



## Town Council Meeting Minutes



Thursday, March 8, 2012, at 7:00 PM, in the Town Hall Meeting Room

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

### **Pledge of Allegiance**

Led by the Merrimack Girl Scouts

### **Announcements**

Upcoming meeting schedule: Annual Meeting – Deliberative Session: Wednesday, March 14<sup>th</sup> at 7:00 pm at James Mastricola Upper Elementary School.

Regular Town Council meetings are scheduled for Thursday, March 22<sup>nd</sup> at 7:00 pm, Thursday, April 12<sup>th</sup> at 7:00 pm

Annual Meeting - Election Day: Tuesday, April 10<sup>th</sup> from 7:00 am to 7:00 pm. A reminder that the St. James polling place is no longer being utilized. Those residents that used to vote there should now go to JMUES.

*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 1<sup>st</sup>. Licenses not renewed by May 1<sup>st</sup> will be subject to late fees, and owners may receive fines and potential court action. If you no longer have your dog, please contact the Town Clerk's office. For more information, please see "Dog Licenses" in the Town Clerk's section of the website.
- Dr. Seuss' birthday celebration continues at the Merrimack Public Library. Students from Merrimack Middle School will perform excerpts from their school's production on Saturday, March 10<sup>th</sup> at 11:30 am. All ages are welcome to attend. Acoustic musician Jeff Snow returns to Merrimack for his annual concert on March 13<sup>th</sup> at 7:00 pm. This event is open to adults and teens. Space is limited for both of these events, so registration is recommended.
- The 20th Annual Easter Egg Hunt, hosted by the Parks and Recreation Department and Merrimack Friends and Families, will be held at Wasserman Park on Saturday, March 31st. This rain or shine event will start promptly at 11:00 am for Merrimack children, toddlers through age 10. It is recommended to arrive by 10:45 am to allow time to park and find the field set up for your children. The Easter Bunny will have several areas of Wasserman Park set up for various age groups and volunteers will be ready to help you find your appropriate area. For more information on this event or any programs offered by the Parks and Recreation Department, please call 882-1046.
- The 16<sup>th</sup> Citizen's Police Academy is March 28<sup>th</sup> at the Police Station, all are invited to attend.
- Crimeline is sponsoring the Annual "Magic Show" fundraiser for "Gunny", the Police Department's K-9, at the American Legion on April 14<sup>th</sup> from 10:00 am -2:00 pm. Come see individual magic acts and stage performances. For more information contact Judy Eriksen at 424-8453.
- The DEA & Merrimack Police Department will be hosting a "Prescription Take-back Day" on April 28<sup>th</sup> 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 12<sup>th</sup>, between 10:00 and 2:00. 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.

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

*Chairman Rothhaus without objection tabled the Town Ice Rink Volunteer Recognitions to the next regular Town Council meeting.*

## **Appointments**

### **100<sup>th</sup> Anniversary of the Girl Scouts Proclamation**

*Submitted by Alicia Nelson*

The Town Council issued a proclamation designating March 12, 2012, as the 100<sup>th</sup> Anniversary of the Girl Scouts. Alicia Nelson thanked the Town Council for doing this. She said the Girl Scouts are very excited to be part of the community and are very excited about the 100<sup>th</sup> anniversary.

### **Annual Review with the Highway Safety Committee**

*Submitted by Highway Safety Committee Chairman Mark Doyle*

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Highway Safety Committee. This agenda item is to highlight the Committee's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on. Chief Doyle reviewed the membership of the Committee. He stated the Committee held three meetings in 2011 and he went on to explain some highlights from 2011. Through GPS coordination, the Committee was able to update the location of all traffic control signage in Town. They also worked on a number of citizen requests, as well as in depth discussion on the intersection of Turkey Hill Road and Baboosic Lake Road. They discussed at length retro-reflectivity of traffic signs. They plan to meet at least twice in 2012 or more often if an issue arises. Councilor Yakuboff asked if there was any feedback on the new center turn lane on Daniel Webster Highway. Chief Doyle said it took a little while for people to get used to using it, but it seems to be working out well now and has opened the road up a bit. It expedites the traffic flow more efficiently. Vice Chair Boyd asked about road rage. Chief Doyle stressed that people need to drive defensively and accept responsibility for their actions. Chairman Rothhaus mentioned how effective NIXLE is. Councilor Flood asked if signs are currently being replaced with retro-reflective signs when they are in need of replacement. Chief Doyle was not sure of the answer but would look into it.

### **Technology Committee Update [Tabled from the 2/23/12 Town Council Meeting]**

*Submitted by Technology Committee Member Brian McCarthy*

The Technology Committee updated the Town Council on the Committee's recommendation for the Town to look for open source solutions and be proactive in providing documents using open source solutions, as described in House Bill 418-FN. Brian McCarthy discussed open source software, which is free software that does essentially the same job as software we pay for. He said that as the Town needs new software and licensing, Technology Coordinator Chuck Miller will be looking at open source solutions to save the Town money. Mr. McCarthy said there is not a downside to this. Councilor Koenig feels there is a downside on the maintenance or support with open source software compared to a single source vendor. Town Manager Eileen Cabanel thanked the Committee for their work and said it has been beneficial. Mr. McCarthy said that John Sauter is the chairman of the Committee.

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

None

### **Public Hearing**

*Chairman Rothhaus opened the public hearing at 7:36 pm*

### **Consideration of Changes to Chapter A198 – Administrative Code**

*Submitted by Police Chief Mark Doyle and Town Manager Eileen Cabanel*

The Town Council will hold a public hearing to consider the acceptance of the recommended changes to Chapter A198 by the Town Manager and the Police Chief that reflect a reorganization of some command positions in the Merrimack Police Department, pursuant to Charter Article 5-3.

Chairman Rothhaus opened the floor for public input. No one from the public addressed the Council.

*Chairman Rothhaus closed the public hearing at 7:39 pm*

**MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to move the recommended changes to Chapter A198 by the Town Manager and the Police Chief that reflect a reorganization of**

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**some command positions in the Merrimack Police Department, pursuant to Charter Article 5-3 to a third reading. MOTION CARRIES 6-0-0**

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

None

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

- 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 will be covering the Town Deliberative Session on March 14<sup>th</sup> live on Channels 20 and 21 and will host live election night coverage in April.

### **Consent Agenda**

None

### **Old Business**

None

### **New Business**

### **Committee Appointments**

*Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair William W. Boyd, III*

The Town Council considered appointing the following recommended individual to Town Committees, pursuant to Charter Article 4-8: Phil Straight as a full member to the Parks & Recreation Committee.

**MOTION made by Vice Chair Boyd and seconded by Councilor Dwyer to appoint Phil Straight as a full member to the Parks & Recreation Committee. MOTION CARRIES 6-0-0**

### **Request for Removal of Loading Dock & Acquisition of Sluiceway at Watson Park**

*Submitted by Town Center Committee Chairman Peter Flood and Member Nelson Disco*

The Town Council considered the request to demolish and remove the loading dock located at Watson Park to clear the way for plans of a future trail and to also consider acquiring the sluiceway parcel from Pennichuck (NHPUC). Town Center Committee Chairman Peter Flood explained that the goal is to extend the trail from the high school service road along the Souhegan River, under the bridge and into Watson Park. He feels it will be a great benefit to the community and school system. Mr. Flood said the Committee is asking the Town for permission to remove an old loading dock which is directly in the way of the proposed trail. Councilor Dwyer asked why the dock wasn't removed when Watson Park was opened. Mr. Flood explained there wasn't a pressing need at the time and the funds were not there. Vice Chair Boyd asked if there was an estimated cost to remove the dock. Town Manager Eileen Cabanel stated that it would be approximately \$1,200 at most. Vice Chair Boyd asked about the sluiceway deed. Mr. Flood stated that he contacted Steve Densberger from Pennichuck and it was discovered that the sluiceway parcel was mistakenly not included in the deed that handed the dam over to the Town. Town Center Committee member Nelson Disco stated that he has been in contact with Pennichuck's attorney and they seem interested in deeding the sluiceway parcel to the Town. The deed transfer did not happen before Pennichuck was transferred to Nashua so there are now other factors such as a board of directors and Nashua legislature. Pennichuck has asked for a legal counsel contact from Merrimack to complete the deed to transfer the land. Vice Chair Boyd had concerns over the current deed language. Mr. Disco believes his concerns will be addressed in the new deed. Councilor Koenig said that this is an appropriate request from the Town Center Committee and he does support it, as it is being done to benefit Town, the Town Center Committee and the Committee's trail efforts. The Town Manager stated she is not looking for a motion from the Council but a consensus to move forward. There was a consensus.

### **Deliberative Session / Town Meeting Update**

*Submitted by Town Moderator Lynn Christensen*

Update and discussion relative to Session One – Deliberative Session of the 2012 Annual Town Meeting.

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Paul Micali explained that tonight the Council needs to decide who is moving which article at the Deliberative Session. Mr. Micali stated that there were high school students in the audience and he went on to explain what the Deliberative Session is.

Article 2 - Wastewater Plant Upgrade: Will be moved by Councilor Yakuboff and seconded by Councilor Koenig.

Article 3 – Wastewater Compost Upgrade: Will be moved by Councilor Flood and seconded by Councilor Koenig.

Article 4 – Operating Budget: Will be moved by Chairman Rothhaus and seconded by Vice Chair Boyd.

Article 5 – NEPBA, Local 12: Will be moved by Councilor Yakuboff and seconded by Vice Chair Boyd.

Article 6 – NEPBA, Local 112: Will be moved by Vice Chair Boyd and seconded by Councilor Dwyer.

#### **Minutes**

None

#### **Comments from the Press**

None

#### **Comments from the Public**

None

#### **Comments from the Council**

*Councilor Yakuboff* thanked Carolyn Dube from Merrimack Patch for attending the Council meeting.

*Vice Chair Boyd* stated that he went to the wake for Dick Hudon recently. He was very active with the MYA for a long time. He offered his condolences to the Hudon family.

*Councilor Flood* mentioned that the Merrimack Concert Association is looking for musicians. Anyone interested can contact Laurie Ludvigsen at 424-0558 or email at [info@merrimackconcert.org](mailto:info@merrimackconcert.org).

Finance Director Paul Micali stated that on March 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>, Merrimack Middle School students will be performing “Suessical the Musical”.

#### **Adjourn**

**MOTION made by Vice Chair Boyd and seconded by Councilor Yakuboff to adjourn the meeting.**

**MOTION CARRIES 6-0-0**

Submitted by Kristin Wardner