that.

2. Rotary Club of Merrimack Appreciation Plaque Presentation

Submitted by Town Council Chairman Tom Koenig and Vice Chair Bill Boyd

The Town Council to present a plaque to the Rotary Club of Merrimack for their ongoing support of the Merrimack Police Department.

Chairman Koenig spoke of the organizations that continuously make donations to and support the Town.

A plaque was presented to the Rotary Club of Merrimack in appreciation of their generosity and continued support of the Merrimack Police Department.

3. Merrimack Lions Club Appreciation Plaque Presentation

Submitted by Town Council Chairman Tom Koenig and Vice Chair Bill Boyd

The Town Council to present a plaque to the Merrimack Lions Club for their ongoing support of the Merrimack Police Department.

Chairman Koenig presented a plaque to the Merrimack Lions Club in appreciation of their generosity and continued support of the Merrimack Police Department.

4. Merrimack Lioness Club Appreciation Plaque Presentation

Submitted by Town Council Chairman Tom Koenig and Vice Chair Bill Boyd

The Town Council to present a plaque to the Merrimack Lioness Club for their ongoing support of the Merrimack Police Department.

A plaque was presented to the Merrimack Lioness Club in appreciation of their generosity and continued support of the Merrimack Police Department.

Appointments

1. Annual Review with the Zoning Board of Adjustment

Submitted by Zoning Board of Adjustment Chair Patrick Dwyer

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Zoning Board of Adjustment. This agenda item is to highlight the board's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Patrick Dwyer, Chairman, Zoning Board of Adjustment (ZBA), stated in 2018, the ZBA conducted 12 regular meetings with 44 applications for variances, special exceptions, and appeals.

He stated there to be no real new concerns. The ZBA has seen a lot in regard to non-conforming lots (homes constructed prior to zoning laws) resulting in variance and special exception requests.

The ZBA experienced a turnover in membership this year with two members stepping down, and new appointments being made.

Councilor Albert spoke of concerns he has heard relative to the growth in Town, and the misconception on the part of the public with regard to the inability of the Town to limit that. He requested Mr. Dwyer provide an explanation.

Mr. Dwyer explained there are five criteria that must be met in order for a variance request to be approved. If met, there is no grounds for denial. On many occasions, particularly with the construction of apartments, the ZBA has referred individuals to the Planning Board, which is the forum for residents to bring forward any concerns.

Councilor Harrington questioned the origin of the five criteria, and was informed it is a matter of State law.

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Mr. Dwyer reiterated because a lot of homes in Merrimack were constructed prior to the zoning laws of the '80s and '90s, non-conforming lots result in variances to enable construction of additions, garages, installation of pools, fences, etc.

Chairman Koenig noted, were the ZBA to deny an application, it must specifically define which of the criteria were not met and why, as the public record of that decision would be used by the Court should the decision be appealed.

Asked if there are any requests of the Council, Mr. Dwyer indicated there were not. However, noted, following board elections later in the month, consideration will be given as to whether there are any items that should be brought to the Council.

Public Hearing - None

Legislative Updates from State Representatives

Representative Wendy Thomas spoke of a Congressional field hearing held in Litchfield, which was chaired by Congresswoman Kuster and Congressman Pappas. They spoke of PFAS and asked for suggestions. She mentioned that the United States should form an international coalition with Europe so that information could be shared. Another issue brought up was protecting PFAS exposure as a pre-existing condition, on a Federal level.

Representative Thomas spoke of having her private well tested every 3 months. The most recent test came back at 42.9 ppt. With NHDES lowering the standards, there is no argument her well is contaminated to the point of not being able to be used. Private wells in Merrimack need to be tested.

Commenting on what could be done on a local level, she spoke of concern with the pile of dirt at exit 11 where the apartments are going in. She is aware the pile of dirt at the Flatley development cannot be moved because of contamination, and questioned if the Town has tested the soil that has been dug up at the exit 11 project. If not, she suggested NHDES be requested to conduct testing.

Town Manager Cabanel noted the standard for soil is 500 ppb. The Flatley soil is nowhere near that. By Federal standards, their soil is not contaminated. Representative Thomas stated they have been told by NHDES not to remove the soil from the property. Chairman Koenig stated that would have to be looked into further.

Representative Thomas suggested testing be done at the exit 11 site and any other construction site in Town. Chairman Koenig stated there was testing done at the various schools. Levels were nowhere near 500 ppb. However, the Council could reach out to NHDES if there is concern.

Representative Thomas spoke of stormwater discharge levels, and questioned if they are tested on a periodic basis, and if the information is compiled and presented.

Town Manager Cabanel stated the Town is currently in the process of a very extensive project; MS4 permit for Federal Stormwater. For that reason, the Town has had to identify 88 outfalls where testing needs to occur. NHDES is currently testing the Saint-Gobain site. She is unaware of any other testing being done relative to outfalls.

Asked specifically if the Town is doing any testing, Town Manager Cabanel responded it is not.

Representative Thomas reiterated it is now known that private wells are heavily contaminated, and there is the need for guidance. NHDES lowered the levels without telling people what that means. She is working with UNH, Dartmouth Hitchcock, and Congresswoman Kuster's office to acquire grant funding to develop educational materials specific to New Hampshire for the entire State. That will take time to complete. She encouraged the Town to give some kind of guidance, if only through NHDES, to inform residents having private wells what can be done, e.g., what testing can be done, what testing labs are appropriate, which filtration systems work, etc.

Councilor Healey noted when NHDES rolled out the new MCL levels they posted to their website extensive information for private well owners as well as a listing of companies that can be used for private well testing. She questioned if the work being done with Congresswoman Kuster's office includes NHDES as they have already developed a lot of those materials. Representative Thomas indicated a representative of NHDES is part of the team.

Representative Thomas commented with regard to methodology and information, another thing the Town could do is inform residents of the manner in which to dispose of spent cartridges that filter the water. She would like to see the Town create a methodology for collecting the cartridges.

Councilor Healey indicated she has asked Clark Freise, Assistant Commissioner, NHDES, about that on numerous occasions. He just recently (last month) stated nothing special needs to be done with the cartridges. She has sent another communication reiterating there is a lot of concern about this, and requesting more directive on how they should be collected and whether the transfer station needs to do anything in particular with them.

Councilor Albert commented as laws and regulations unfold, consideration should be given to the financial impact on the Towns. If a regulation requires higher standards in wastewater, etc., he would like language included that provides some financial relief should actions be required that result in an additional financial burden on municipalities.

Representative Thomas noted municipalities were represented at the Congressional hearing, and voiced that concern. The State is in the process of suing companies including 3M, DuPont and its spinoff, Chemours. That will result in some money that will go back to the towns, but that will not be seen for a long time. Congresswoman Kuster and Congressman Pappas are looking into grants and/or low-cost loans to cities and towns to deal with this specifically. It is a concern.

On Thursday, Washington State Governor, Jay Inslee, will be in the State to discuss PFAS, and will hold a community discussion.

August 20th the Recess of the House is over. Representative Thomas stated she is a Chair of a sub-committee that will be looking at the OHRV bills, which is another that will have a financial impact. She spoke of a scheduled visit to Mink Hill to hear from residents.

Town Manager Cabanel questioned if the State budget has passed, and was informed it has not. There is a 3-month limit for action to occur. The entire Legislature has been called back September 18th and

19th (veto days). Representative Thomas stated her belief they would choose the bills they would try to override on vetoes, and that the budget will be up at that time. She is uncertain, but they are working on it and seem to be at an impasse.

Town Manager Cabanel stated her understanding it is related to school funding and the source of that funding. The Legislature, in general, approves of a budget that increases the amount of funding that goes to towns that really need it. It is a good opportunity to do the right thing. A lawsuit was just lost on adequate funding in education. She stated her understanding the Legislators want the budget to be passed with school aid and the Governor is concerned about what the funding source will be, e.g., sustainable funding source or one-time funding source.

Representative Thomas stated the situation to be larger than that. The proposed budget fully funds the school system for the first time in many years. It is sort of a misrepresentation to say the budget is being held up just because of that. Governor Sununu is trying to get in very large tax cuts for businesses.

The Governor recently vetoed 3 gun bills. Nine out of 10 NH residents were in support of the 3 bills. It is uncertain what will occur with those.

Councilor Healey noted NHDES will be coming out with groundwater standards. It has already been stated they are working on soil standards. Currently, with the drinking water standards, it is the water systems that are having to absorb the cost, and will be looking at starting to test in October. Once the groundwater and soil standards are passed, it will likely fall to the cities and towns to be able to do the testing. There has been no funding on that. NHDES and the Federal Government are not in the habit of setting standards and then not expecting you to test to see where you fall on those standards.

Representative Thomas remarked Merrimack has been disproportionately affected by this because Saint-Gobain resides here. She is uncertain if a lawsuit against Saint-Gobain is appropriate for the Town, but the Town should not be paying this kind of cost to clean it up. She recommended the Town look into a lawsuit against Saint-Gobain to recoup some of the costs.

During the Congressional hearing, it was noted Saint-Gobain holds several multi-million-dollar contracts with the DOD for the products they produce. There is the possibility that the DOD could help with remediation.

Councilor Rothhaus requested clarification on the tax breaks the Governor was trying to get into the budget. Representative Thomas was uncertain, and indicated she would have to look them up. She has heard of his efforts to get business tax cuts in place. She indicated she would gather the information and provide it. She also indicated she would provide the Town Manager with the educational materials.

Town Manager Cabanel commented, during recent meetings, it seems the agenda item for Legislative Updates has focused more on PFAS related matters, and suggested, that topic be included on an agenda if the intent is to speak to that topic. Chairman Koenig stated agreement noting if PFAS issues are a discussion that needs to occur that it be brought forward as an agenda item.

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Councilor Rothhaus suggested the Council request the attendance of Sarita Croce, Assistant Director, Public Works/Wastewater, as it was believed, when an update is available, the item would once again be placed on the Council's agenda.

As Vice Chairman Boyd was participating telephonically, he was asked to state, for the record, if anyone was with him. Vice Chairman Boyd responded he was alone. Chairman Koenig noted all votes would be taken by roll call.

Town Manager's Report

A mandatory pre-bid meeting and inspection was held at the Reeds Ferry Fire Station (Station 3) on Wednesday, August 14th. Four (4) companies attended the walk through. Proposals are due August 21st. The proposal is for the remediation of all rodents/pests, pressure washing and cleanup of the excrement and renovations, to include sealing the entire building to prevent re-infestation and to repair and replace the broken windows in the hose drying tower.

On August 6th, the Planning Board held the first public hearing on the comprehensive overhaul of the Town's Site Plan Regulations. The Board requested minor changes, and will continue the public hearing on September 3rd.

The Community Development Department is in the final stages of filling the vacant Assistant Planner position, and hopes to have a new person in the role in the coming weeks.

Merrimack Public Works will be partnering with Eversource again this fall to offer residents a free disposal day for Freon based appliances. Details on the date of the event are expected soon and will be published on the Town website, Public Works Facebook page, and at the Transfer Station.

School is starting soon and with that comes increased traffic in the morning and afternoon peak periods. Please avoid the Bedford Road bridge detour unless you need to utilize the corridor.

Assistant Town Manager/Finance Director Micali spoke of having offered to sit down with the Merrimack Youth Association (MYA) and their Program Directors to explain what the Council was looking for, and try to provide assistance toward the goal of receiving funding. At the meeting, he met a gentleman from the SCORE Company (retired CFO) who indicated a willingness to provide assistance. Discussion occurred around what the Council is looking to see in terms of revenue recognition, registrations, etc. He was informed they have reconciled their 2018/2019 registrations with the revenues, and suggested they contact the auditor to have the books audited.

He explained the importance of obtaining an audit. The President, Treasurer, and Executive Board heard the remarks of the Council, and are working toward getting their funding restored. In addition to the individual who volunteered to help, the MYA is looking to hire a bookkeeper. Purchasing practices have been adjusted. The desire is to come before the Council in the September timeframe to provide an update.

Consent Agenda - None

There being no objection, the Council went out of the regular order of business to take up item #2 under New Business.

2. Proposed Girl Scout Silver Award Project Presentation

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the approval of Girl Scout's Courtney Farrar and Mary Matheson's proposed Girl Scout Project to create and develop a trail map for walking trails at Twin Bridge Park as well as build and install bat boxes at Twin Bridge Park, Watson Park and Wasserman Park.

Scout Matheson explained the process of identifying, coordinating, and completing the requirements for the Silver Award. A Silver Award project can be completed by a single or up to 3 scouts (each required to put in 50 hours of volunteer time by project completion). A timeline and budget must be included in the preparation of the project. Donations from local companies can be sought to assist in the financial obligations of the project. If approved by the Girl Scout Board and, if required, the municipality, the project can proceed.

The proposed project includes the installation of bat houses at three of the parks in Town as well as the measuring of the trails at the Twin Bridge Park.

Scout Farrar explained all of the trails in Twin Bridge Park would be measured; calculate times and walking distance for each trail and mount the information on the posts at the end of each trail.

A brochure will be created including a map of the trails labeled with the distance and walking time of each of the trails, history of the parks and information on the bat house as well as identification of plants along the trails.

The proposed design of the bat houses and their proposed locations were provided (Twin Bridge Park, Watson Park and Wasserman Park). The houses are placed approx. 15-20 feet in the air.

The benefits of bat houses were discussed.

Fundraising includes a contribution from the troop, donations/discounts from local businesses, and, if needed, a car wash and/or other similar fundraising activities.

Project completion is anticipated by the end of September.

Councilor Albert questioned what the bat houses would be adhered to, and was informed they would be affixed to wooden poles. He asked if installation would be easier if placed on trees, and was informed placing them on trees makes it easy for predators to gain access.

Councilor Healey questioned if installation assistance would be provided by the Parks and Recreation Department, and was informed Director Casparius is a member of the team and will provide assistance/guidance throughout the project.

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It was noted the Parks and Recreation Commission and the Girl Scout Board have approved the project.

MOTION made by Councilor Woods and seconded by Councilor Harrington to approve Girl Scout's Courtney Farrar and Mary Matheson's proposed Girl Scout Project to create and develop a trail map for walking trails at Twin Bridge Park as well as build and install bat boxes at Twin Bridge Park, Watson Park and Wasserman Park

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

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Nay:

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MOTION CARRIED

The Council returned to the regular order of business.

Old Business

1. Special Investigation Unit (SIU) Update

Submitted by Police Chief Denise Roy

The Town Council to be presented with an update on the activity of the Special Investigation Unit of the Merrimack Police Department.

Chief Roy commented on the confidential nature of the work citing her desire to be able to provide more in-depth information about the work the unit is performing. What she can state is that since the inception of the unit, there have been 182 arrests (two officers and only this aspect of the department), e.g., 182 arrests associated with drug activity. In the last 17 months, there have been 33 known overdoses and 13 overdose deaths. She spoke of the efforts of the officers to help curtail some of that. She noted in excess of 20 confidential informants who gather information where the officers can't get in.

A lot of the activity is still concentrated around the extended stay and other hotels in Town. The department is at unprecedented numbers in regard to activity and staffing. As a result of retirements/resignations, the department is in the process of trying to put on four more officers.

Chief Roy spoke of recently having had the opportunity to speak with Senator Shaheen during which she tried to explain sometimes the smaller towns are forgotten when it comes to funding for drug enforcement. The State spends a great deal on rehabilitation, but we're forgetting about the enforcement piece that is so important for the Town. That is what the two officers concentrate on. She spoke of ongoing educational efforts, e.g., working with YMCA to provide a forum for family members to try to assist them in dealing with loved ones, looking for grant opportunities that may be able to help identify an outreach officer that would work with the Special Investigation Unit (SIU) to help with rehabilitation.

Councilor Rothhaus questioned if there is a means of measuring whether the situation is improving. Chief Roy responded at present that is a hard number of judge. It is getting better in the fact that the department is arresting more people than it was able to in the past, but as far as the numbers in Town it is hard to say, e.g., if arresting more people now, what was happening before. It may be that there will be a better sense of that in another year's time. Asked, she indicated overdose deaths are increasing. She spoke of the increased use of Narcan, of family members having access to Narcan who may not wish to report incidents for fear of getting family members in trouble. Numbers are difficult to track. The department responded to 33 overdoses that did not result in loss of life.

Councilor Rothhaus stated an interest in understanding how the drug court program is working. Chief Roy noted the department participates in Drug Court. It is kind of a misperception; Drug Court is actually for the worst of the worst offenders. The intent is to address issues by providing more oversight, e.g., have to check in more frequently with the probation Parole Officers. The department has officers (2) who are in training and is looking to send more for training through the Drug Court to have its own liaisons. She spoke of how thinly stretched probation parole is in Hillsborough County. For residents of Merrimack who are participants of Drug Court, the department is able to check in on one-on-one. The two officers randomly check on the participants and look to build a relationship with them and see where their needs are and what the department can do to help them.

Asked how the department plans on covering new hotels being constructed, Chief Roy responded there is a hotel and many apartments being constructed. Any time discussion of a new hotel comes up, the department is worried about the transient population. She is hopeful this hotel might be slightly more upscale so that the clientele is geared more towards the businesspeople in Town.

Asked about the level of cooperation by the hotels, Chief Roy stated her belief it has diminished slightly partly due to management turnover. Efforts continue towards open communication.

When asked about the department's involvement with Granite Shield, Chief Roy indicated the department remains involved. It is all grant funded. The department takes advantage of whatever comes its way. When the funding runs out, they have to make do until the grant cycle begins again. Asked if the department has representation on any other task force, Chief Roy stated it does not. Although she would like to see that occur, because of the resources, currently the department does not have the personnel for that.

Asked if the department is seeing an increase in the number of DWIs for individuals under the influence of drugs, Deputy Chief Levesque stated his belief the number of DWI drug cases are similar to what was seen in the past. However, DWI arrests have increased quite a bit (2-3/week). Most aren't accident related, which means the officers are out there proactively checking the roadways and catching violators.

Asked if the department still maintains a drug recognition expert, he indicated it does. Asked if the department is considering an additional expert, Deputy Chief Levesque stated there to be a few things that are going on in the courts that need to be looked into to determine if it would be a worthwhile effort, noting the process is very lengthy with continual certifications, traveling, etc. It is something that could be explored, and is monitored.

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Town Manager Cabanel asked if there is a means of recouping costs when an establishment such as a hotel moves into Town and alters the landscape of the drug situation becoming a nuisance for the Town and a drain on the resources. There should be something that could be done in regard to placing the financial burden on an establishment whose policies encourage this type of behavior.

Chief Roy stated this has been discussed previously, and it is the County Attorney's Office that would address a nuisance.

Councilor Albert spoke of the rooms tax and the ability for the Town to receive a percentage of that. Assistant Town Manager/Finance Director Micali stated his understanding the bill was held in committee. Asked if there is no mechanism for addressing this, Town Manager Cabanel responded, with the current County Attorney, there is not. Asked if there is anything the Council could do to encourage the County Attorney to consider such action, Chief Roy remarked if intending to go down that road, the department would need to do the groundwork noting there is a nuisance Statute that relates directly to businesses. She suggested they speak with the Town Manager and make her aware of the information the department has that could be presented to the County Attorney. She was uncertain that would work for the Town, but stated that effort could be done within the next few weeks, and the opportunity explored. Councilor Harrington stated her belief the Council would be willing to help support that effort. Chief Roy indicated it would likely be more helpful if the request came from both the Council and the department.

Chairman Koenig commented when the SIU was originally proposed the request was for three officers. Two were brought on immediately and overtime hours were approved to try and backfill. He questioned the current situation understanding the current climate in terms of staffing and filling positions left vacant through retirements/resignations. Chief Roy stated there to be 4 candidates the department is currently trying to put on. The process is lengthy. At the moment they are incurring overtime to cover shifts and are running with minimum numbers.

The financial strain an additional officer places on the Town is understood, which is why one of the options they are seeking is a grant that may be able to support the cost of an outreach officer that would work directly with the SIU and be essentially the third person although having a slightly different role. In an ideal world three people and a supervisor would be fantastic. That has not changed. If anything it is getting to the point where it may be a necessity if the current pace continues. There are no signs of slowing.

Chief Roy stated this summer to be one of the busiest she has experienced. When they go to the hotels it is a requirement that they send two officers as they just don't know what the element is on the other side.

Town Manager Cabanel spoke of the monthly report provided by the department, which identifies the establishment and associated number of calls. For this portion of calendar year 2019, there were 62 calls to Residence Inn, 32 to Quality Inn, 42 to Holiday Inn, and 130 to WoodSpring. Chairman Koenig questioned, and was informed the numbers represent all calls (of any nature). Chief Roy indicated there have been thefts, assaults, overdoses, prostitution, suspicious people, etc.

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Chief Roy remarked even for the simplest calls, if a single officer is sent, another is in the area and available if needed. It is just not known what will be encountered. Intoxicated individuals are very common in the areas.

Chairman Koenig cited the number of calls to other establishments in Town, e.g., 271 to the outlet mall and complaints about a motor vehicle reached 243. He questioned what classifies as a complaint about a motor vehicle. Deputy Chief Levesque responded that relates to anytime someone witnesses a motor vehicle violation and calls the department to report it.

Town Manager Cabanel questioned if the calls to the mall are all for services or if the numbers also represent directed patrols. Chief Roy noted the directed patrols numbers are removed from report. Self-generated numbers such as motor vehicle stops are also removed from the numbers.

New Business

1. Donation Acceptance to the Public Works Department – Highway Division

Submitted by Highway Operations Manager Lori Barrett

The Town Council to consider the acceptance of a donation valued at approximately \$100 from Merrimack Crimeline consisting of 16 safety vests, 9 trash pokers and 4 trash pickers to the Public Works Department's Highway Division for the use by the Adopt-A-Road volunteers, pursuant to RSA 31:95-e and Charter Article 8-15.

Merrimack Crimeline donated the items to the Highway Division to be used for the Adopt a Road program.

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to accept a donation valued at approximately One Hundred Dollars (\$100) from Merrimack Crimeline consisting of 16 safety vests, 9 trash pokers and 4 trash pickers to the Public Works Department's Highway Division for use by the Adopt-A-Road volunteers, pursuant to RSA 31:95-e and Charter Article 8-15

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

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Nay:

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MOTION CARRIED

3. Proposal to Plant a Tree on Merrimack Youth Association Property (Town-owned)

Submitted by Laurie Rothhaus

The Town Council to consider a proposal to plant a tree on the MYA property located at 487 Daniel Webster Highway, which is Town-owned property.

Laurie Rothhaus, representing Celebrating 50 Years of MYA, stated the committee's desire to plant a tree to celebrate the service of Terry Benhardt, longtime President of the MYA and his Wife, Tina, for all they did for the Town and the children that went through the programs. The intent would be to

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plant a Dogwood (budding white tree) on the left side of the building. However, they would like the flexibility to be able to consider a different location if deemed more appropriate.

Chairman Koenig requested clarification be sought from the Public Works Department (PWD) with regard to discussion around the possibility of changing the entrance to the MYA building. He would not want to see the tree planted in an area that could be dug up at a future date.

Councilor Rothhaus made mention of the eventual intersection with the realignment of Wire Road coming into Route 3. His recollection is it will likely be the new entrance to the MYA. He stated his understanding the intent is for the tree to be planted next to the building.

Councilor Albert spoke of his support of the project commenting Mr. & Mrs. Benhardt are great people who are dedicated to the community, youth, and sports.

MOTION made by Councilor Woods and seconded by Councilor Healey to approve the proposal to plant a tree on the MYA property located at 487 Daniel Webster Highway, which is Town-owned property

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

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Nay:

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MOTION CARRIED

4. Utility Easement Review/Acceptance for Existing and Proposed Infrastructure Crossing Town ROW

Submitted by Meridian Land Services Certified Wetland Scientist Spencer Tate

The Town Council to review and consider the acceptance for existing and proposed infrastructure to cross Jebb Road.

Spencer Tate, Wetland Scientist, Meridian Land Services, stated the request to be for the Council to authorize the execution of an easement. The desire is to formalize an existing waterline that crosses underneath Jebb Road. The project location is 25 Jebb Road (Lots 6A-2-165 (.18 acres) and 6A-2-156-6 (.621 acres); existing non-conforming lots); owned by the Schleifer Family Revocable Trust. What is being proposed is a legal septic system. They have shoreland approval. The only thing holding up the project is the crossing of Jebb Road, which is the Town's purview, with the existing and proposed infrastructure.

Jebb Road ends and is almost entirely forested and then terminates; essentially a paper road. Mr. Tate noted the Council has previously authorized the execution of easements for other properties on Lakeside Drive.

Asked for additional clarification, Mr. Tate stated there to be an existing well and existing domicile, vacant lot on the east side of Jebb Road. The water line crosses from the existing well to the existing domicile. The current septic system is 15-20' off the lake. The proposed system involves crossing

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Jebb Road with the sewer force main, which would be within the Town's Right of Way. There is a new proposed collection tank with a pump chamber attached that will discharge through the line.

Councilor Albert questioned if the gravel road would be dug up, and was informed it would, but the location of the actual force main is beyond the edge of the traveled way. Asked if the abutters have been notified, Mr. Tate stated notification was provided as part of the Shoreland permitting process.

When asked about separation of the sewer line and water line and associated approvals, Mr. Tate stated the Shoreland permit has been approved, the septic design is approval and ready for a stamp, but that cannot be done until an easement has been executed. Typically, when submitting to the State for a septic design crossing the public Right of Way, most of the less formal towns are okay with a letter from the Road Agent that says temporary earth removal is allowable, but because of the location of the existing water line and proposed sewer line and MS4, Dawn Tuomala, Deputy Director/Town Engineer, PWD, felt this would be the cleanest way to formalize things and create a long-term legal system for the domicile.

Councilor Healey questioned the impetus for the project, and was informed the desire is to upgrade the septic system. It is an existing separate lot of record; however the owner wishes to do what is felt to be right; utilize adjacent shared ownership lot for a septic system.

Councilor Healey questioned if there are any plans to do anything with Jebb Road in the future. Deputy Director Tuomala stated one of the questions in the beginning was whether the Town would give up that section of road. She considered that. With the MS4, this would be an area that could be used in the future. Although uncertain she would not want to see the Town give up anything on the lake area given the small amount of land. This was the best solution in that it would get the septic system away from the lake, which is desperately needed for all of the testing. The only request is to have a 6" schedule 80 pipe be placed underneath the Right-of-Way section and then have the pump line placed under that so that nothing would happen to it, and it could be easily repaired/replaced in the future.

Deputy Director Tuomala noted legal counsel has reviewed the proposed language and provided changes, which were provided to the Council.

MOTION made by Councilor Harrington and seconded by Councilor Albert to approve the easement request and authorize the Town Manager or her proxy to sign any documentation necessary to effect the transaction

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

7

Nay:

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MOTION CARRIED

3. Town Council Charter Review Discussion

Submitted by Town Councilor Peter Albert

Town Council to discuss the process for establishing a Charter Commission.

Councilor Albert spoke of the previous discussions around how the law now requires the Town to make each separate Capital Reserve Fund expenditure request a separate warrant article. One of the recommendations from the Department of Revenue Administration (DRA) was to go from a budgetary Town Meeting to a pure Town Council form of government. Legal counsel (DrummondWoodsum) provided a memorandum regarding the process should that be the desire of the Council. Having reviewed the memorandum and understanding the onerous nature of the process, he is uncertain he would recommend it be undertaken.

Councilor Rothhaus spoke of having sat on a Charter Commission in 2005-2006. It was a massive project. He does not believe the commission would be limited to just changing that; opens up to all kinds of possibilities. He is comfortable with where the community is at this time.

Councilor Healey spoke of having come from a town in Connecticut where the form of government was a Mayor and Selectmen. They had the power of the budget. The idea was if you wanted to have a say in the budget you had to go to a meeting that housed maybe 65 people, but they needed 2/3 of the town to show up and be in the room to vote. Since moving to Merrimack, she has believed it to be a good process to be able to put down all of the expenditures in black and white and have them voted on by the residents.

Councilor Woods spoke of the last time this process was undertaken noting he does not recall the amount of discussion that occurred with the Board of Selectmen at the time. He appreciates the issue being brought forward for discussion; however, believes the Council would be well advised to take the time needed to have open dialogue.

Chairman Koenig stated agreement with the comments made, and spoke of being comfortable with the way things are currently. He can imagine that at sometime in the future the Town will likely re-establish a Charter Commission (perhaps to change form a town to a city). Because of the onerous nature of the commission, it is likely more than the Council is willing to get involved with for this particular issue.

Councilor Harrington and Vice Chairman Boyd stated concurrence with the sentiments expressed. Vice Chairman Boyd spoke of the increased voter participation in the last election stating his belief that is indicative of the fact that people have the opportunity to express an opinion on each particular line item relating to the budget.

Minutes

June 17, 2019 – Goal Setting Session

The following amendments were offered:

Approved: September 12, 2019

Posted: September 17, 2019

Page 1, #3c; insert “control” following “Town’s” – provide clarity

Page 4, #4; replace “Town of Merrimack Public Works Complex – Highway and Maintenance Garage” with “Town of Merrimack Highway and Maintenance Complex”

Page 4, #6c; add to the end of the sentence “and obtain feedback regarding the idea of razing unused buildings that are in poor repair, and report back to the Council on their decision.”

MOTION made by Councilor Harrington and seconded by Councilor Healey to approve the meeting minutes of the Town Council meeting of June 17, 2019, as amended

ON THE QUESTION

The Council noted numerous other suggested amendments that should be considered in advance of approval of the minutes.

MOTION WITHDRAWN

MOTION made by Councilor Harrington and seconded by Councilor Healey to table approval of the June 17, 2019 meeting minutes until the Council’s next regularly scheduled meeting

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

6

Nay: Councilor Albert

1

MOTION CARRIED

July 18, 2019

The following amendments were offered:

Page 3, Line 46; replace “back ground” with “background”

MOTION made by Councilor Harrington and seconded by Councilor Albert to approve the meeting minutes of the Town Council meeting of July 18, 2019, as amended

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

7

Nay: 0

MOTION CARRIED

Comments from the Press - None

Approved: September 12, 2019

Posted: September 17, 2019

Comments from the Public - None

Comments from the Council - None

Adjourn

MOTION made by Vice Chairman Boyd and seconded by Councilor Harrington to adjourn the meeting.

A Roll Call was conducted, which resulted as follows:

Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd, Chairman Koenig, Councilor Harrington, Councilor Woods

7

Nay:

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MOTION CARRIED

The August 15, 2019 meeting of the Town Council was adjourned at 9:14 p.m.

Submitted by Dawn MacMillan