



Town Council Meeting Minutes



Thursday, November 19, 2020, at 7:00 PM, in the Matthew Thornton Room

Call to Order

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

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance

Announcements

Chairman Koenig made the following announcements:

- The Town Offices will be closed on Thursday, November 26 & Friday, November 27 in observance of Thanksgiving.
- The Merrimack Transfer Station will be closed on Thanksgiving Day and will be open normal hours on Friday and Saturday (8:00 AM to 4:00 PM)
- The Town Council meets on the first and third Thursdays in the months of November & December. Thursday, December 3, 2020, 7:00 PM and Thursday, December 17, 2020, 7:00 PM

Assistant Town Manager/Finance Director Paul Micali made the following announcements

- The Friends of the Library are sponsoring a Holiday Wreath Virtual Auction on the Library's Facebook Page. Bid on your favorites until November 24th. The library will continue to offer curbside pickup of materials which is contactless. Contact the library for more information.
- The tax bills were picked up by the mailing company on Wednesday morning (yesterday). Bills will be mailed on Monday, November 23rd and will be due by Monday, December 28th. He stated that the tax rate went down \$.07 to \$24.06.
- The Town of Merrimack food drive is underway. Non-perishable food items and goods can be dropped off at our collection points located at the Highway Garage, Police Department, Library, Town Hall upper and lower levels, and the Transfer Station. We will be accepting items to donate to local food pantries until December 31.

Comments from the Press and Public

Mr. Paul Goodridge 68 Wire Road addressed the Town Council with an offer relating the recently discussed Girl Scout Gold Award Project. He offered to pay for 5 granite posts that would be 7 feet by 7 feet. He is willing to spend up to \$200 per post. Mr. Goodridge reviewed his past contributions to town parks. In 1968 he and others built a ballfield at Twinbridge on the same day the Turkey Hill Bridge burnt. Mr. Goodridge takes pride in his contribution. He provided suggestions to enhance Merrimack Town Parks such as incorporating walking trails and pavilions. He encouraged the Town Council to join Tree City USA as it promotes urban forestry management. Mr. Goodridge also envisions a walking trail from Watson Park along the existing railroad down to the Bedford Town line. He acknowledged the funding concerns and he encouraged the Town Council to look into possible grants that could be available.

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Mr. Charles Lafond of 7 Linden Way echoed Mr. Goodridge's hopes for enhancing Merrimack Town Parks and trails. He stressed the importance of trails in town for kids to avoid the busy roads. Mr. Lafond advised the Town Council that he does not approve the recently installed fence at Watson Park and urged the Town Council to have a plan for the removal in the future.

Mr. Paul Goodridge advised the Town Council that the date on the plaque at Watson Park is incorrect. He explained that the date refers to the date that the Turkey Hill bridge fire occurred was April 27th not April 7th.

Recognitions, Resignations and Retirements

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

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council presented recognition awards to the following Town Employees:

Xenia Simpson – Purchasing Agent/Accountant – 20-year plaque (DOH: 6/12/2000)

Jacob Stevens – Equipment Operator I – 20-year plaque (DOH: 8/21/2000)

Brian Friolet – Equipment Maintenance Foreman – 35-year lamp (DOH: 5/6/1985)

Councilor Koenig stated that none of the employees were attendance. He thanked them all for their service and longevity.

Appointments

1. Annual Review with the Zoning Board Adjustment

Submitted by Zoning Board of Adjustment Chair Rich Conescu

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. Mr. Rich Conescu Chairman of the Zoning Board of Adjustment (ZBA) outlined the activities of the last year. He advised the Town Council that the ZBA heard 40 petitions of which 7 were withdrawn, 31 were granted and 2 were denied. He stated that due to Covid there have many continuances. Chairman Conescu stated that the ZBA has received numerous requests for residential variances. He attributed that to the strict setback criteria. He stated that Merrimack has a significant number of non-conforming properties. Chairman Conescu spoke about the virtual meetings held by the ZBA. He stated that he is concerned that the virtual meetings have reduced communications from abutters.

Chairman Conescu advised the Town Council that Mr. Leonard Worster retired and Vice Chair Kathy Stroud resigned. The members of the ZBA would like to fill the open seats before electing a new vice chair.

Councilor Rothhaus asked if virtual meetings are still required. He believes that input from abutters is important. Chairman Conescu would prefer to hold regular meetings and agrees that abutter input is critical. Vice Chair Boyd believes the issue/topic will drive community participation.

Chairman Koenig urged anyone interested in serving on the ZBA to submit a letter of interest.

2. Annual Review with the Heritage Commission [Tabled during the October 8, 2020 Town Council meeting]

Submitted by Heritage Commission Co-Chair Ralph Gerenz and Co-Chair Chip Pollard

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Heritage Commission. This agenda item is to highlight the commission's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on. Co-Chairman Ralph Gerenz informed the Town Council that Anita Creager stepped down as Chairman. He stated that for several reasons membership has declined. He stated that weather and the pandemic are contributing factors. Co-Chairman Gerenz stated that the committee has not been able to get out to walk the trails and conduct the surveys that are necessary to continue. Co-Chairman Gerenz stated that currently there are only 3 members. Co-Chairman Gerenz thanked Anita Creager for her years of public service. He stated that she is a tremendous Town resource.

Co-Chairman Gerenz outlined the projects that the Heritage Commission will participate in: 275th Anniversary celebration, Turkey Hill Graveyard marker project, continue assessment of marking class VI roads, signage for district school houses, fire stations and at the boundaries of all four villages. He stated that the committee will continue to support the development of the Thornton Ferry Sklar Park. Co-Chairman Gerenz stated that the commission will continue to cooperate with the New Hampshire Preservation Alliance in the documentation of stonewalls, barns and culverts. The commission would like to request community participation in that research project utilizing the IT department.

Co-Chairman Gerenz advised the Town Council that the commission is concerned about the physical condition of the school house. He explained that the location of the school house is not ideal, there is limited storage and workstations, file organization is needed as well as floor repairs and repairs to siding due to water damage. He stated that an addition would be ideal and they will be gathering quotes. Co-Chairman Gerenz advised the Town Council that the commission is concerned about the effect of the rapid development on Merrimack's physical heritage. He would like a direct line of notification of projects allowing the commission more time research the historical significance.

Chairman Koenig encouraged the commission to work with the Town Manager regarding any need for staff support. He encouraged any resident who is interested in serving on the Heritage Commission to contact Becky Thompson in the Town Manager's office. He thanked Anita Creager for her years of service and he extended his appreciation to Co-Chairman Gerenz for stepping up.

3. Merrimack Public Library Update

Submitted by Library Board of Trustees Chair Debra Covell and Library Director Yvette Couser

The Town Council received a Library update. Library Board of Trustees Chair Debra Covell, Library Director Yvette Couser and Library Board of Trustees Treasurer Janet Krupp came before the Town Council to present the Library update. Yvette Couser explained that the Library is currently going through a multi phased reopening plan. She thanked her colleagues at the state library. Yvette Couser advised the Town Council that the Library reopening phase includes the following; masks are required to be worn at the Library, adhering to good hygiene practices, social distancing, and installation of plexi-glass barriers, removal of patron soft seating and the modification of shared work spaces. Yvette Couser stated that the Library closes between 2-3pm for cleaning. She explained that all materials are quarantined for 72 hours before going back into circulation. Debra Covell really

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appreciates the curbside pickup and hopes that it will continue after the pandemic. The building is limiting the number of people in the building.

Yvette Couser stated that in January the Library will resume passport services. Debra Covell outlined a few areas that the trustees have made changes. She explained that the trustees increased funding for a two streaming services Hoopla and Kanopy and they suspended all fines. Debra Covell informed the Town Council that the trustees put out an RFP (request for proposal) to conduct a site selection and planning study. SMP Architects has been chosen.

Yvette Couser stated that the library has increased its social media presence by creating a YouTube channel and a tictok account. She advised the Town Council that the library has been offering several virtual events and they plan to continue to offer them. They held one in person event in the parking lot on Halloween which was Trunk or Treat. That event saw 530 attendees all wearing masks and social distancing.

Yvette Couser stated that the Library continues to meet the community's needs through partnerships they have. She explained the recent coat drive held in coordination with the Girl Scouts. The Library is also participating in the Town wide food drive as well as the Santa calling program, the Santa drive by event and the 275th Town anniversary celebration. She is working with several girls scouts who are completing Silver Awards. She informed the Town Council that she has been in communication with a family who wishes to donate books in honor of their infant son who passed away.

Debra Covell reinforced that the Library has a vested interest in the community. She explained that they have 5 members on the Board of Library Trustees but there are 3 open alternate positions. She encouraged any interested to contact the Library. She spoke about the Library budget that was recently submitted. Debra Covell stated that the Library recently received a \$5,000 DCU grant for programs that make a difference in the community. She informed the Town Council that the Library Board of Trustees is working with the Quimby family who would like to make a substantial donation in memory of Barry Quimby. She stated that the Trustees are grateful for the donations.

Debra Covell stated that in the next year the Board of Trustees will be working Yvette Couser on a new strategic plan. Yvette Couser stated that it is important to look at accessibility, equality and diversity in the programs, policies and procedures. Debra Covell expressed her appreciation to the staff and community for their support during this difficult time. Yvette Couser expressed her gratitude to the Board of Trustees for their support.

Vice Chair Boyd commended the Library staff and trustees for their tremendous efforts during this trying time. Chairman Koenig thanked Yvette Couser for her ongoing community involvement.

Public Hearing

None

Legislative Updates from State Representatives

None

Town Manager's Report

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Assistant Town Manager/Finance Director Paul Micali reported the following:

- The fence has been installed at Watson Park by a local resident and owner of Mr. Fence Guy. Town was only charged for the cost of the materials and the owner donated the cost of labor. The project came in well below budget a \$15,000 savings. A letter of appreciation will be sent to the vendor.

Consent Agenda

None

Old Business

None

New Business

1. Donation Acceptance for Merrimack Police Department

Submitted by Deputy Chief Matthew Tarleton

The Town Council to considered the acceptance of a donation of a Spider Net Gun package, valued at approximately \$587.00, from resident Dean King, for the Merrimack Police Department's Animal Control Officer to catch loose or sick animals, pursuant to RSA 31:95-e and Charter Article 8-15. Deputy Chief Tarleton introduced Haylie Gulino Merrimack's Animal Control Officer (ACO). Deputy Chief Tarleton explained that Mr. Dean King is the owner of Spartacus the African serval (cat) that went missing a few months ago. Mr. King would like to donate the Spider Net Gun as a way to express his appreciation to the Merrimack Police Department for their efforts in locating a reuniting the King family with Spartacus. The net gun is a humane way to secure the animal. Vice Chair Boyd suspects this tool will make Officer Gulino's job easier and safer. Councilor Woods stated that he has seen this gun in action and it is an effective tool.

MOTION made by Vice Chair Boyd and seconded by Councilor Woods to accept the donation of a Spider Net Gun package, valued at approximately \$587.00, from resident Dean King, for the Merrimack Police Department's Animal Control Officer to catch loose or sick animals, pursuant to RSA 31:95-e and Charter Article 8-15 and to authorize the Town Manager or her proxy to sign the necessary paperwork. Furthermore, the Police Department is asked to send a gracious letter of appreciation to Mr. King for his contribution to the Animal Control program in Merrimack. MOTION CARRIES 5-0-0

2. Safety Policy Review

Submitted by Deputy Finance Director / Joint Loss Committee Chairman Thomas Boland

The Town Council was provided a review of the recommended changes to the Town-wide Safety Policy by the Joint Loss Committee. This review is required every 2 years. Assistant Town Manager/Finance Director Paul Micali explained to the Town Council that this is a housekeeping item. Pursuant to state law the Joint Loss Committee must review the safety policy. Mr. Thomas Boland advised the Town Council that the committee is comprised of 13 town employees from various departments. He explained that the town's liability carrier was asked to review the document for compliance with the Department of Labor regulations. He stated that department heads were asked to review the policy. Human Resources made a few changes to the incident reporting form.

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Vice Chair Boyd asked if new employees are required to read the safety manual. Mr. Boland confirmed. Councilor Healey asked if annual training is required. Mr. Boland explained that department heads would be responsible for training and training would vary by department. He assured the Town Council that when new equipment is introduced employees are provided training. Assistant Town Manager/Finance Director Paul Micali stated that all employees are required periodically to read the safety manual. Councilor Healey suggested the committee give thought to adding a section relating to back injuries.

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to approve the recommended changes to the Town-wide Safety Policy by the Joint Loss Committee. MOTION CARRIES 5-0-0

3. Authorization to Withdraw from Solid Waste Capital Reserve Fund

Submitted by Public Works Director Kyle Fox

The Town Council was asked to consider the authorization to withdraw and expend up to \$50,000 from the Solid Waste Capital Reserve Fund (CRF) for the purchase of a new Bobcat Skid Steer Loader for the Solid Waste Division to be used in the Recycling Center. Assistant Town Manager/Finance Director Paul Micali advised the Town Council that authorization to withdraw from capital reserve funds are coming before the Town Council at the direction of the State of New Hampshire Department of Revenue (DRA). He explained that the DRA has advised him that because the Town Council are the agents to expend, CRF withdrawals should be removed from the budget and brought individually to the Town Council for authorization to expend.

Assistant Town Manager/Finance Director Paul Micali informed the Town Council that the price for this piece of equipment has significantly increased from the amount originally included in the Capital Improvement Plan (CIP). Public Works Director Kyle Fox stated the department is looking to replace the 2005 Skid Steer Loader. He advised the Town Council that the vendor has one in stock. Mr. Fox reviewed the specs of the equipment and stated that the trade in value of the 2005 skid steer is \$4,000. He stated that he is requesting Town Council approval to expend \$42,215. Councilor Rothhaus asked if it would be better to privately sell the 2005 Skid Steer rather than using as a trade in. Mr. Fox explained that had been tried in past with varying success. Assistant Town Manager/Finance Director Paul Micali advised the Town Council that private sale is hit or miss. He stated that he could look into it. Mr. Fox asked the Town Council to approve up to \$50,000 if the decision is made to privately sell the 2005 Skid Steer that would have been used as a trade in.

Councilor Woods expressed concern that a private sale could impact the department's opportunity to purchase the one available skid steer that Bobcat has in stock. Mr. Fox advised the Town Council that the vendor is currently holding the one available skid steer. Assistant Town Manager/Finance Director Paul Micali assured the Town Council that the Finance Department will move quickly in determining if there is a market for the 2005 Skid Steer.

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to authorize the withdrawal and expenditure of up to \$50,000 from the Solid Waste Capital Reserve Fund (CRF) for the purchase of a new Bobcat Skid Steer Loader for the Solid Waste Division to be used in the Recycling Center. MOTION CARRIES 5-0-0

4. Recommendation for Town Council Acceptance of Madeline Bennett Lane

Submitted by Public Works Director Kyle Fox

The Town Council was asked to consider the recommendation to accept Madeline Bennett Lane up to the circle at the intersection with Old Blood Road. Assistant Town Manager/Finance Director Paul Micali explained that the memorandum of understanding between the Town and the School District states upon completion of the sewer replacement the town shall accept Madeline Bennett Lane up to the circle at the intersection with Old Blood Road as a class V town-owned highway. He advised the Town Council that sewer replacement has passed all inspections.

Public Works Director Kyle Fox stated the project was completed under budget. He advised the Town Council that the Department of Public Works has officially accepted the sewer line. Chairman Koenig would like the Town Council to stand behind and reaffirm by way of a motion the acceptance of the sewer line accepted by the Public Works Director. He would then like the Town Council to vote on the acceptance of Madeline Bennett Lane.

MOTION made Vice Chair Boyd and seconded by Councilor Rothhaus to affirm the actions of the Public Works Director in accepting the sewer line along Madeline Bennett Lane up to Jessica Drive. MOTION CARRIES 5-0-0

MOTION made by Vice Chair Boyd and seconded by Councilor Woods in accordance with the memorandum of understanding between the Town and the School District the accept Madeline Bennett Lane from Baboosic Lake Road to the cul-de-sac as a class V road in the Town of Merrimack. MOTION CARRIES 5-0-0

Vice Chair Boyd expressed his appreciation to Mr. Kyle Fox, CSSI Construction and the Merrimack School District for the successful completion of a difficult project. Chairman Koenig expressed his appreciation to Mr. Fox for his tremendous efforts.

5. Consideration of Proposed Zoning Ordinance Amendments [First Reading]

Submitted by Community Development Director Tim Thompson

The Town Council to reviewed and considered the proposed Zoning Ordinance amendments. Community Development Director Tim Thompson stated that this a first read and there will be two additional readings. He stated that the proposed amendment is the culmination of nine months of work. The planning board held to public hearings during their virtual meetings. The proposed amendments are intended to address the master plan implementations steps, streamline the review process and address the enforcement of the ordinance. Mr. Thompson outline the proposed amendments pertaining to definitions, ordinance references, dimensional requirements/clarifications and signage section. He advised the Town Council that the Home Occupation requirements has been updated. Updates were made to telecommunications tower requirements and building code references to be consistent with the State building code changes.

Mr. Thompson asked the Town Council to schedule the second reading on December 17th. Councilor Woods suggested inserting “to” in section 2 page 44 #3 to read *subject “to” public hearing*.

Mr. Thompson informed the Town Council that the decision to continue virtual Planning Board meetings was his decision. He stated that the Planning Board has had greater public participation. Mr.

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Thompson advised the Town Council that the Planning Board has two vacant alternate seats and one full member seat open. He stressed the need for volunteers.

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to move the proposed amendments to a public hearing on December 17, 2020.

MOTION CARRIES 5-0-0

6. Direction for 2021/2022 Budget

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

Assistant Town Manager/Finance Director Paul Micali asked the Town Council to contemplate budget parameters for the 2021/2022 budget season. He informed the Town Council that he would like to present the 2021/2022 budget to then on December 17, 2020. He reviewed the 2020 Tax Rate of \$24.06 which decreased from \$24.13. He explained that the school's portion of the tax rate decreased by \$.35 by returning a surplus back to the taxpayers. He stated that the tax bills will be mailed Monday November 23, 2020 and due December 28, 2020. He informed the Town Council that those residents wishing to come in a pay the tax bill they will directed to the Finance Department for cash or check payments, no credit cards. Assistant Town Manager/Finance Director Paul Micali recapped the increases that will impact the 2021/2022 budget such as the health insurance increase of 2.8%, property liability increase of 7%, workers compensation increased by 8.9%, 2% wage increase for six union contracts, 53rd week for payroll, 4 new firefighters, staffing adjustments; 2 part year positions going to full year. Assistant Town Manager/Finance Director Paul Micali advised the Town Council that currently the budget does not include a wage adjustment for non-union.

Assistant Town Manager/Finance Director Paul Micali highlighted other staffing additions to consider such as a part-time Conservation Officer and part-time office help in general government. He stated that the budget would reflect an increase in capital reserve deposits, a decrease in state revenues and an increase to the New Hampshire Retire System (NHRS). Assistant Town Manager/Finance Director Paul Micali advised the Town Council that the NHRS increase is significant, he estimated approximately \$500,000.

Assistant Town Manager/Finance Director Paul Micali stated that utilities such as natural gas and electric will not increase. He explained that the electric rates should decrease as a result of the recent conversion to LED lights. Assistant Town Manager/Finance Director Paul Micali spoke about the unknown factors that will impact the budget such as solid waste disposal increase, state revenue decrease for rooms & meals and the highway block grant. He estimated the effect on the tax rate for all to be \$.59. Assistant Town Manager/Finance Director Paul Micali advised the Town Council that there will be a fund balance due to a surplus of COVID funding and insurance rebates. He suggested the using the fund balance to pay for the 53rd week of payroll. He stressed that the Merrimack's financial standing is good.

Vice Chair Boyd requested a breakdown of each department vacancies. He raised the question about the possibility of privatizing services. Chairman Koenig acknowledged the difficulty of maintaining a flat line budget. Assistant Town Manager/Finance Director Paul Micali reminded the Town Council that in 2021 Merrimack will conduct it's statutorily required town wide revaluation.

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Minutes

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to approve the minutes from the October 29, 2020 Town Council meeting as amended.

MOTION CARRIES 5-0-0

- Page 6 line 50 insert the name of the Councilor who seconded the motion
- Determine and insert the time that the October 29, 2020 Town Council meeting adjourned

Comments from the Press

None

Comments from the Public

Charles Lafond 7 Linden Way addressed the Town Council. He spoke about his participation in a long term Covid vaccine study. He spoke about the need for better communication between the boards and committees with residents. Mr. Lafond spoke about his disappointment that the Town Council accepted the Madeline Bennett Lane.

Comments from the Council

Councilor Woods wished everyone a happy Thanksgiving

Adjourn

MOTION made by Vice Chair Boyd and seconded by Councilor Woods to adjourn the November 19, 2020 Town Council meeting. **MOTION CARRIES 5-0-0**

The meeting adjourned at 10:02 pm

Respectfully submitted by Tracy Doherty