



## **Town Council Meeting Minutes**

Thursday, August 27, 2020 at 7:00 PM, Virtual Meeting

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### **Call to Order**

Chairman Tom Koenig called the meeting of the Town Council to order at 7:00 p.m.

Present at the meeting were Vice Chairman Bill Boyd, Councilor Nancy Harrington, Councilor Barbara Healey, Councilor Finlay Rothhaus, Councilor Lon Woods, Councilor Peter Albert and Assistant Town Manager/Finance Director Paul Micali. All members participated virtually.

**PUBLIC info** for those who want to listen and participate via phone:

(929) 205 6099 US (New York)

(312) 626 6799 US (Chicago)

**Meeting ID: 944 4645 7917**

**To View the Virtual Meeting:**

Merrimack TV Channel 20 (Comcast)

Merrimack TV Facebook Live Page <http://www.facebook.com/merrimacktv>

**Submit public comments to:** [TCPublicComments@MerrimackNH.Gov](mailto:TCPublicComments@MerrimackNH.Gov)

### **Pledge of Allegiance**

Chairman Koenig led in the Pledge of Allegiance.

### **Announcements**

1. After Labor Day, the Library building will be opening to the public 3 days a week for services with limited building capacity. Masks will be required. Virtual programming, Curbside pick-up and outside services will continue. Please visit the Library's website for details.
2. State Primary Election will be held on Tuesday, September 8, 2020 from 7 am until 7 pm at your designated voting location. Due to Covid-19 all registered voters are eligible for absentee voting.
3. Upcoming council meetings Thursday, September 10, 2020 at 7 pm, Thursday, September 24, 2020 at 7 pm, Thursday, October 8, 2020 at 7 pm and Thursday, October 22, 2020 at 7 pm.

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

No public comments.

### **Recognitions, Resignations and Retirements**

**1. Recognition of Retirement of Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present an award to Master Firefighter/Paramedic William P. Pelrine in recognition of his retirement after more than 18 years of full-time service with the Town of Merrimack Fire & Rescue Department. Bill retired on March 28, 2020. He will be awarded with a plaque.

**2. Recognition of Retirement of Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present an award to Captain Brian Dubreuil in recognition of his retirement after more than 25 years of full-time service with the Town of Merrimack Fire & Rescue Department. Brian retired on March 19, 2020. He will be awarded with a plaque.

Councilor Albert takes a moment to personally thank Firefighter Pelrine and Captain Dubreuil for their service to the Town of Merrimack.

Councilor Lon Woods congratulates Firefighter Pelrine and Captain Dubreuil and wishes them well.

Leah St. Laurent is able to call in to comment. She is looking for clarification on the parking issues going on in the Currier Rd neighborhood. She addresses the resident only parking on the right hand side of the street and the no parking any time on the left hand side of the street. She then inquired about how many signs will be needed. She expresses concerns over the impact on the neighborhood and that she feels both parking restrictions are not needed. The suggestion is made to possibly delay putting up the signs until May 2021.

Vice Chair Bill Boyd makes mention that we should consider waiting to put the signs up as another family in the neighborhood feels the same way. He also suggests holding a larger conversation such as a neighborhood meeting.

Chairman Koenig asks Assistant Town Manager Paul Micali for an update on the signs.

Assistant Town Manager Micali responds that the order has been placed and the purchase order approved. The Dig Safe marking have already been made on the roads to ensure safety when installing the posts. It is explained that if the Town Council opens Wildcat Falls Conservation Area before September 15, 2020 then the signs will go up right away. If the opening occurs after that date then DPW will hold off on placing the signs.

**Appointments**

**1. State Primary Election Discussion**

*Submitted by Town Moderator Lynn Christensen*

The Town Moderator to discuss the process and rules for the upcoming State Primary Election scheduled for Tuesday, September 8, 2020.

Moderator Lynn Christensen makes mention that some of the usual poll workers are unable to work this election due to Covid-19 concerns and that they have received numerous volunteers to help out. Masks will be required to be worn inside the polling sites, no exceptions. There will be a tent for anyone that shows up to a polling station to vote and refuses to wear a mask. This tent will also be used for anyone looking to

**Approved: September 10, 2020**

register to vote but refuses to wear a mask. She asks The Town Council to act as greeters and explain the voting process to voters. Absentee ballots can be accepted up until 5 pm on voting day by taking it to the Merrimack Town Hall or your designated polling station. Town Hall will have people in the conference room to accept absentee ballots so that voters do not have to stand in the lines at the tax collector window. Absentee Ballots will be pre-registered on September 3, 2020 at The Merrimack Town Hall.

Councilor Finlay Rothhaus makes mention that if additional moderators are needed that there is potential for students to earn credit by working at the polls. Students can contact Moderator Christensen directly if they are interested in working at the polls on Election Day.

### **Public Hearing**

**1. Public Hearing - Consideration of Changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code [Tabled at the August 6, 2020 Town Council meeting]**

*Submitted by the Merrimack Town Council*

The Town Council will hold a public hearing to consider the recommended changes to Chapter 183, Vehicles and Traffic, to revise the wording on Hadley Road to prohibit vehicles from parking on Hadley Road during school hours (7:00 AM to 3:00 PM) on school days, pursuant to Charter Article V.

Assistant Town Manager Micali explains that this issue has come up due to some plowing issues, as well as issues that occurred during the school year. He explains that the neighborhood seems to be all for the updated parking restriction on their tight streets.

**MOTION made by Councilor Rothhaus and seconded by Councilor Boyd to remove this consideration from the table. Motion Carried 7-0-0**

Councilor Albert inquires about why Councilor Rothhaus would like this taken off the table?

Dawn Tuomala talks about a phone call Kyle Fox received from Judy Gray of 6 Hadley Rd, she explains that she is for the parking restrictions on Hadley Rd. This was in response to certified letters sent out to the Hadley Rd residents.

**Chairman Koenig opens the public meeting at 7:53 pm.**

**Chairman Koenig closes the public meeting at 7:57 pm.**

**MOTION made by Councilor Albert and seconded by Councilor Barbara Healey to move this to a 3<sup>rd</sup> hearing. Motion carried 7-0-0**

Vice Chair Boyd questions why the need for a 3<sup>rd</sup> hearing rather than placing the item on the consent agenda?

Chairman Koenig explains that the 3<sup>rd</sup> reading and the consent agenda are the same thing and that they can place it on both.

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

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

The Planning Board will hold a public hearing at their virtual meeting on September 1 to consider a variety of amendments to the Zoning Ordinance, to address repeated ordinance administration and/or enforcement tasks (Definitions, ordinance references, Home Occupations, dimensional requirement clarifications, travel trailers, references and modifications to ensure compliance with the State Building Code, signs) as well as amend the ordinance by updating and reformatting the Telecommunications Tower section (full details located in the notice of public hearing and with the Community Development Department).

Councilor Rothhaus asks Assistant Town Manager Micali if after the consideration by the Planning Board will it go back to the Zoning Board or come to the Town Council.

Assistant Town Manager Micali responds with it will return to the Town Council for finalization.

### **Consent Agenda**

#### **Old Business:**

**1. Consideration of Changes to Chapter 181, Traffic and Special Event Management, of the Merrimack Town Code [Final Reading]**

*Submitted by the Merrimack Town Council*

The Town Council to consider the acceptance of recommended changes to Chapter 181, Traffic and Special Event Management, of the Merrimack Town Code, amending Section 181-05, Violations and Penalties, pursuant to Charter Article V.

Chairman Koenig explains that this is to change the parking fine from \$25 to \$75 during an event.

**MOTION by Councilor Boyd and seconded by Councilor Harrington to approve.**

**Motion carried 7-0-0**

**2. Consideration of Changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code [Final Reading] – Tabled at the August 6, 2020 Town Council meeting**

*Submitted by the Merrimack Town Council*

The Town Council to consider the acceptance of recommended changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code, to amend 183-36, Schedule IX: Parking Prohibited at All Times, pursuant to Charter Article V.

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to take it off the table.**

**Motion carried 7-0-0**

Chairman Koenig explains this is the one side of the street parking item for the Currier Rd neighborhood.

**Approved: September 10, 2020**

Assistant Town Manager Micali introduces Police Chief Denise Roy, Deputy Police Chief Brian Levesque, Captain Matt Tarleton and Fire Chief Matt Duke. A video is shown of a fire apparatus operating through the Currier Rd neighborhood with vehicles parked on both sides of the road.

Police Chief Roy explains the video and why they created it. Explaining the issue specifically with the turn at Hemlock Rd. She explains while showing the video that the fire truck does not fit with cars on both sides of the street without damaging vehicles. The group suggests no parking of the north (left) side of the street throughout the entire neighborhood.

Councilor Albert asks if they could put the one sided parking just at the intersection of Currier Rd and Hemlock Rd or do they feel it is now a whole area problem. Chief Roy explains that it needs to be the entire neighborhood and Fire Chief Duke agrees. He explains that the cars in the vehicle were small and parked right up against the curb.

Councilor Harrington mentions that The Town Council has discussed safety being an issue for quite some time now and she feels the fire chief has answered the question and feels they need to go with the recommendation.

Councilor Rothhaus has concerns about the one sided road closures. He feels that there are other roads that would need this more and feels that the reduction in congestion is going to help resolve this issue.

Councilor Albert agrees with Councilor Rothhaus. He doesn't recall there ever being issues in these neighborhoods before.

Councilor Healey asks if they took the fire truck through the entire neighborhood to check the width? Chief Roy responded with no and Chief Duke explained that the width of the roads is an issue throughout that neighborhood.

Councilor Harrington makes a point that now that they have been warned of the danger they are liable if something were to happen. Chairman Koenig agrees with her.

Councilor Albert requests a legal opinion on the Town's liability moving forward and would we have to make accept ions for all the roads.

Chief Roy mentions that she understands the issue with the other roads. She explains that it is the volume of cars to this neighborhood because of the park that makes it an issue. She asks for clarification on the seasonal resident only parking.

Assistant Town Manager Micali inquires about parking signs and if they would be needed on both sides of the street instead of just one in order to enforce one side only parking. Chief Roy responds with an answer of yes.

**MOTION made by Councilor Healey and seconded by Councilor Woods to table this discussion until the September 10, 2020 meeting and a legal opinion can be obtained on the matter.**

*A Roll Call vote was taken, which resulted as follows:*

Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,  
Councilor Healey

5

Nay: Vice Chairman Boyd, Councilor Harrington

2

## **MOTION CARRIED**

### **New Business**

#### **1. Committee Appointments – Merrimack Conservation Commission**

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

The Town Council to consider appointing the following recommended individuals to fill the vacant positions on the Merrimack Conservation Commission and an alternate position if it becomes available, pursuant to Charter Article 4-8:

- Michael Swisher – Conservation Commission (*Alternate to Full*)
- Michael Drouin – Conservation Commission (*Alternate*)

Chairman Koenig discusses the high number of applicants and thanks Ellen Kolb and Amy Simoneau for putting their names in and suggests holding on to their names for future openings.

**MOTION made by Vice Chair Boyd and seconded by Chairman Koenig to approve both appointments. Motion carried 7-0-0**

Vice Chair Boyd speaks to Michael Drouin's experience and why he promotes this candidate. Chairman Koenig echoes these sentiments.

#### **1. Bedford Road Bridge – Balancing Change Order**

*Submitted by Public Works Deputy Director / Town Engineer Dawn Tuomala*

The Town Council to consider a request to expend from Highway Infrastructure Capital Reserve Fund to cover costs of change order #1 for the Bedford Road Bridge Project.

Assistant Town Manager Micali states that this is a housekeeping issue, recaps the project and mentions delays we incurred.

Dawn Tuomala provides updates and dates provided as to when the project will be finished. The Town portions is \$24,000 to the State's \$96,000. The Town has to raise \$120,000 and will be reimbursed \$96,000 by the State of NH.

Councilor Woods asks if we expect further changes in the contract.

**MOTION made by Councilor Woods and seconded by Councilor Harrington to withdraw \$120,000 for the project of which \$96,000 will be reimbursed by the State of NH. Motion carried 7-0-0**

**2. Request to Withdraw from Capital Reserve Fund Purchases Account**

*Submitted by Public Works Deputy Director / Town Engineer Dawn Tuomala*

The Town Council to consider a request to withdraw up to \$70,000 from the Capital Reserve Fund Purchases Account for the purpose of replacing a deteriorated section of CMP (Metal) drainage pipe between McQuestion Road and Jessica Drive.

Chairman Koenig refers to Assistant Town Manager Micali to verify that the above \$70,000 is correct.

Assistant Town Manager Micali explains that CSSI came across a drainage pipe and when they went under the pipe it disintegrated on them. The town would like to replace it while the road is already opened up.

Dawn Tuomala explains that the finish date would be moved to September 16, 2020. She says Matt Shovenell agrees that it would be better to just repair it now.

Chairman Koenig expresses his concern for the impact on the school traffic if the road remains closed and that the school district is on board with doing the work now.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to withdraw up to \$70,000. Motion carried 7-0-0**

**2. Youth Sports Discussion**

*Submitted by Kevin Grady*

The Town Council to consider a request for the need for non-Merrimack youth in our sports programs.

Kevin Grady explains that the MYA stipulates their rules and then runs it by the Town Council. He goes on to explain that without out of town children coming in then the MYA will lose 2 to 3 football teams. They would like to accept out of town kids for 1 year to fill their teams. He explains how low numbers are and the impact on practices and games. He explains that they have Covid-19 protocols in place. Most of the children would be coming from Amherst.

Chairman Koenig reiterates that it is the MYA's decision on whether or not to allow out of town students to participate in their program. The Town Council contract with the MYA does stipulate town residents, the council is only a supporter and provide roughly 25% of the budget. The contract is currently up for renewal with the MYA. It is stated that this is an issue the MYA board will need to resolve and then work with the Town Council on the renewal of their contract. Multiple emails were received from parents in town. Concern for liability over an outbreak is expressed.

Councilor Albert expresses concern about a Merrimack Resident sitting on the bench while an out of town child plays on the field and how the tax paying parent will feel about it.

Chairman Koenig mentions that some surrounding towns have closed down their programs and are now looking to come to Merrimack for their children to play.

Councilor Harrington suggests to Mr. Grady that when speaking with the MYA he recommend a fee schedule difference for out of town players and that the contract only allow out of town players for 1 year.

Councilor Rothhaus asks why the numbers are so low this year? Mr. Grady explains that the numbers have been steadily dropping for years now. Councilor Rothhaus agrees that this is an MYA issue.

Assistant Town Manager Micali mentions that while this is in regards to football, that this will affect all MYA sports. He also questions if they will cap the number of out of town kids? Expresses concern for a large influx of out of town kids and the impact on the town children.

Vice Chair Boyd discusses MYA enrollment and how it is steadily dropping and gives examples of other communities that have combined to field teams. Suggests limiting out of town kids to those whose communities do not offer the sport.

Councilor Woods respects everything Mr. Grady explained except the suggestion of dismantling/changing the MYA forever. He is not at all interested in changing up the MYA in this direction.

Chairman Koenig thanks Mr. Grady and mentions that he has received 22 comments from parents with children in the program who want to see changes made to make sure that their kids can play this year. He explains that Mr. Grady needs to obtain MYA approval first. The Town Council has not heard directly from the MYA on this issue.

#### **5. 275<sup>th</sup> Anniversary of the Town of Merrimack**

*Submitted by Bob L'Heureux and Vice Chair Bill Boyd*

Town Council to discuss the suggestions and ideas for the upcoming 275<sup>th</sup> Anniversary of the Town of Merrimack.

Bob L'Heureux refers back to the 250<sup>th</sup> anniversary and the special license plates that were created for it. Due to NH state law requiring 2 plates (front & rear) on vehicles the anniversary plate required special permission from the state allowing it to be used. The State of NH was contacted and asked if the Town of Merrimack could have an exception for one year and the answer was yes. He wants to know if the council is doing something similar for the 275<sup>th</sup> anniversary? He makes mention that the town also had a calendar for the 250<sup>th</sup>. There have been fundraisers done in the past. He offers to be part of a planning committee but not the Chairman.

Assistant Town Manager Micali believes that there is a 250<sup>th</sup> anniversary folder in the Town Manager's office with all the information. He mentions that there were license plates, calendars and a quilt as well.

Councilor Rothhaus mentions that a committee was formed to plan the 250<sup>th</sup> anniversary as well as the Abbie Griffin Park Fundraiser.

Councilor Healey mentions the Historical Society and Historical Commission, asks if we should be getting them involved in the planning of the 275<sup>th</sup> anniversary. She feels a committee should be created and should also include Parks & Recreation as well as Public Works.

Councilor Albert is in favor of the license plates.

Councilor Harrington mentions a memo from Matt Casparius about the various options for the future events which include but are not limited to fireworks. She would like to create a planning committee to focus on the anniversary and get it going.



**Approved: September 10, 2020**

Bob L'Heureux mentions elections, goes on to say that in 1832 the first use of a voting checklist took place in Merrimack.

Chairman Koenig says that April 2, 2021 is the actual anniversary date of the Town and is also Good Friday/Easter Weekend. He mentions that he is unsure if this will impact being able to hold an event that weekend. He also mentions the possibility of holding smaller events throughout the year. He would like to get a committee together to work with Bob about drafting a letter to the State about a 1 year exception for a 275<sup>th</sup> Anniversary License Plate.

### **Minutes**

Approve the minutes from the following Town Council meetings:

♦ July 23, 2020

**MOTION by Vice Chair Boyd and seconded by Councilor Albert to accept the July 23, 2020 meeting minutes.**

Councilor Albert would like corrections to be made on page 7, line 5; would like the word disappointed changed to disappointment. He would also like the line numbers alignment corrected.

Councilor Healey mentions that page numbers need to be added as a correction and page 2, line 44; Litter Crew needs to be capitalized. She also mentions on the last page, line 8; Motion carried is double spaced and needs to be single spaced.

Chairman Koenig refers to page 5; there are multiple motions listed in the middle of the page. He mentions concern over confusion. He asks how to reword "MOTION made by Chairman Koenig and seconded by Councilor Albert calls vote the guest parking addition. Motion Failed 1-6-0 with Councilor Albert for the motion."

Vice Chair Boyd recommends that we remove all the bold face and remove everything from motion to seconded by, having it read Councilor Albert called the vote for the guest parking addition followed by the motion failed.

Chairman Koenig questions the next motion listed, "MOTION made by Vice Chair Boyd and seconded by Councilor Harrington to move 183-24a forward but to amend the resident only ordinance to be effective May 15th to September 15<sup>th</sup>. Clarification questions are asked. Motion Carried 7-0-0."

Vice Chair Boyd states that the motions did occur back to back and explains it. The motion is to be corrected to drop "to move it forward" and replace it with to "amend."

Chairman Koenig mentions the 3<sup>rd</sup> motion, it is determined that it is correct as is.

Councilor Albert makes mention of the keeping of minutes in general, questions why we need them in writing if they are recorded.

Chairman Koenig states that it is required to have them in writing legally.

**Approved: September 10, 2020**

Chairman Koenig calls for a vote. **Motion carried 7-0-0**

♦ August 6, 2020

**MOTION to accept the minutes made by Councilor Rothhaus and seconded by Councilor Woods.**

Councilor Rothhaus refers us to page 15, line 22; says Chief Roy indicated he does. This should be corrected to she.

Councilor Healey refers us to page 1, line 33; Lion's is misspelled.

Vice Chair Boyd refers us to page 4, line 16; Mr. Lafond's name and street (Linden Way) are misspelled.

Chairman Koenig calls for a vote. **Motion carried 6-0-1**. Chairman Koenig abstained.

**Comments from the Press:** None

**Comments from the Public:** None

**Comments from the Council:**

Vice Chair Boyd refers back to the Town Manager's report and some of the changes the planning board will be discussing on September 1, 2020. He encourages his colleagues to really look at what is being discussed. One of the things that he had advocated a long time ago is now happening which is to have some rules in our town ordinances relating to cell towers/telecommunication towers in our community. He also mentions that they are looking at the storage of 5<sup>th</sup> wheels, travel trailers, etc. being used on people's properties.

Councilor Woods states "you've all done very well."

Assistant Town Manager Micali thanks everyone for dealing with the virtual meeting tonight.

Chairman Koenig urges the residents of Merrimack to continue to be cautious during the Covid-19 Pandemic.

**MOTION made by Councilor Woods and seconded by Councilor Albert to adjourn. Motion Carried 7-0-0**

**Adjourn**

Meeting adjourned at 9:52 pm.

Submitted by Shannon Saari