



Town Council Meeting Minutes



Thursday, February 23, 2012, at 7:00 PM, in the Town Hall Meeting Room

Chairman Rothhaus called the meeting to order at 7:00pm. Present at the meeting were Chairman Rothhaus, Vice Chair Boyd, Councilor Yakuboff, Councilor Flood and Town Manager Eileen Cabanel. Councilor Dwyer arrived at 7:55 pm. Councilor Koenig and Councilor Mahon were excused.

Pledge of Allegiance

Announcements

Upcoming meeting schedule: Regular Town Council meetings are scheduled for Thursday, March 8th at 7:00 pm, Thursday, March 22nd at 7:00 pm and Thursday, April 12th at 7:00 pm.

Annual Meeting – Deliberative Session: Wednesday, March 14th at 7:00 pm at James Mastricola Upper Elementary School.

Annual Meeting - Election Day: Tuesday, April 10th from 7:00 am to 7:00 pm.

The following announcements were made by Town Manager Eileen Cabanel:

- 2012 dog licenses are now available at the Town Clerk's office. Per NH state law, all dogs 4 months and older are required to be licensed annually by May 1st. Licenses not renewed by May 1st will be subject to late fees, and owners may receive fines and potential court action.

- Filing Period for Town offices will be held February 22nd to March 2nd.

- Next week is school vacation week and the Library is offering several classes and events:

Monday- 11:00 am, Canned Film Fest, bring a canned food item and watch a film; 6:30 pm - Family Book Group.

Tuesday- 4:00 pm, Tower & Sword: Knights and Castles in the Middle Ages; 6:00 pm - Book Loving Teens reading group meet to discuss *Revolver* by Marcus Sedgewick.

Wednesday- 7:00 pm, Hannah Dustin event for adults and teens.

Thursday- 3:00 pm, Magic Tree House Party.

Friday- 10:30 am, Celebrate Dr. Seuss' birthday.

Saturday- 10:00 am, Teddie the dog will be in the Children's Room waiting for you to read to him; 10:30 am, in the Klumpp Meeting Room there will be a seed swap co-sponsored by the Merrimack Agricultural Commission. For more details and registration please contact the Library at 424-5021 or check on the Library's website.

- The DEA & Merrimack Police Department will be hosting a "Prescription Take-back Day" on April 28th from 10:00 am to 2:00 pm at the Police Station. Residents can drop off their old, unwanted or expired prescriptions for proper disposal.

- The Merrimack Police Department will be hosting its annual Open House on May 12th, between 10:00 am and 2:00 pm. Join your Police Department and learn about what we have to offer. There will be many exhibits from the Merrimack Police Department Investigation Bureau, Nashua and State Police, as well as a Taser Demonstration and a K-9 Demonstration from our very own K-9, "Gunny".

For more information stay tuned to our website, or call Officer Rob Kelleher at 424-3774.

- The 20th Annual Winter Carnival at Wasserman Park will be held this Saturday, February 25th from 12:00 noon until 3:00 pm. Enjoy a day of FREE family entertainment with demonstrations given by "Pups R Us", the Independent School of Karate and the Southern New Hampshire Flying Eagles. The Sno-Buds Snowmobile Group will be available to answer questions about their organization. Bring your family and friends to create snowflakes and other wintry crafts. You are also invited to try your luck at a variety of outdoor games. Join us in supporting local organizations including Merrimack Friends and Families and the Girl Scouts. Refreshments will include popcorn, baked goods, Girl Scout cookies, nachos, hot chocolate and soda. Call the Parks & Recreation Office at 882-1046 if you have any questions.

- The Merrimack Parks and Recreation Department has a limited number of seats remaining for the bus trip to the Boston Flower and Garden Show on Thursday, March 15th. The motor coach will depart at 9:00

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am and will return to Town Hall at approximately 5:00 pm. The cost of \$39.95 per person includes round trip motor coach transportation, ticket to the Boston Garden and Flower Show and driver gratuity. For more information, or to register for this trip, please call the Merrimack Parks and Recreation Department at 882-1046.

Recognitions, Resignations and Retirements

None

Appointments

Chairman Rothhaus without objection moved Appointments after New Business

Comments from the Press and Public

None

Public Hearing

None

Legislative Updates from State Representatives

None

Town Manager's Report

- We are very happy to have an intern from UNH Manchester in the Human Resources Division. This unpaid internship takes place 12 hours per week over a period of 12 weeks. The intern will be assisting us with various human resources related projects. With the hiring process for the Parks and Recreation Department Summer Camp and other seasonal positions just getting started, she will be a great asset for us in the coming weeks.
- All Town departments and committees have submitted their annual reports and my office is currently working on the 2011 Town Report and will be submitting the finalized material to the printer on Monday, March 5th.
- The studio at Town Hall is now prepared to tape community channel programming. Residents interested in taping shows of their own can call 423-8561 to make an appointment. The Media Division would like to thank our current volunteers for taping their shows in the Town Meeting Room during this transition and welcome them to the new TV studio.
- The Media Division will be covering both the Town and School Deliberative Sessions live on Channels 20 and 21 in March and will host live election night coverage in April.

Consent Agenda

None

Old Business

Chapter 183 – Vehicles and Traffic [Final Reading]

Submitted by Public Works Deputy Director Kyle Fox and Police Chief Mark Doyle

The Town Council considered final approval of the recommended changes to Chapter 183 – Vehicles and Traffic of the Merrimack Town Code, pursuant to Charter Article V, Section 5-4. Chief Mark Doyle explained that a change was made on page 1, §183-4 based on Councilor Mahon's suggestion. It was changed to read "It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view in accordance with this chapter or state law, except upon the direction of any person authorized to control and regulate traffic, pursuant to RSA 265:3 (Police Officers), RSA 265:3-a (School Crossing Guards) & RSA 265:3-b."

MOTION made by Councilor Yakuboff and seconded by Vice Chair Boyd to accept the recommended changes to Chapter 183 – Vehicles and Traffic of the Merrimack Town Code, pursuant to Charter Article V, Section 5-4. MOTION CARRIES 4-0-0

Discussion on the motion

Vice Chair Boyd thanked Chief Doyle and Public Works Deputy Director Kyle Fox for their work on updating the chapter. Chief Doyle gave credit to Becky Thompson for all of her hard work.

New Business

Merrimack Police Department Grant Application Authorization

Submitted by Lieutenant Denise Roy

The Town Council considered the Police Department's request to apply for the following grants through the New Hampshire Highway Safety Agency, pursuant to Charter Article 8-15 and RSA 31:95-b: Seat Belt Enforcement Grant valued at \$2,250.00, "Click it or Ticket" Grant valued at \$2,250.00, Speed Enforcement Grant valued at \$4,969.80, and Selective Enforcement / Traffic Enforcement Grant valued at \$4,969.80.

Lieutenant Denise Roy explained that the Seat Belt Enforcement Grant and the "Click it or Ticket" Grant are essentially the same grant but with different timelines – one runs about 30 days longer than the other. They both run after school gets out when kids are more likely to be driving around. Lt. Roy said that it is a good tool to help teach seatbelt awareness. She stated that NH law requires a seatbelt to be worn under the age of 18. Lt. Roy explained the Speed Enforcement Grant and the Selective Enforcement / Traffic Enforcement Grant both allow the Police Department to have an officer on dedicated speed or traffic enforcement duty. She said these are fully funded grants.

MOTION made by Councilor Yakuboff and seconded by Councilor Flood to accept the Police Department's request to apply for the following grants through the New Hampshire Highway Safety Agency, pursuant to Charter Article 8-15 and RSA 31:95-b: Seat Belt Enforcement Grant valued at \$2,250.00, "Click it or Ticket" Grant valued at \$2,250.00, Speed Enforcement Grant valued at \$4,969.80, and Selective Enforcement / Traffic Enforcement Grant valued at \$4,969.80 and authorize the Town Manager to sign the appropriate documents. MOTION CARRIES 4-0-0

Discussion on the motion

Councilor Yakuboff explained that grants are available to communities who take the time to apply for them. They are either matching or fully funded. He commended the Police Department for the time they spend researching and applying for grants.

Request for Use of Capital Reserve Funds for the Bedford Road Bridge Replacement Project

Submitted by Public Works Deputy Director Kyle Fox

The Town Council considered the request from the Public Works Department to expend up to \$74,990 for the Bedford Road over Baboosic Brook Bridge Replacement Project engineering study. The project has been on the CIP for a few years and has been accepted in the State Bridge Aid Program which reimburses 80% of design and construction costs. The existing bridge is a 16 foot metal pipe arch that has some rusting and corrosion, necessitating replacement – it is going to fail at some point. Also, the flooding that occurred twice in six years forced closure and caused damage to Bedford Road. The project will pick up the profile of the road so it doesn't flood in future storms. The next step is the engineering study and that is what the funds will be used for. There was discussion about the project.

MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to authorize the Public Works Department to expend up to \$74,990 for the Bedford Road over Baboosic Brook Bridge Replacement Project engineering study and to direct the Town Manager and/or Finance Director and/or Public Works Director to execute any and all documents that may be applicable to the study. MOTION CARRIES 4-0-0

Chairman Rothhaus without objection moved to approve the minutes before the next item of New Business

Minutes

MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to approve the minutes from the January 23rd Town Council meeting as presented. MOTION CARRIES 4-0-0

Chairman Rothhaus called a brief recess

Councilor Dwyer arrived at 7:55 pm

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MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to table the Appointment item on the agenda, Technology Committee Update, until the March 8th meeting. MOTION CARRIES 5-0-0

Review of 2012 Town Warrant

Submitted by Finance Director Paul T. Micali

The Town Council reviewed and made recommendations on each article of the 2012 Town Warrant. Finance Director Paul Micali explained that this is a chance for the Council to put their recommendation on the money articles (2, 3, 4, 5 and 6) on the Town Warrant that will be brought forth to Deliberative Session. There will be another meeting after Deliberative Session where the Council can make a recommendation and will be placed on the ballot.

MOTION made by Councilor Yakuboff and seconded by Vice Chair Boyd to recommend Article 2 to raise and appropriate the sum of \$4,200,000 for Wastewater Treatment Plant upgrades and installation and to authorize the issuance of not more than \$4,200,000 of bonds or notes. MOTION CARRIES 5-0-0

Discussion on the motion

Councilor Yakuboff stressed that the Wastewater money is strictly from user fees and will not increase taxes. Vice Chair Boyd feels that the upgrades are really needed at the Plant and he enthusiastically recommends the article.

MOTION made by Councilor Flood and seconded by Vice Chair Boyd to recommend Article 3 to raise and appropriate the sum of \$2,875,000 for Wastewater Treatment Compost Facility upgrades and installation and to authorize the issuance or not more than \$2,875,000 of bonds or notes. MOTION CARRIES 5-0-0

Discussion on the motion

Councilor Flood spoke about the quality of the compost that the Compost Facility puts out and how cost efficient it is for the Town. She enthusiastically supports the article. Councilor Flood stressed that this is funded by user fees. Chairman Rothhaus added that the rate structure is set and the money is there; there won't be a sudden rate increase. Councilor Dwyer asked that if the Plant closed, would all taxpayers have to pay to ship out the waste. The answer is no and that it would still be paid for by user fees.

MOTION made by Chairman Rothhaus and seconded by Councilor Yakuboff to recommend Article 4 to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, totaling \$30,130,792. Should this article be defeated, the default budget shall be \$27,534,939, which is the same as last year, with certain adjustments required by previous action of the Town. MOTION CARRIES 5-0-0

Discussion on the motion

Town Manager Eileen Cabanel explained that the total budget is \$156,000 more than last year, but is offset by additional revenue that will be received by Merrimack Premium Outlets and results in a tax rate that does not increase.

MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to recommend Article 5 to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the NEPBA, Local 12 which calls for the following increases in salaries and benefits at the current staffing levels: for Fiscal Year 2011-12, 0% wage increase, \$0 wage and benefit cost and for Fiscal Year 2012-13, up to 1% wage increase, \$31,916 wage and benefit cost. MOTION CARRIES 5-0-0

Discussion on the motion

Vice Chair Boyd feels that this agreement represents a solid commitment between the Town and the union. He believes it sets the tone for future collective bargaining agreements and the union made a concession as it

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relates to health care. He commended staff and Town Manager Eileen Manager for pulling together an agreement that doesn't break the bank for the Town.

MOTION made by Vice Chair Boyd and seconded by Councilor Dwyer to recommend Article 6 to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the NEPBA, Local 112 which calls for the following increases in salaries and benefits at the current staffing levels: for Fiscal Year 2012-13, up to 1% wage increase, \$2,921 wage and benefit cost. MOTION CARRIES 5-0-0

Discussion on the motion

Vice Chair Boyd stated it was a good first step for the union with it being their first negotiated contract and hopefully this puts them in a good place for positive negotiations in the future.

Comments from the Press

None

Comments from the Public

None

Comments from the Council

Councilor Yakuboff announced that after 9 granddaughters, he is going to have a grandson.

Chairman Rothhaus mentioned that Sean Muller, a science teacher at Merrimack High School, was recently awarded the Science Education Leadership Award.

Adjourn

MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to adjourn the meeting.

MOTION CARRIES 4-1-0 with Vice Chair Boyd voting in the negative

Submitted by Kristin Wardner