

Approved: December 19, 2019

Posted: December 23, 2019



## **Town Council Meeting Minutes**

Thursday November 21, 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, 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**

Chairman Koenig led in the Pledge of Allegiance.

### **Announcements**

Regular meetings of the Town Council will be conducted on Thursday, December 5<sup>th</sup> and 19<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room.

2019 December property tax bills have been mailed and are due by December 16<sup>th</sup>. Property owners who have not received their tax bill should contact the Tax Collectors office for a duplicate bill.

Eversource joins other utilities urging caution to customers of sophisticated scammers finding unique ways to exploit people and steal their money either over the phone, online or at the front door. Scammers are posing as Eversource employees to get money or personal information for identity theft. Eversource urges anyone who believes they are a target of improper solicitation to alert local law enforcement and contact the company directly at 1-800-662-7764.

Councilor Harrington spoke of past requests from the Merrimack Youth Association (MYA) for representation from the Council on their board, and stated a willingness to serve in that capacity. The MYA is really attempting to meet the demands the Council has placed upon them. She would like the Council to demonstrate to them that their efforts are recognized, and provide an opportunity for them to have a member of the Council attend meetings to show support for their efforts.

Chairman Koenig noted the offer to be that of an informal liaison, and not requiring a formal vote of the Council.

*The Council expressed its appreciation for Councilor Harrington's willingness to serve in that capacity.*

### **Comments from the Press and Public**

Debra Pignatelli, Executive Councilor

Councilor Pignatelli stated since joining the Executive Council in 2004, one of her main goals has been to help Merrimack with its toll booths. She spoke of having been before the Council, over the years, with different approaches for addressing the tolls. She has never before had the votes needed to pass anything.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

During the last month or two she has been talking about zeroing out the tolls at exit 11, and now has the votes to pass it. The Executive Council is meeting on Monday morning at which time she expects Item 28A; Authorize to Decrease the Rate of Tolls at the F.E. Everett Turnpike Exit 11 Ramp Toll Plazas in Merrimack to Zero Dollars and Zero Cents for all Vehicles, to pass. It would take effect January 1, 2020. Members of NHDOT will be out at 10:00 a.m. December 31<sup>st</sup> taking down the signs. Ben Niles, 11 Fernwood Drive

Spoke of the daily traffic congestion on the Route 3 corridor. A long-time resident recently commented to him that the quality of life in Town is suffering due to this, and that he believes property values will be impacted.

Mr. Niles questioned the cause of the congestion commenting on the amount of development in Town. He believes the corridor is overbuilt. He spoke of the number of vehicles that come along with increased development, and questioned how it impacts the workflow of the Police Department and emergency response time of emergency personnel.

Residents living in developments accessed off Route 3 wait 10-20 minutes to get out onto Route 3 because of the flow and level of traffic, and because there is not adequate separation to allow safe entry.

The Nashua Regional Planning Commission (NRPC) believes it to be a great idea to add bike and pedestrian lanes to Route 3. He would support such an idea were it feasible. The proposal is to shrink the travel lanes to 10' wide. For safe travel in those speed zones, the standard is 11'. Traffic calming measures have been discussed. He questioned how calming measures would improve the poor traffic flow and driving experience in the Town. He asked about a cost-benefit analysis if only 1-2% of residents bike or walk in Town suggesting there would be the need to relocate utility poles, etc. in the corridor between Nashua and Bedford.

He questioned if it is time to conduct a comprehensive up-to-date traffic study of the entirety of the Route 3 corridor, and if the Town should pass a building moratorium for the Route 3 corridor until all of the problems are properly addressed.

He believes it the responsibility of the Council to take a more active role in Town governance. Everyone needs to be working on how to improve the quality of life in Merrimack. He does not believe there to be sufficient Town-wide input on some of the things being done by the various boards.

**Recognitions, Resignations and Retirements** - None

**Appointments** - None

**Public Hearing** - None

**Legislative Updates from State Representatives**

Representative Wendy Thomas noted Legislative Service Requests (LSRs), which she has put forward. Currently insurance providers cover 28 days of IV therapy if having a tick borne illness. The Bill would mandate that insurance companies have to pay for the number of days deemed appropriate by

**Approved: December 19, 2019**

**Posted: December 23, 2019**

the treating physician. Another Bill compliments one put on by Representative Stack last year; leases signed for rental properties require the renter to be provided with a water quality report upon signing. Another Bill would prohibit the firing of individuals in non-essential jobs who test positive if legally in the therapeutic cannabis program.

She put forward a Bill proclaiming October 9<sup>th</sup> as PANDAS/PANS Awareness Day. PANDAS is the acronym for Pediatric Autoimmune Neuropsychiatric Disorder Associated with Streptococcus and PANS for Pediatric Acute-Onset Neuropsychiatric Syndrome.

Another Bill would permit therapeutic dispensaries to sell products containing third party CBD oil and isolates. A lot of the approx. 8,000 patients want CBD products, leaving dispensaries unable to keep up with the demand. The way the Bill is currently written they have to source everything in State and must grow their own product.

She has withdrawn her Bill related to Medicaid to School, and is a co-sponsor on one that Senator Jay Kahn is putting in.

The Department of Health & Human Services (DHHS) meeting for PFAS was conducted the prior evening. When asked if he resided in the Town of Merrimack would he drink the water, Jonathan Ali, Ph.D., NHDES Toxicologist, responded “No.”

Representative Thomas stated she has been contacted by Saint-Gobain for the Community Advisory Council. She will request that Saint-Gobain provide the entire Town with bottled water.

Representative Nancy Murphy spoke of the level of participation at the prior evening’s meeting with DHHS.

Jeanine Notter, Deputy Republican Floor Leader, stated she asked the Toxicologist if he would drink the water. He said he wouldn’t drink it if it were above the standards (12 ppt). She didn’t think to ask if he would drink tap water if it didn’t have anything in it, but what she didn’t know was that he also didn’t recommend cooking with it. She asked him about bottled water understanding with extreme temperatures chemicals from the plastic could leach into the water. There was no answer for that.

Representative Notter stated HB712 will be an income tax although called a tax on wages. It passed the Finance Committee and will go to the House for a full vote. It does affect Merrimack. She stated all of the bills worked on in Concord affect Merrimack as it is in the State of New Hampshire.

Chairman Koenig acknowledged that; however, noted what he was looking to gain is focus more on items the Town Council could react to or help with in some way.

Representative Thomas spoke of sitting on the Protecting Unprotected Water Sources Committee. The Committee was tasked with coming up with funding to protect the State’s water. What the Committee is looking at is the possibility of a \$0.50/month charge on water. Guidelines would have to be established on how the funding could be expended, e.g., infrastructure, filtration. Asked if the \$0.50/month would be dedicated to groundwater protection, source water development, water quality, acquisitions, etc., Representative Thomas stated it would be dedicated, but would not be a State fund; would be owned by the water companies. There would be very strict uses.

## **Town Manager's Report**

Town Manager Cabanel commended Kristin Wardner, Executive Secretary, who puts together the Town Report. She has reached out to the middle and high schools to help design the cover. The winning design will be published on the report and will become a permanent part of Merrimack history.

## **Consent Agenda**

### **1. Consideration of Changes to Chapter 178, Taxation (Article VI, Optional Property Tax Credit – Service Connected Total Disability) [Final Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapter 178, Taxation, of the Merrimack Town Code, with reference to Article VI, Optional Property Tax Credit (Service Connected Total Disability), pursuant to Charter Article V.

### **2. Consideration of Changes to Chapter 178, Taxation (Article IX, Solar Exemption) [Final Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapter 178, Taxation, of the Merrimack Town Code, with reference to Article IX, Solar Exemption, pursuant to Charter Article V.

**MOTION made by Vice Chairman Boyd and seconded by Councilor Rothhaus to move the Consent Agenda. MOTION CARRIED 7-0-0**

## **Old Business**

### **1. Wasserman Park Facilities Update**

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to be presented with an update on the facilities at Wasserman Park.

Matthew Casparius, Director, Parks and Recreation Department, provided a presentation (can be viewed [here](#); tape counter 31:45). He displayed photos of the condition of the buildings in Wasserman Park when he first came on board six years ago. At that time, the Council had requested he develop an initial five-year plan to begin addressing some of the most urgent needs. Over the past 6 years, a great deal has been done; in FY15 there were 15 major projects, FY17 saw 13 major projects completed, in FY18 there were 12 major projects. In the fall of 2016, improvements to the Function Hall (new heating system, water line, and sprinklers) allowed the Town to begin renting out the building. In that first year (mid-year start), revenue generated reached approx. \$1,300. In the second year, \$2,500, third year \$6,100, and year to date for the current fiscal year (6 months in) revenue has surpassed \$6,500.

In 2014, the camp had gone through a steady 5-6 year decline in enrollment. This past summer was the highest enrollment ever. The only week that did not sell out was the week of July 4<sup>th</sup>.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Wasserman Park has a total of 19 buildings in fair to good condition. Of the 19, seven are the old sleeping cabins. They are only used 8 weeks out of the year. There was a time, prior to his arrival, that the department ran an overnight there every two weeks. Those cabins are now mostly used as a place for campers to dump backpacks, change for swimming, etc. Over the summer, he and his staff conducted a review of the buildings, identifying conditions, and the structures that are critical and essential versus those that are nice to have. There are, on average, 150-175 people/day at camp. What they found in the older sleeping cabins is that they are being used far less than even 3-4 years ago. Of the 7, 3 are in tough shape. The department currently has a part-time/year round maintenance person (18 hours/week), and a seasonal employee for 12 weeks in the summer. They do what they can.

Prior to the Council's retreat last June, a request was made of the Building Department to inspect the buildings and compare conditions to the Turner Report that was done some 10± years ago. There were 2 buildings in particular, cabins 1/2 and 5/6, where there were concerns with the collar ties that are holding up the roof structure. A request was made that the buildings not be used until an additional evaluation could be conducted. The collar ties are pulling apart by themselves. At some point, a heavy snow load, etc. could pull the roof down.

These 2 buildings are the worst in the park. One has the original beds (nailed to floor) from the Camp Naticook days. If removing the beds a gap would be left in the floor. The buildings are not ADA accessible and will require new roofs in the next 1-3 years. The root system of a large pine tree is causing the stone stairs at cabin 5/6 to be pushed out of place. The department is struggling to keep up with the maintenance requirements of cabin 9/10. The Nature Hut has not been used in approx. 10 years (falling over), and the woods have grown around it.

At this time, the recommendation is to take down cabins 1/2 - Heron Cove, 5/6 - Snake Pit, 9/10 - Fox Den, and Nature Hut.

Asked if Town personnel could perform the demolition, Assistant Town Manager/Finance Director Micali responded in years past he has had a private contractor come in with an excavator. They crush the building, and the Solid Waste Department is used on a Monday to load trucks and remove the debris. Costs include the use of the excavator and the tipping fee.

Chairman Koenig spoke of the cost of repair (stated to be approx. \$40,000) noting mention made of the lack of need for these buildings. Director Casparius spoke of the information contained in the [communication](#) provided with the agenda.

Asked when the demolition would occur, Director Casparius stated the cost to be identified in the coming year's Capital Improvement Plan (CIP). With funding available on July 1<sup>st</sup>, the demolition would likely be next Fall. Assistant Town Manager/Finance Director Micali spoke of another building planned for demolition this year. He will look to identify if the projects can be combined.

Director Casparius noted another project planned for the coming budget cycle; the 7 tennis courts at Wasserman Park (only official courts in Town) are in constant use and in need of resurfacing. Typically courts are resurfaced every 10 years or so. It has been at least 15 years since that was last done.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Director Casparius noted the issues highlighted to be the largest. Two years from now the docks (28 years old) will be looked at. To replace what exists would be at an approx. cost of \$45,000. Consideration is being given to a change in configuration, which could cut the cost in half. Other projects two years out include the office area, which is not ADA accessible and will require a roof, and the camp office, which is not ADA accessible.

Councilor Albert questioned if the Function Hall is currently ADA accessible, and was informed it is not. He spoke of the basement restoration (\$70,000), and questioned the feasibility of moving the Park and Recreation office to that location. Director Casparius commented one of the nice things about the current location is its visibility and central location. He spoke of a flood that occurred in the basement some 10 years ago noting all that remains is framing. Currently, when renting the hall, users have access to the entire floor as there is no way to subdivide the rooms (restrooms located in the back). His thought, with the basement, would be to turn it into a series of meeting/activity rooms so that more than one event could be occurring in the building at any given time.

The last project planned for the next few years is cabin 3/4, 12, and the Boat House, which will all need new roofs.

Noted was the increase in the number of programs put on by the department over the past 6 years; had been around 25/year and are now at 250±/year.

Asked about the average number of people that visit the Parks and Recreation Office, Director Casparius stated, during this time of year, it is a few people/day at most, but that number increases ten-fold during the summer months. Another challenge with relocating the office to the Function Hall would be traffic flow; people looking to get to his office would get stuck in the traffic of people heading to camp. Drop off/pick up for camp is at the Function Hall.

Asked if there is a vision for the old restrooms across from the day camp, Director Casparius stated that building (pool house) has been closed for a few years. It was learned last year that there are multiple roof leaks. It is empty and the power has been cut. The plan is to take that building down. The hope is to do that this year within the existing budget.

Councilor Rothhaus commented on wanting to visit the park noting consideration of raising structures causes him pause as there is a character about Wasserman Park that he would hate to completely lose. However, there is a point of no return. He stated agreement with the office continuing in its current location.

Councilor Woods stated the Parks and Recreation Commission was updated the prior evening, and is supportive of the recommendations of Director Casparius.

Councilor Albert questioned if meeting rooms is the best use of the basement given the cost that would be involved in renovating. He suggested it could be used as storage for some of the Parks and Recreation equipment, etc. rather than making the investment (\$70,000±).

Councilor Harrington commented on the lack of meeting space in Town. Councilor Healey suggested it would be helpful to understand the projected income should that space be available.

## 2. Wasserman Park Beachfront Update

Submitted by Parks and Recreation Director Matthew Casparius and Public Works Deputy Director/Town Engineer Dawn Tuomala

Town Council to be presented with an update on the status of the Wasserman Park beachfront.

Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department (PWD), provided a [presentation](#). Noted were the trees (4) and their root systems, which extend about 30' from the trees in all directions. A split rail fence was erected to keep people away from the hazard. The waterfront reconstruction project would include construction of a peached beach, which would involve constructing a retaining wall, placement of sand and then another retaining wall and drainage. As there is a large (6') elevation change, the project would not work easily without the removal of the root system.

The New Hampshire Code of Administrative Rules Part Env-Wq 1403.04 - Removal of Dead, Diseased, Or Unsafe Vegetation states in part "A property owner may remove, or may have removed, any dead, diseased, or unsafe trees, limbs, saplings, or shrubs from the waterfront buffer that are not included in the scoring described in RSA 483-B:9, V(a)(2)(D)".

With regard to scoring, if they are alive and not considered diseased, then they have to be included within the scoring, and there would be no way they would be able to be removed. For every 50' block along the shoreland there are points assigned for every tree. The beach area is about 200' long, and the trees are located centrally. If removed, there would be nothing else around. These trees are the only points, and are worth 60 points. In order to replace them, a lot of seedlings and groundcover would have to be added, which would be costly.

Deputy Director Tuomala stated she is going on the assumption that these trees are unsafe at this point. However, the NHDES regulations state all stumps should be left intact ([RSA 483-B:9](#) - Minimum Shoreland Protection Standards). RSA 483-B:9 V2(B) states in part "Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA [483-B:11](#), II - Nonconforming Structures. The Shoreland Protection and Wetland would be the two applications the Town would have to apply for in order to conduct the work.

The exception, 483-B:11, reads in part "For the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter." That can be done by enhancing the stormwater management and adding infiltration areas and some landscaping.

Deputy Director Tuomala stated the definition of an unsafe tree to be one that has structural defect and poses an immediate hazard to structures or personal property or safety. The trees in question have roots that are all exposed, and don't appear healthy (would obtain an opinion). She believes them to be unsafe.

Councilor Albert questioned if there have been claims of individuals injured due to the roots. Director Casparius stated there have not been any claims, but they hear of stubbed toes and things like that all the time. Councilor Albert stated he is aware of a knee injury.

Deputy Director Tuomala stated the goal to be to get an application in to NHDES in December. The desire would be to be able to construct in the spring. She would like to speak with NHDES in person prior to submitting the application to ensure everyone is on the same page. Shoreline laws are made more for the private citizen, and creating a private beach. This is a public beach that has been in the Town since 1994. Not much has been done to the area since that time. She located a 1994 plan that would have added another 100' of beach area. She is going to consider the beach area the entire 200' although work will only be done in the first 100-150'. It will be made known the docks will be done in a few years and improvements will be made.

In 2012, the State came down and made a series of recommendations for erosion control just above the area in question, feeding down into the lake. Some of those recommendations will be utilized within the plan, which should satisfy the requirements.

Councilor Healey questioned if it is possible to bury the roots. She also questioned if there is a plan for adding plantings for erosion control and to lessen the impact of removing trees of that size. Deputy Director Tuomala responded replacing the trees would be at a significant cost. She cannot make up the points; too costly. The original plan does not include a lot of landscaping, but does include erosion control behind the retaining walls. Because of the elevation difference, covering/filling the area of the roots cannot occur without removal of at least some of the roots, which would likely result in killing the trees. She considered placing some type of platform over it, but the law says it should be pervious.

Having visited the area again earlier in the day, she noted additional exposure. Chairman Koenig remarked left on their own, they will continue to be more exposed because they are on the side of the hill that feeds down to the lake. As much as he would like to save the trees, he wants to do what is in the best interest of the community.

## **New Business**

### **1. Request to Make Merrimack a "Purple Heart Community"**

Submitted by Marie Grella and American Legion, Post 98, Commander Roland Roberge  
The Town Council to discuss and consider a request to make the Town of Merrimack, NH, a "Purple Heart Community".

Marie Grella, American Legion, Post 98, invited Merrimack to become a Purple Heart Community. The purpose of a Purple Heart Community is to create a tribute to the men and women who have been awarded the Purple Heart medal. With the presence of a sign designating the Town as a Purple Heart Community, the public will have a visual reminder of the sacrifices paid by the Purple Heart recipients and a notice that the Town supports the military heroes who have made sacrifices for the way of life our residents enjoy. In order to become a Purple Heart Community, there has to be at least 1 recipient in Town. Who that individual is, is confidential.

Ms. Grella noted the designation is not intended to cost the Town anything. She provided information on the cost of the signs; however reiterated it should not cost the Town unless not having a VFW or American Legion in the Town. The Towns she has been going to such as Amherst, have purchased 6 signs (package costing \$550). Once the signs arrive, the PWD will install them.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Chairman Koenig questioned if it can be verified the community has at least one Purple Heart recipient, and was informed one was in attendance.

Roland Roberge, Commander, American Legion, Post 98, questioned the best placement for the signs. Ms. Grella stated, in other communities, the Town Administrator or Director of Public Works has identified the locations. In communities where she has done them, she has placed them at the various entrances to town. Commander Roberge stated the proposal to cover the cost of the signs would be brought up at the next meeting. He did not see an issue in acquiring the signage.

*Chairman Koenig read the following Proclamation into the record:*

“The Town of Merrimack, New Hampshire  
Proclamation  
Purple Heart Community

**WHEREAS**, the people of the Town of Merrimack have great admiration and the utmost gratitude for all the citizens of our community who have selflessly served in the armed forces that has been vital in maintaining the freedom and the way of life enjoyed by our citizens, and

**WHEREAS**, citizens of our community have been killed in action while serving in the armed forces and have been posthumously awarded the Purple Heart for their ultimate sacrifice, and

**WHEREAS**, citizens of our community have been awarded the Purple Heart for their bodily sacrifice of being wounded by the hand of the enemy while engaged in combat, and

**WHEREAS**, the Purple Heart is the oldest American military decoration and was created as the badge of military merit, made of purple cloth in the shape of a heart with the word merit sewn upon it on August 7, 1782 in Newburgh, NY by General George Washington, and

**WHEREAS**, the heritage it represents is sacred to those who know the price paid to wear the Purple Heart, and

**WHEREAS**, August 7<sup>th</sup> is nationally recognized as Purple Heart Day,

**NOW THEREFORE**, we the Merrimack Town Council hereby proclaim Merrimack, New Hampshire a Purple Heart Community honoring the service and sacrifice of those from our community who were awarded the Purple Heart while serving in our nation’s wars, and also be it proclaimed, we the Town of Merrimack, New Hampshire will recognize August 7<sup>th</sup> annually as Purple Heart Day and urge the people and organizations of Merrimack to display the American flag as well as other public expressions of recognition of our Purple Heart recipients.

Proclaimed this 21<sup>st</sup> day of November 2019 by the Merrimack Town Council.”

**MOTION made by Councilor Healey and seconded by Vice Chairman Boyd to proclaim the Town of Merrimack, NH, a “Purple Heart Community”**

## ON THE QUESTION

Councilor Albert commented it is a great recognition of those deserving of it. Councilor Healey commented, as a Veteran and a member of the American Legion, she is most supportive of the request.

### **MOTION CARRIED 7-0-0**

Salvatore Thomas Scali, 11 Essex Green Court

Stated he served in Vietnam in 1968 and 1969. He is proud to have served the Country, and proud to acknowledge that the Town wants to take up this cause. He stated his appreciation. He has traveled through America quite a few times, and has seen many streets and highways noting honor of the Purple Heart. He is a recipient of the Purple Heart, and his license plate has a purple heart on it; BLKH – stands for Blackhorse, the unit he fought with in Vietnam in 1969 in Pleiku. He is grateful to be here, and grateful to the Town to make it honorable for Veterans who do not look for accolades, but accept what their community bestows upon them. He will be gone someday, but the Town of Merrimack will always have this sign that acknowledges its veterans.

## **2. Watson Park Lighting Discussion**

Submitted by Public Works Director Kyle Fox

Town Council to review and discuss the proposed lighting plan for Watson Park.

Kyle Fox, Director, PWD, spoke of recent improvements made to Watson Park; installation of 4 x 4 fencing (last year) to corral off the parking area. In July of last year the new volleyball courts were opened. With the volleyball courts comes a big sandbox, which will be the permanent location of the skating rink.

He has been working with a vendor who just completed an upgrade at Wastewater converting all lights to LED, and has provided a proposal to do the same at Town Hall. During those discussions, he asked that a proposal be put together for the LED lights at Watson Park, and explained the desire for the type of feel for the area. The proposal calls for locating the light poles in the four spaces between the three volleyball courts. The type of poles and fixtures selected were displayed. Although 31 watt fixtures were detailed, there is the ability to go to a 55 watt fixture. With LEDs you do not have the light spread and pollution you get with the old sodium lights. A 5<sup>th</sup> light is desired, which would illuminate the path between the parking area and the rink. The vendor has indicated, if acting quickly, they would be able to get the bases and wiring in this fall, and the lights could be in place for this year's skating season.

Councilor Healey questioned if the area has been viewed at night with a 30 watt bulb, and was told it has not. She stated concern it may not be bright enough. Director Fox stated he and Assistant Town Manager/Finance Director Micali have discussed that, and are leaning toward the 55 watt bulb. Chairman Koenig questioned the height of the lights. Director Fox was uncertain; however stated his belief they would be in the 15' range. Asked if there is a comfort level that the neighbors located behind the courts would not be disturbed, Director Fox indicated there is. The light part of the fixture is completely encased in the bell and only points down. The elevation of the homes is above the park. The lights will be on a timer. Chairman Koenig noted Town Ordinance states parks are closed at dusk, and questioned the need for an amendment.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Chairman Koenig questioned if the lights are able to be dimmed. Director Fox will look into that. Assistant Town Manager/Finance Director Micali spoke of the desire to ensure the entirety of the rink is lit. He reiterated the rink is in the back corner of the park, away from the road and some of the streetlights.

Chairman Koenig questioned if it would be better suited to have two poles with the smaller wattage along the path. Director Fox noted the increased cost of an additional pole. He will speak with the vendor to see what he would suggest. The proposal received is at a cost of \$34,196 (55 watt fixture) for all five poles, electricity, installation, etc. Councilor Albert questioned, and was informed the infrastructure would be constructed in such a way that additions, should they be desired, could be made over time.

Asked about the funding source, Assistant Town Manager/Finance Director Micali spoke of savings achieved in salary line items, e.g., when a vacant position is filled with an individual with a lesser salary than the previous or after being vacant for a period of time. Those savings will allow the project to move forward in the current fiscal year.

Director Fox noted the project was discussed at the Parks and Recreation Commission meeting the prior evening. They were supportive of the project.

### **3. Road Acceptance of Barbie Court**

Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

The Town Council to consider the Planning Board's recommendation of a two year maintenance bond and recommended acceptance of Barbie Court. Acceptance of the road is conditioned upon the two year maintenance bond in the amount of \$50,066.78 and the drainage solution constructed along the cross country sewer line remain satisfactory.

Deputy Director Tuomala performed a final inspection and approval of the road on October 14<sup>th</sup>. On October 15<sup>th</sup>, the Planning Board recommended acceptance of the road be forwarded to the Council. A maintenance bond of \$50,000 is in place. The only stipulation was related to a retaining wall, which was placed along the sewer access road by an owner of an abutting property prior to the sewer being put in place. It has caused an issue that is being worked through. It has been good for the past 8 months; however, she wished for it to be included in the acceptance in the instance a problem does occur in the next two years. Should that concern come to fruition, the maintenance bond would be in place to address it.

Barbie Court is located on Pearson Road, and is a 250' long road that ends in a cul-de-sac. Construction has been underway for the past several years. For a number of reasons, it has not been accepted up until this time.

Chairman Koenig commented the PWD has always been very good about explaining the situation/condition of a road and setting the maintenance bond to be able to support the maintenance. The Planning Board voted 3-0-1 to accept it.

Councilor Healey questioned the projected maintenance cost of the road once the maintenance bond has expired, and was informed it would be the same as other Town roads. Asked why the 250' is a

Approved: December 19, 2019

Posted: December 23, 2019

road rather than a driveway, Deputy Director Tuomala indicated there are 5 houses on the road. As a cluster sub-division, the houses are closer together and there is more common land around the outside.

**MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to approve the acceptance of Barbie Court conditioned upon the two-year maintenance bond in the amount of Fifty Thousand Sixty Six Dollars and Seventy Eight Cents (\$50,066.78) and the drainage solution constructed along the cross country sewer line remain satisfactory. MOTION CARRIED 7-0-0**

#### **4. Highway Garage Complex Signage Update**

Submitted by Finance Director Paul T. Micali and Public Works Director Kyle Fox  
Town Council to receive an update on the proposed Highway Garage Complex sign.

Assistant Town Manager/Finance Director Micali stated the highway garage project is near completion. Proposed signage would read “Town of Merrimack Highway and Maintenance Complex”. Underneath would be a stationary electronic board and under that a planter. Given the location being a residential neighborhood, being looked into is whether the electronic board could be on a timer.

The specific location of the sign has not been determined; however, it will be in the vicinity of the new entryway (working with vendor on lines of sight).

Feedback was requested relative to the electronic aspect of the signage. There are electronic signs located throughout Town; Police Station, Library, Solid Waste, and 2 mobile signs. There is no sign in the Turkey Road area to inform commuters of elections, meetings, etc.

Councilor Healey commented had it not been brought forward she had intended to suggest an electronic aspect to the signage. Councilor Albert questioned why not a scrolling sign. Director Fox stated the true purpose of portable/changeable message boards is to alert motorists to upcoming traffic changes. Many towns use them for messaging, and it is a great thing to do, but when you do that you really need to limit the messages you put on. You don’t want to distract drivers and in that limited attention that they can give it while still paying attention to the road, you only want a maximum of 2 screens.

Asked about the orientation of the sign, Assistant Town Manager/Finance Director Micali stated it would be perpendicular to the road.

*The Council is supportive of the electronic aspect of the signage.*

#### **5. First Quarter Financial Review**

Submitted by Finance Director Paul T. Micali

Finance Director Paul Micali will review the key financial information of the quarter ending September 30, 2019.

The FY19 audit has been completed. The reports are anticipated during the 1<sup>st</sup> week of December. The opinion received is clean. A new firm was utilized this year.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Assistant Town Manager/Finance Director Micali stated should there be a Management Report, it is his belief it would be very minor. It is his opinion, at this time, there are sufficient appropriations to last throughout the fiscal year.

First quarter findings for health insurance indicate costs have increased (\$710,243.69 expended in FY19 and \$760,731.04 in FY20). The increase is in line with the rate increase. Projecting slightly higher than projected during the budget process mainly due to a shift in the census, e.g., single, two-person, and family plans.

Costs for the New Hampshire Retirement System (NHRS) are running pretty constant (\$580,083.04 in FY19 and \$576,270.51 in FY20). There was no increase last year.

Overtime comparisons show a decrease in the Fire Department (\$102,181.21 in FY19 and \$98,829.00 in FY20) and an increase in the Police Department (\$73,075.01 in FY19 to \$99,688.25 in FY20). There were vacancies in the Police Department over the summer, which have been filled; however, new positions result in training time. The shifts are being covered through overtime. Overtime costs in the Solid Waste Department have increased slightly (\$13,640.99 in FY19 and \$16,516.24 in FY20) as a result of time lost due to injuries and coverage utilizing overtime. He commented, when an individual from the Highway Division is sent over to Solid Waste on a Saturday, it is 100% overtime. The increase under General Government (\$1,282.89 in FY19 to \$4,083.65 in FY20) is related in large part to the I.T. Department (problems with phone lines, etc.).

Revenues have increased (\$1,592,454.06 in FY19 to \$1,700,962.10 in FY20). Building permits are up as are interest rates. Auto registrations are increasing.

Revenues are healthy, and appropriations are well within budget.

Councilor Albert noted the Summary by Department Expenditure Report indicates the Highway and Solid Waste departments have less than 50% of their budgets remaining. Assistant Town Manager/Finance Director Micali explained that percentage is a result of encumbrances. There are sufficient funds to carry them through the year.

Asked about the Welfare Department, he explained the \$77,000 of that budget is to outside agencies. Those funds are paid July 1<sup>st</sup>. There is an uptick being seen in payments for housing through the Welfare Department.

Ben Niles, 11 Fernwood Drive

Questioned the number of vehicles registered each year, Assistant Town Manager/Finance Director Micali stated it to be roughly 25,000.

## **Minutes**

November 7, 2019

*The following amendments were offered:*

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Page 7, Line 40; insert a comma following “disagrees with that”

Page 9, Line 29; insert “for” before “power”

Page 17, Line 22; replace “developer” with “development”

Page 17, Line 22; it should be noted the correct amount is \$600,000 not \$6 million

Page 25, Line 7; correct spacing

Page 26, Line 40; replace “One” with “Five”

**MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the meeting minutes of the Town Council meeting of November 7, 2019, as amended. MOTION CARRIED 7-0-0**

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Councilor Healey stated the D.W. Diner will serve a free turkey dinner between the hours of 8:00 - 10:00 a.m. on Thanksgiving Day for those in need.

Vice Chairman Boyd commented several weeks ago he and Chairman Koenig had the opportunity to sit with Governor Christopher Sununu, Representative Richard Hinch, Town Manager Cabanel, and Director Fox in a meeting with Victoria Sheehan, Commissioner, New Hampshire Department of Transportation (NH DOT) and Christopher Waszczuk, Assistant Commissioner, NH DOT. The discussion was around the various traffic problems experienced in Merrimack, and included working with the NRPC on a complete traffic study from the Bedford line down to Nashua.

Another discussion was around the opening of a northbound on-ramp from exit 12 at Bedford Road and a southbound off-ramp at exit 12. The NRPC conducted a study in 2004 providing an analysis as to what a northbound on-ramp/southbound off-ramp would look like at Bedford Road. Director Fox has started a discussion with Jay Minkarah, Director, NRPC, with regard to updating that study to put some hard data together relative to looking at opening up that area.

A conceptual look was provided as to what it would entail for the NHDOT to do those on/off ramps at that location. They indicated it is not as simplistic as many might believe.

During the presentation of the Ten-Year Transportation Plan conducted in Bedford, Councilor Albert advocated for relief relative to sound barriers along the Turnpike. One of the things Vice Chairman Boyd advocated for was increased public safety with egresses on/off the Turnpike into Merrimack, specifically the north end of Town over by the Webster Green Condominiums. He had alluded to the Merrimack 360 project and brought up the idea of looking at a public safety egress down off of Milligan Parkway near where Campers Inn is located.

Vice Chairman Boyd requested Director Fox provide an update relative to issues around traffic congestion along the D.W. corridor at a future meeting.

**Approved: December 19, 2019**

**Posted: December 23, 2019**

Chairman Koenig noted that there is an ongoing conversation planned with the Governor and Commissioner Sheehan. It may be that they come to a meeting in Town and witness the situation first-hand. The intent behind the meeting is to be able to keep the Governor and Commissioner aware of traffic issues in Merrimack.

Vice Chairman Boyd remarked one of the things alluded to during the discussion was the anticipation that when the widening project is completed, some of the traffic being deviated off the F.E. Everett Turnpike onto the Daniel Webster Highway should be alleviated. He stated his hope in the long-run we can open up exit 12.

Commissioner Sheehan pointed out that was a complex enough problem that it would slow down the widening project to try and include it at this point, but that they could consider that as they are developing the widening.

Town Manager Cabanel noted they specifically spoke with Commissioner Sheehan about the sound barriers. She is willing to come to Merrimack and talk to the Council. They cannot put up sound barriers because of the specific rules surrounding level of decibels, etc. There was discussion of some type of barrier that she would be willing to consider. When the question arose of who would pay for that, it was noted a chain link fence was already planned. Director Fox is looking at options such as heavy-duty PVC fencing that might help without being unsightly.

Councilor Albert stated his appreciation commenting he stands by his belief that if the Commissioner lived in one of those neighborhoods, they would have a real nice sound and sight barrier.

Councilor Albert spoke of the passing of Lt. Jason Menard of the Worcester Fire Department while trying to rescue an individual in a house fire.

Councilor Woods wished a Happy Thanksgiving to his colleagues and the residents of Merrimack.

### **Adjourn**

**MOTION made by Councilor Woods and seconded by Councilor Healey to adjourn the meeting.**

**MOTION CARRIED 7-0-0**

*The November 21, 2019 meeting of the Town Council was adjourned at 9:44 p.m.*

Submitted by Dawn MacMillan