

Approved: February 27, 2020

Posted: February 28, 2020



## **Town Council Meeting Minutes**

Thursday, January 23, 2020 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting of the Town Council to order at 8:07 p.m. Present at the meeting were Vice Chairman Boyd, Councilor Albert, Councilor Harrington, Councilor Healey, Councilor Rothhaus, Councilor Woods, and Assistant Town Manager/Finance Director Paul Micali. Town Manager Cabanel was excused.

### **Pledge of Allegiance**

Chairman Koenig led in the Pledge of Allegiance.

### **Announcements**

What is anticipated to be the final budget meeting will be conducted on Wednesday, January 29<sup>th</sup> beginning at 6:30 p.m. If necessary (snow date), the Council would meet on Thursday, January 30<sup>th</sup>.

A special meeting of the Town Council will be conducted on Thursday, February 6<sup>th</sup> beginning at 7:00 p.m. Regular meetings of the Town Council will be conducted on Thursday February 14<sup>th</sup> and 27<sup>th</sup> beginning at 7:00 p.m. All meetings will be conducted in the Matthew Thornton Room.

The Watson Park skating rink is open for the season (or as long as weather cooperates). A contractor is onsite to install light pole bases and conduit for the new skating rink lighting. We are awaiting the shipment of the lights and light poles and hope to have them installed and operational soon.

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

Ben Niles, 11 Fernwood Drive

Spoke of having provided a presentation, relative to the pedestrian and bicycle plan for the Route 3 corridor, during a public hearing conducted by the Planning Board (hard copy provided). He stated the desire, should the Planning Board forward information to the Council, he wished for members to have the benefit of the research he has conducted to be able to quickly identify what he sees as the flaws in the plan.

Mr. Niles spoke of town-wide communications. He had expected to see a sizable contingent of the public in attendance at the public hearing believing there would be many interested in the prospects of sidewalks, bike paths, etc. There were 4 sophomore students from the high school and a parent. The students spoke of the need for sidewalks to facilitate foot traffic to the schools. Mr. Niles provided his presentation, and there were no others in attendance who spoke.

He stated concern that the Town may be functioning in the dark. In the past, coverage of all Town meetings was provided by the Nashua Telegraph and at times the Union Leader. They have cut back on staff, and that has stopped.

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He questioned how to communicate what is occurring in Town, and if it would be appropriate to create a Town blog to disseminate information or set up a push email for all voters wishing to receive information in that manner.

Chairman Koenig remarked this is a discussion that is had every year at the Annual Retreat. There are mailing lists that residents can get on by contacting the Town Manager's Office. All meeting information is posted to the Town website.

Individuals can view the agenda and the detail provided for each agenda item. He commented there is only so much that can be done if there is not a newspaper that is publishing. The Town is making an effort to make electronic communication available. The Town also does a mailer every year leading up to the Annual Meeting to explain all of the Warrant Articles.

Town meetings are streamed live and replayed on the local cable channels.

Mr. Niles questioned if the number of viewers is counted. He commented on the important measurement of citizen participation. Chairman Koenig noted a serious drop-off in physical attendance following the availability of streamed/televised meetings.

#### **Recognitions, Resignations and Retirements** - None

#### **Appointments**

##### **1. Presidential Primary Discussion – Tuesday, February 11, 2020**

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

Town Moderator Lynn Christensen will present and discuss the details of the upcoming Presidential Primary being held on Tuesday, February 11, 2020.

Lynn Christensen, Town Moderator, stated she and the City Clerk have been discussing anticipated attendance. The expected number has been lowered primarily because of the absentee requests. Typically 1,500 - 16,00 absentee requests are received. This year there are but a few hundred.

She has reduced the number of ballot inspectors (41). Anyone interested in participating in that way or in assisting the Supervisors of the Checklists in registering voters, is encouraged to contact her or the Town Hall.

At least 2 members of the Council (or designees) are required to be present all day at each polling site. The AG's office is always present as Merrimack is one of the largest polling sites. They look to see that two Councilors are present, that appropriate notices are posted, Supervisors can answer questions asked, etc.

She commented on changes such as up until this year if you had an absentee ballot a family member could deliver it to the Town the day before the election, but it could not be delivered the day of. That has been changed, and it can now be received.

She expects an influx of new voters. Supervisors of the Checklist take care of registering them. To speed the process, after having waited in line to register, the individuals are provided their ballots from a separate table. She requested the Councilors handle that as well.

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There are essentially two elections going on; the Republicans are having one and the Democrats are having one. If you are not in one of those parties, you can't vote. There are 17 on the Republican ballot and 33 on the Democratic ballot. There is one person who is listed on both. There is the need for 5 Councilors to be present after the close for the sealing of the ballot boxes.

Councilor Albert questioned why the polls would not remain open until 8:00 p.m. Moderator Christensen stated that to be the choice of the Council. Councilor Albert stated his support for the additional time given residents who commute to Massachusetts and the significance of the election. Moderator Christensen spoke of the absentee ballot that is available for those individuals. Councilor Rothhaus commented historically very few people have arrived after 7:00 p.m. There was a time that the polls remained open until 8:00 p.m. The hours cannot be changed at this time. That can be a discussion for future elections. Chairman Koenig noted the concern expressed over time is that of consistency.

School will be closed on Election Day.

Assistant Town Manager/Finance Director Micali questioned if the Moderator has the authority, if the line is out the door, to extend the hours. Moderator Christensen responded "officially, no". What she can do is place someone at the end of the line at 7:00 p.m., and those ahead can get in to vote. Anything that can be done to smooth the process is done.

Chairman Koenig spoke of the traffic pattern. Moderator Christensen remarked at St. John Neumann they come in the main entrance to the school and go out the back entrance. At JMUES they come in the main entrance, through the lobby, and in the main door. They go out the far door near the dumpsters. The Middle School is always an issue as there is one door to gain easy access to the parking lot. What is being discussed, for this election, is having voters continue to come in the same door and exit a different door (near the kitchen).

Jeanine Notter, Deputy Republican Floor Leader, questioned if there is a Libertarian ballot, and was told there is not; they are not an official party.

When asked, Moderator Christensen stated residents can identify their polling location through the Secretary of State's [website](#). That information and a link is posted on Facebook, and the Town's website.

**Public Hearing** - None

### **Legislative Updates from State Representatives**

Jeanine Notter, Deputy Republican Floor Leader, spoke of a bill she co-sponsored relative to use of funds resulting from asset forfeiture. The hearing was held yesterday and members from the Heartland Institute flew in to testify. She provided copies of books that members of the Institute left, e.g., 10 state solutions to emerging issues. A mother from Merrimack testified at the State House and spoke of having lost her son to drug addiction. Currently, asset forfeiture revenue goes to the A.G.'s office and is distributed. The bill would move the administration of the funds from the A.G.'s office to the Governor and Executive Council as they have better knowledge of what drug treatment programs are

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in place and would benefit from the funds to help those most in need. The Institute of Justice gave the State a D ranking for transparency in drug forfeiture. The bill seemed to have bipartisan support.

Representative Wendy Thomas spoke of a U.S. House Resolution entered by Representatives Christopher Pappas and John Dingell, which encourages the EPA to maintain and strengthen requirements under the Clean Water Act and reverse ongoing administrative actions to weaken this landmark bill and protections for U.S. waters.

She was recently named the New Hampshire lead for the National Caucus for Environmental Legislators in part due to her work with water. She sits on the UNH Hillsborough Cooperative Extension Advisory Council, and wanted to inform the Council the New Hampshire Farm, Forest, and Garden Expo. will be held at the DoubleTree Hotel in Manchester on February 14<sup>th</sup> and 15<sup>th</sup>.

A copy of the quick guide to New Hampshire's Retirement System for members, retirees, employers, and lawmakers was provided.

A Town Hall meeting is being conducted tomorrow evening (1:30 - 3:00 p.m.) in the Matthew Thornton Rm.) on clean water and PFAS regulation with Congressman Andy Levin from Michigan; what is being done in Washington and how it will impact towns like ours.

A hearing was conducted earlier in the day on SB684 - Medicaid to School. The amended bill adds psychologists to the designation of people that can be licensed. The DHHS, which is where the emergency ruling came from, is supportive of the bill. The Merrimack School Board reviewed the bill at a recent meeting, and a letter from the Chairman was provided to Representative Thomas to be presented at the Public Hearing. She commented on how effective the letter was. It stated in part "We wanted to let you know that with this new rule, we are only able to be reimbursed for \$50,000 in Medicaid claims against a projection that was closer to \$500,000. Because of this ruling we potentially missed out on \$450,000 that we had had prior to this ruling."

After testifying, she was approached by Henry Lipman, Medicaid Director, who provided contact information, and suggested she have the School Board contact him indicating he could help them get back some of that money.

Representative Thomas spoke of the apartments being occupied near exit 11, people trying to run across the unlit road at night, and the need to figure out a solution for that area. Chairman Koenig stated the Planning Board has been looking into a means of getting a pedestrian crossing anywhere along that area. It is being reviewed.

Chairman Koenig commented on the budget presentation provided the previous evening by the Waste Water Treatment Facility. Part of the discussion addressed how the facility will handle the issue of flushable wipes. He spoke of the amount of time and the environment required for the flushable wipes to degrade, and suggested Representatives look to have the "flushable" wording removed from the labels. Although the wipes are flushable, they are not deteriorating. There is an expense incurred by the Town as a result.

### **Town Manager's Report**

The Planning Board adopted the 2019 Rt. 3 Bicycle-Pedestrian Plan as an appendix to the Town's Master Plan at the 1/21 Planning Board meeting. This adoption culminates the work of board members and NRPC over the past several years, and puts the Town in a position to be better positioned for state/federal grants and transportation programs. In addition, the adoption of the plan allows the Town to work with NHDOT on pedestrian improvements outside the urban compact (many to be funded by developers through the site plan review process), which had been on hold since 2013 pending adoption of the plan.

The Planning Board also discussed a number of potential zoning amendments at the 1/21 meeting, and will be moving forward with a public hearing in March to make recommendations to the Town Council.

Vice Chairman Boyd commented the three pieces he felt were important takeaways was the change to the definition of what a home occupancy is; adding language, you have to meet certain criteria or have to move forward to a full site plan review or conditional permit. The second is the telecommunication towers; State and Federal rules will be incorporated into the proposed ordinance to add more substance and teeth. The telecommunication piece could potentially become a function of the Planning Board. The third is the storage of travel trailers (people's property) and the definition of what is a travel trailer. Being proposed is anything on wheels that is motorized. The focal point is that these travel trailers will not serve as permanent housing on a lot.

**Consent Agenda** - None

### **Old Business**

#### **1. Town Center Committee Charge Revision - Follow up**

Submitted by Town Center Committee Chair Nelson Disco

The Town Council to review and consider the recommended changes to the Town Center Committee's Charge.

Chairman Koenig stated Mr. Disco was unable to be in attendance.

**MOTION** made by Councilor Woods and seconded by Vice Chairman Boyd to approve the recommended changes to the Town Center Committee's Charge

### **ON THE QUESTION**

Vice Chairman Boyd thanked Mr. Disco and members of the Town Center Committee for their review of the Charge and recommended changes.

Councilor Healey suggested the first bullet item under the heading of "Representative Activities" be amended by removing the language "after opening the new Court House". **MOTION CARRIED 7-0-0**

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### **New Business**

#### **1. Ratification of Collective Bargaining Agreement(s)**

Submitted by Town Manager Eileen Cabanel

Town Council to consider ratification of tentative collective bargaining agreement(s).

Chairman Koenig stated there are no collective bargaining agreements (CBAs) that have been finalized at this date.

There are two CBAs with terms ending this year; Police Officers and Dispatchers. The Town has been in discussions, but has not been able to resolve anything. Assistant Town Manager/Finance Director Micali stated both groups are taking proposals back to their membership for a vote. The response will be known by the February 6th special meeting date.

### **Minutes**

Approve the minutes from the following Town Council meetings:

January 8, 2020

**MOTION** made by Vice Chairman Boyd and seconded by Councilor Woods to approve the meeting minutes of the Town Council meeting of January 8, 2020, as presented. **MOTION CARRIED 6-0-1**

*Chairman Koenig Abstained*

January 9, 2020

**MOTION** made by Vice Chairman Boyd and seconded by Councilor Harrington to approve the meeting minutes of the Town Council meeting of January 9, 2020, as presented. **MOTION CARRIED 7-0-0**

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Assistant Town Manager/Finance Director Micali noted at the January 30<sup>th</sup> meeting, the Council will begin its deliberation on the proposed budget. Every department head is expected to be in attendance. The meeting begins at 6:30 p.m.

Vice Chairman Boyd questioned, and was informed the Public Hearing will be conducted on February 13<sup>th</sup>, at which time public comment is welcome. Following the public input, the Council will finalize the proposed budget.

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Councilor Healey noted Cathy Nadeau, Secretary, Fire Department will be retiring shortly.

Councilor Healey spoke of having attended the visit with Congressman Christopher Pappas this week at the Merrimack Village District (MVD). She commented on the opportunity it provided for the MVD to explain what they have been doing and what they have faced in regard to obtaining funding/grants as well as the history of how the Town came together to approve the funding for the project. Congressman Pappas went over parts of the Bill; one part is to control any new creation of PFAS compounds in the future. It will be under the purview of the EPA. Another piece is related to grant funding (approx. \$500 million) available to cities/towns required to install filtration systems. Funding would be distributed in increments over a five-year period and would be retroactive to the date construction work began. The third piece is related to monitoring. She questioned if there would be penalty language, and was informed that is not part of the bill at this time.

### **Adjourn**

**MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to adjourn the meeting. MOTION CARRIED 7-0-0**

*The January 23, 2020 meeting of the Town Council was adjourned at 9:18 p.m.*

Submitted by Dawn MacMillan