

Approved: March 14, 2024

Posted: March 15, 2024



Town Council Special Meeting Minutes



Tuesday, February 20, 2024, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:09pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, Councilor N. Murphy, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, February 22, 2024 NO MEETING
- Thursday, March 14, 2024 at 7:00PM Regular Council meeting
- Thursday, March 28, 2024, 7:00 PM Regular meeting

IMPORTANT DATES TO REMEMBER:

- Wednesday, March 13, 2024, 7:00 PM in the All-Purpose Room at James Masticola Upper Elementary School located at 26 Baboosic Lake Road- Deliberative Session
- Tuesday, April 9, 2024, 7:00 AM – 7:00 PM Annual Meeting / Voting Day - At your designated polling location

The Parks & Recreation Department invites you to join them next Saturday, February 24th at Wasserman Park for the 32nd Annual Winter Carnival. The event runs from 12 – 3 pm and features 30 businesses and community organizations who will be offering free games, activities and demonstrations. For questions, please contact the Parks & Recreation Department at 882-1046.

Filing Period for Town offices will be held from February 21 to March 1, 2024.

TO BE ELECTED:

3 Councilors for 3 years

1 Ethics Committee Members for 3 years

2 Library Trustees for 3 years

1 Trustee of the Trust Funds for 3 Years

1 Moderator for 2 years

1 Town Clerk/Tax Collector for 3 Years

1 Supervisor of the Checklist for 6 Years

Candidates must file with the Town Clerk to have their name placed on the ballot and must be a registered voter and domiciled in Merrimack. (RSA 669:6, 669:19) Candidates for Town Council must also have been domiciled in Merrimack for at least one year. (Town Charter Article 3-4, C)

2024 dog licenses are now available at the Town Clerk's office. Per NH State law, all owners of dogs four months and older are required to license their dog by May 1st. Owners must present a valid rabies certificate and a neutering or spaying certificate, if applicable.

If you no longer have your dog, please contact the Town Clerk's office at 424-3651 so that we may update our records.

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Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

**1. Public Hearing – Proposed Municipal 2024-25 Operating Budget and Warrant Articles
[Continued from the 2/15/2024 Town Council Special meeting]**

Submitted by Town Manager Paul T. Micali

Residents of Merrimack are hereby advised that the Town Council will hold a public hearing to discuss the following:

- Proposed Issuance of Debt, as follows:
 - Purchase of Land, if applicable

Town Manager Paul Micali shared that as of 7:00pm this evening, they do not have any purchase of land or any issuance of debt other than the SRF from last week.

The public hearing was opened at 7:13pm and closed at 7:14pm.

Legislative Updates from State Representatives

None.

Town Manager's Report

None.

Consent Agenda

None.

Old Business

None.

New Business

1. Petition Warrant Article – “Stop Sanctuary Cities”

Submitted by Albert “Max” Abramson

The Town Council to consider moving the following filed petition warrant article to the 2024 Town Warrant to be considered and voted on by the Town of Merrimack residents, pursuant to Article X, Citizens Initiatives, of Town of Merrimack Charter:

"To see whether police officers shall be permitted to enforce federal immigration laws, comply with immigration detainer requests, or contact federal immigration authorities to conduct a background investigation on anyone arrested on evidence of any other crime. No school district nor town official shall establish "Sanctuary Cities" policies that prevent immigration laws from being enforced by any police officer nor federal immigration officer in the performance of their job. Four towns, Cheshire County, and the City of Manchester have enacted "Sanctuary City" policies for illegal immigrants without notifying the general public beforehand. A Yes vote is to stop our community from being turned into a Sanctuary City."

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Albert “Max” Abramson was not present initially to discuss this filed petition warrant article, but Mr. Micali shared that he spoke with legal and was informed that the Council has two options: they can decline to put this on the ballot because Merrimack is a budget Charter town, meaning that the Charter states that only monetary items should be voted on at town elections, or if the Council would like, they can choose Charter Article 10-4, Submission of Proposed Measure, where it states that the Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special Town election. A public hearing would still need to be held within 60 days of receipt of the petition, so either of the two upcoming Town Council meetings in March. Mr. Micali clarified that if this is moved to the Warrant, than this would be discussed at the deliberative session as well. Councilor Hunter asked if the citizens could make changes to this at the deliberative session, in which Moderator Lynn Christensen stated that yes, any article on the Warrant can have changes made to it as long as the subject of the article is not changed. Councilor N. Murphy asked Ms. Christensen what would happen if the Council did not put this on the Warrant, in which Ms. Christensen stated that this should be put on the warrant to let the voters decide what to do with it, regardless of it being a budget issue or not.

Mr. Abramson arrived after some initial discussion between the Council and Ms. Christensen to speak on his petition article. He shared that the policies in some states cannot contact Immigration and Customs Enforcement or are not even allowed to check records in other countries. He stated that this is not a race or nationality issue, this is an issue of an officer needing to be able to do their job, which is to protect and to serve their community. He shared that this wouldn't be legally binding, but it would state that the town wouldn't be able to interfere with what officers do. Councilor N. Murphy questioned if this should be a state issue instead of an individual community issue. Vice Chair Harrington suggested modifying the language and removing the wording on the school and the other towns, but Ms. Christensen stated that it cannot be changed until the deliberative session.

Don Chisholm of 55 Bates Road shared that he is for the idea of this petition and is also pro-immigration, done right. He is wondering when the Council will decide when they will put it on the ballot, in which Chairman Rothhaus stated that they will be voting on this issue shortly.

Mr. Micali stated that he received the below email from Kathy Komar of 44 Belmont Dr:

Good morning Mr. Micali and Town Council members,
This email is in reference to the item on the Town Council meeting agenda this evening. Please vote in favor of putting on the ballot the need to vote that we as a town do not become a sanctuary city. Merrimack should not become a sanctuary city and we should allow our police officers to do their jobs and arrest, question, hold, detain, and deport any and all illegal aliens. There is a process for immigration, and that the law should be followed. Thank you for your time.

Sincerely,
Kathy Komar

Councilor N. Murphy shared that she cannot support this petition warrant article as it was not brought forward by or recommend by the police department, and they do not run their police department by warrant articles. Further, there is no funding to support this warrant article, and she sees this as a national issue being brought to the community. Councilor Koenig agreed with Councilor N. Murphy, stating that he doesn't believe that this is a problem in Merrimack, and that since this isn't enforceable by law it would cause confusion or dissention within the town. Chairman Rothhaus agrees with this, feeling that police officers would already take proper steps if contacted by ICE. Councilor Healey feels comfortable putting this forward

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as it's part of the process and the citizens have spoken, and this allows for the citizens to have a voice at the deliberative session to hash this issue out; Councilor Hunter agrees with Councilor Healey's stance.

MOTION made by Councilor Hunter and seconded by Councilor Healey to move the Sanctuary City Group petition to the Town Warrant pursuant to Charter Section 10-4 .

MOTION CARRIES 5-2-0 with Councilor N. Murphy and Councilor Koenig in Opposition

2. Review of the 2024 Town Warrant [Tabled at the 2/15/2024 Town Council Special meeting]

Submitted by Town Manager Paul T. Micali

The Town Council to review and make recommendations on each article of the 2024 Town Warrant.

MOTION made by Councilor Healey and seconded by Vice Chair Harrington to remove this agenda item from the table.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to recommend Article 2 Charter Amendment.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to move Article 2 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor M. Murphy to recommend Article 3 Pine Knoll Shores Drainage Study.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor Healey to move Article 3 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor M. Murphy and seconded by Vice Chair Harrington to recommend Article 4 Operating Budget.

MOTION CARRIES 7-0-0

MOTION made by Councilor M. Murphy and seconded by Vice Chair Harrington to move Article 4 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor Healey and seconded by Councilor N. Murphy to recommend Article 5 General Fund CRF.

MOTION CARRIES 7-0-0

MOTION made by Councilor Healey and seconded by Councilor M. Murphy to move Article 5 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor N. Murphy and seconded by Vice Chair Harrington to recommend Article 6 Wastewater CRF.

MOTION CARRIES 7-0-0

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MOTION made by Councilor N. Murphy and seconded by Vice Chair Harrington to move Article 6 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to recommend Article 7 NEBPA 12 Contract.

MOTION CARRIES 7-0-0

MOTION made by Councilor Koenig and seconded by Councilor M. Murphy to move Article 7 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to recommend Article 8 NEBPA 112 Contract.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to move Article 8 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor Koenig to recommend Article 9 Teamster Contract.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor Koenig to move Article 9 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Councilor M. Murphy and seconded by Councilor Koenig to recommend Article 10 Community Choice Aggregation.

MOTION CARRIES 7-0-0

MOTION made by M. Murphy and seconded by Councilor Healey to move Article 10 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to recommend Article 11 Pearson Rd Athletic Fields.

MOTION CARRIES 2-5-0 with *Chairman Rothhaus and Vice Chair Harrington in Favor*

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to move Article 11 to the Deliberative Session.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to move Article 12 to the Deliberative Session.

MOTION CARRIES 7-0-0

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3. 2024 Deliberative Session

Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington

Town Council to discuss the details and motions of the upcoming 2024 Deliberative Session being held on Wednesday, March 13, 2024.

Town Manager Paul Micali shared that this is being done because there isn't another meeting before the Deliberative Session, and only Articles 2-10 will be moved tonight. Also, Article 4, Operating Budget, is done by the Chair and Vice Chair. The following was agreed upon by the Council:

- Article 2: Councilor M. Murphy, seconded by Councilor Healey
- Article 3: Councilor Koenig, seconded by Vice Chair Harrington
- Article 4: Chairman Rothhaus, seconded by Vice Chair Harrington
- Article 5: Vice Chair Harrington, seconded by Councilor Hunter
- Article 6: Councilor Hunter, seconded by Councilor M. Murphy
- Article 7: Councilor Healey, seconded by Councilor Hunter
- Article 8: Councilor N. Murphy, seconded by Councilor Koenig
- Article 9: Councilor M. Murphy, seconded by Councilor Healey
- Article 10: Councilor Koenig, seconded by Councilor Hunter

Minutes

Approve the minutes from the following Town Council meeting:

♦ February 8, 2024

MOTION made by Councilor Koenig and seconded by Councilor Healey to table the February 8th Town Council meeting minutes.

MOTION CARRIES 7-0-0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to adjourn the meeting.

MOTION CARRIES 7-0-0

The meeting adjourned at 8:51pm.

Respectfully submitted by Jennifer Steagald