



## Town Council Meeting Minutes



Thursday, April 5, 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 Mahon, Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Yakuboff, Town Manager Eileen Cabanel and Finance Director Paul Micali.

### **Pledge of Allegiance**

### **Announcements**

Upcoming meeting schedule: Upcoming meeting schedule: Regular Town Council meetings are scheduled for April 19 at 7:00 pm, May 10 at 7:00 pm and May 24 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:*

- Tuesday, April 10 is the Annual Election held between 7:00 am and 7:00 pm. There are two polling places in Merrimack: St. John Neumann Church at 708 Milford Road (Route 101A) and James Mastricola Upper Elementary School - All-Purpose Room at 26 Baboosic Lake Road.

***If you used to vote at the St. James United Methodist Church at 646 Daniel Webster Highway (Route 3) your new polling place is the James Mastricola Upper Elementary School in the All-Purpose Room at 26 Baboosic Lake Road.***

- The Annual Crimeline Magic Show to benefit our Police Department's K9 Gunny will be held on Saturday, April 14 from 10:00 am to 2:00 pm at the Merrimack Legion. Come support Gunny while being entertained by several area magicians. The magic is sponsored by Merrimack Crimeline.
- The 4<sup>th</sup> National Drug Take Back Day is scheduled for Saturday, April 28 from 10:00 am to 2:00 pm. You can turn in your expired or unused prescription drugs at the Merrimack Police Department for proper disposal.
- On May 12, the Merrimack Police Department will host their Annual Open House. The Open House kicks off Police Memorial Week and will be held from 10:00 am to 2:00 pm. There will be several displays, including our own K9 Gunny, a taser display, our Police Incident Response Van, the Nashua Police Bomb Squad, and many more fun attractions. Our new addition is Merrimack's Seat Belt Convincer.
- Next week, the Library will be commemorating the 100<sup>th</sup> anniversary of the sinking of the Titanic with three events primarily for adults. On Tuesday, April 10 at 6:00 pm, there will be a film shown complete with special snacks. On Thursday, April 12 at 7:00 pm, Historian John Horrigan will talk about the RMS Titanic's single, fateful voyage which will be enhanced with a slide show presentation. On Friday at 1:00 pm there will be a showing of the James Cameron's Titanic film. Registration is encouraged for planning purposes.

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

#### **Recognition of Councilor David Yakuboff for his Service to the Town of Merrimack as a Member of the Town Council**

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

The Town Council presented a plaque to David G. Yakuboff, Sr. for his service to the Town of Merrimack as a member of the Town Council.

*Chairman Rothhaus called a brief recess*

### **Appointments**

None

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

None

### **Public Hearing**

None

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

None

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

- The Voter's Guide was mailed to all residents in Town this week. It is also available at Town Hall, the Library, as well as on the Town's website.
- Paul and I completed a TV show on the budget yesterday. It will be airing all weekend on Channel 20.
- On Wednesday, April 4, members of the Police Department responded to Dover Police to pick up the newly acquired Seat Belt Convincer. The Convincer allows an individual to experience what a 5 mph car crash feels like. This is a tool used to assist and educate the community in the importance of wearing seatbelts in motor vehicles.
- The Wastewater Facility has achieved a no loss time accident record of 1,000 days as of this week.
- The Highway Department is preparing infields and turf for spring sports.
- The Town-wide street sweeping program is scheduled to begin the week of April 23<sup>rd</sup>.
- Installation of new stormwater drainage structures continues on Marty Drive. This road is planned to be paved as part of this summer's paving program.

### **Consent Agenda**

None

### **Old Business**

#### **Economic Development Tools Update from the EDCAC**

*Submitted by Vice Chair William W. Boyd, III and EDCAC Chair Susan Lee*

The Town Council was presented with findings from the Economic Development Citizens Advisory Committee's research and review of the Economic Revitalization Zones (ERZ) available under RSA 162-N, as assigned by the Town Council at the August 18, 2011 meeting. EDCAC Chair Susan Lee and EDCAC member Marc Casseres presented the information and provided an overview of Economic Revitalization Zones and how Merrimack can take advantage of them. Merrimack currently has 3 ERZs: 40 Continental Blvd., 10-21 Continental Blvd., and 57-59 D.W. Highway. The Town, nor the tenants have ever taken advantage of the benefits so it is possible that some educating needs to take place. Mr. Casseres reviewed how the tax credit would work and the process for establishing an ERZ. The EDCAC recommends designating the Zyla's property and the old Shaw's plaza property as an ERZ. They also recommend an education and awareness program, especially for those currently in an ERZ. Chairman Rothhaus asked about the tenants currently not taking advantage of being in an ERZ. Mr. Casseres stated that several of those tenants were there before the property was designated as an ERZ and they may not be educated enough about it or may not have been told about the designation and how they can take advantage of it. Councilor Dwyer asked if those properties in a designated ERZ that are not taking advantage of it could be undesignated, therefore allowing other properties to be designated. Mr. Casseres stated that is a good strategy and one that should be looked at more closely. He stated the Town Council has the power to remove a property as an ERZ. Town Manager Eileen Cabanel suggested letting real estate developers and owners of current ERZ properties know that this tool is available because it can be turned around in a quick time. Community Development Director Tim Thompson explained that the city of Concord sets up development agreements with potential developers before they enter into the areas and have the Council designate the zones so all of the rules are clear. Susan Lee explained 79-E which is the Community Revitalization Tax Relief Incentive and that it is something else the Committee is also looking at. She stated that perhaps with coordination with the Community Development Department and reaching out to the Merrimack Chamber, they could provide education about the ERZ. Councilor Dwyer feels that the incentive is not enough for a local NH company to move to Merrimack, but it may be enough of an incentive to lure in Massachusetts companies.

#### **MOTION made by Vice Chair Boyd and seconded by Councilor Mahon to designate the Zyla's parcel and old Shaw's plaza parcel be designated as Economic Revitalization Zones under RSA 162-N.**

##### *Discussion on the motion*

Community Development Director Tim Thompson made the suggestion to have the Council revise the motion to have Community Development begin the process of applying for the designation through the State.

Approved: May 10, 2012

Posted: May 11, 2012

**MOTION made by Vice Chair Boyd and seconded by Councilor Mahon to task the Community Development Director Tim Thompson with reaching out to advise the State of NH that the old Shaw's plaza and Zyla's parcels, be deemed as Economic Revitalization Zones and authorize him to fill out any paperwork necessary, subject to the jurisdiction of the Town Manager. MOTION CARRIES 7-0-0**

*Discussion on the motion*

Vice Chair Boyd thanked the EDCAC for their work on this presentation.

**MOTION made by Vice Chair Boyd and seconded by Councilor Dwyer to renew the EDCAC's charge of looking into economic development tools available under RSA 79-E, RSA 162-K, RSA 674:21, and any other additional legislations for an additional 6 months. MOTION CARRIES 7-0-0**

### **New Business**

#### **Approval of Fundraisers to Benefit the Watson Park Dog Park**

*Submitted by Parks and Recreation Director Sherry Kalish*

The Town Council considered the approval of fundraisers sponsored by some members of the Dog Park Subcommittee with proceeds to be donated to a Dog Park fund. Parks and Recreation Director Sherry Kalish stated that a press release was done looking for volunteers for the Dog Park Subcommittee and they received 46 responses. She discussed the fundraisers that the Subcommittee would like to do. The first is at the Rabies Clinic on April 14<sup>th</sup> and also, Teresa of Pets Choice in Merrimack would like to do a raffle for dog food to also sell reusable bags with proceeds going to the Dog Park. Councilor Flood stated that the donations would be easier to manage if they were for either the Dog Park or Pavilion. Sherry Kalish stated that they are looking for permission to have fundraisers and to not have to come before the Council for each fundraiser they have. Councilor Koenig stated that Watson Park was originally established as being driven by fundraising and not Town funds and it would seem appropriate to give them approval to fundraise within limits. Councilor Flood stated there was some confusion as to whether that applied to Watson Park or just the Watson Park Committee which is now disbanded and whether there could still be fundraising done without coming to the Council. Finance Director Paul Micali stated that as the Watson Park Committee was established they could raise up to \$125,000 for Watson Park improvements, with donations of \$5,000 or more having to come before the Council.

**MOTION made by Councilor Flood and seconded by Councilor Mahon to give permission to the members of the Parks & Recreation Committee to hold fundraisers to be dedicated to a Dog Park Fund. MOTION CARRIES 7-0-0**

*Discussion on the motion*

Councilor Flood stated that the Dog Park Subcommittee has gotten off to a good start and she would like to see them succeed as soon as possible. Councilor Mahon asked Sherry Kalish what the Subcommittee feels they need to fundraise in order to set up the Dog Park. Sherry Kalish explained that currently the subcommittee hasn't come up with a definite figure yet. She stated that the fence alone will run about \$18,000.

#### **Approval of Parks and Recreation Committee Donation Cap for Watson Park Improvements**

*Submitted by Town Councilor Jackie Flood*

The Town Council considered the approval of establishing a dollar limit for donations for Watson Park improvements that the Parks and Recreation Committee can accept up to a set amount without Town Council approval. Councilor Flood stated that the Parks and Recreation Committee has taken over the responsibility for Watson Park and that they would like to keep the ceiling in place that the Watson Park Committee had that enabled them to accept up to \$5,000 in donations without Town Council approval. Finance Director Paul Micali explained how donations were handled for the Watson Park Committee and that a ceiling was put in place for the total amount of donations that can be raised. If the Committee was to reach the set limit, they would then need to come before the Council for approval to raise the additional funds to reach their goal.

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Posted: May 11, 2012

Councilor Dwyer didn't understand the use of the word "limit" for donations. Councilor Koenig explained that a large donation should be publically acknowledged. Councilor Mahon stated that unanticipated money needs to be accepted under RSA 31:95-B and there is a provision in the Charter relating to it. He explained that the Committee is really asking for a threshold in which they would have to come to the Council for acceptance and to accept the money under RSA 31:95-B, a public hearing must be held and the Council must accept the monies. Councilor Mahon suggested that the Committee be given a timeline, such as 90 days, rather than a threshold or limit, for how often the Committee must come before the Council for acceptance and acknowledgment of all donations to that point. This will allow RSA 31:95-B and Charter requirements to be met.

**MOTION made by Councilor Mahon and seconded by Vice Chair Boyd to have the Parks and Recreation Committee appear before the Town Council at least every 90 days to seek approval for any donations they might receive for any improvements to Watson Park, pursuant to RSA 31:95-B and the Merrimack Town Charter Article 8-15. MOTION CARRIES 7-0-0**

### **Town Hall Meeting Room Naming Discussion**

*Submitted by Town Councilor Jackie Flood*

The Town Council discussed the possibility of soliciting suggestions to name the Town Hall Meeting Room, formerly known as the courtroom. Councilor Flood is looking for help from the Council on renaming the Town Hall Meeting Room following the Park & Facility Naming Policy. She stated that it could be done through the Parks and Recreation Committee, who would advertise the opportunity to people via the School Board, newspapers and meetings and solicit suggestions. Councilor Flood said the name would have to meet the criteria of the policy, which she reviewed. It would be required for people to send their suggestions via the form on the website to the Parks and Recreation Committee, c/o Sherry Kalish. Councilor Flood shared three of her suggestions: Daniel Webster, Timothy Taylor, and Forrest Sherman. She suggested that both meeting rooms (East & West) be renamed as part of this effort. Councilor Dwyer questioned whether the whole building should be named, rather than just the meeting room. Councilor Koenig stated that giving the meeting room a specific name helps to identify a destination. Chairman Rothhaus said that he would like it to be the Matthew Thornton room to keep it local. Councilor Mahon agrees. Councilor Dwyer feels that Matthew Thornton is already represented enough throughout Town.

**MOTION made by Councilor Flood and seconded by Vice Chair Boyd to publicize a naming opportunity throughout the Town to submit a name for the west wing meeting room and also for the east wing meeting room. MOTION CARRIES 7-0-0**

### **Minutes**

**MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to approve the minutes from the February 9<sup>th</sup> Town Council meeting with the following corrections. MOTION CARRIES 7-0-0**

Vice Chair Boyd made the following corrections:

- Page 1, first bulleted item, 3<sup>rd</sup> line insert the word then after "dog,"
- Page 2, 8<sup>th</sup> line under Heritage review should be "Seaverns"
- Page 2, under Land Valuation, 8<sup>th</sup> line sentence that begins "At the" is a run on sentence
- Page 6, under comments from Council, Senator Gregg should read Senator Bragdon
- Vice Chair Boyd will provide punctuation corrections to the staff.
- Councilor Koenig stated that under page 6, comments from Council, add "he, " after "Councilor Mahon mentioned"

### **Comments from the Press**

None

### **Comments from the Public**

Approved: May 10, 2012

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None

### **Comments from the Council**

*Vice Chair Boyd* mentioned a local author, Lori Zimmerman, was on the cover of the Merrimack Journal. He congratulated Tyler Gendron, for being named Player of the Year in Division I boys basketball and David Downie, for being named Player of the Year in Division II high school hockey. He also congratulated those who received honorable mentions. He wished Councilor Mahon and Councilor Koenig luck at the upcoming election. He thanked Councilor Yakuboff for being his mentor and helping him prepare for the budget. He wished the Boston College men's hockey team luck in the semi-finals.

*Councilor Dwyer* wished Councilor Koenig and Councilor Mahon luck in the upcoming election. He told Councilor Yakuboff that he will be missed.

*Councilor Mahon* congratulated the Wastewater Treatment Plant on 1,000 days of no loss injuries. He acknowledged that the Rotary is moving full speed ahead with the 4<sup>th</sup> of July midway. He feels they are really enthusiastic about it. He thanked his colleagues for their compliments and sentiments and that he hopes he will back after the election. He expressed his admiration for Councilor Yakuboff.

*Councilor Flood* spoke highly about Councilor Mahon and Councilor Koenig and wished them luck at the election. She reminded those that did vote at St. James now vote at JMUES.

*Councilor Koenig* thanked Councilor Yakuboff for his time on the Council. He urged residents to get out and vote on the April 10.

*Chairman Rothhaus* thanked Councilor Yakuboff for his time on the Council.

*Councilor Yakuboff* thanked the Council and expressed his sentiments.

### **Adjourn**

**MOTION was made by Councilor Mahon and seconded by Councilor Koenig to adjourn the meeting.**

**MOTION CARRIES 5-2-0 Councilor Yakuboff and Councilor Dwyer voted in the negative**

Submitted by Kristin Wardner