



Town Council Meeting Minutes



Thursday, April 19, 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 Harrington, Town Manager Eileen Cabanel and Finance Director Paul Micali.

Pledge of Allegiance

Chairman Rothhaus held a moment of silence for Greenland Police Chief Michael Maloney

Announcements

Upcoming meeting schedule: Regular Town Council meetings are scheduled for May 10, May 24, June 14, and June 28 at 7:00 pm.

The following announcements were made by Town Manager Eileen Cabanel:

- The Merrimack Public Library recently held its Fine Amnesty month to encourage patrons to return overdue materials and to clear their record of fines. It also serves a more important purpose in that it allows the public to donate non-perishable food items and money to help three local food pantries. The pantries are part of Riverside Christian Church, St. James United Methodist Church, and St. John Neumann Catholic Church. This year the Library sent 150 food items and \$220.90 to each food pantry. There is a box for food donations at the Library at all times.
- On April 23, from 6:00 pm -7:00 pm volunteers from the Merrimack Community Gardens will lead a hands-on workshop for Merrimack residents, showing how to make seed tape with inexpensive household materials. Seed tape can make planting easier when you have tiny seeds that need to be planted just inches apart (like carrots and radishes). This workshop is for Merrimack adults and children age 4 and up accompanied by an adult. Space is limited to 24 participants. The event is co-sponsored by the Merrimack Agricultural Commission and the Merrimack Library.
- The 4th 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 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.
- 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. Licenses not renewed by May 1 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.

Recognitions, Resignations and Retirements

None

Appointments

None

Comments from the Press and Public

None

Selection of Chair and Vice Chair of Town Council

Pursuant to Article 4-3 of the Town Charter, the Council shall vote for a Council Chair and Vice Chair.

Vice Chair Boyd NOMINATED Thomas Mahon as Chairman. A roll call vote was taken PASSING 5-0-2 Councilor Harrington and Councilor Mahon abstained.

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Vice Chair Boyd stated that Councilor Mahon's background as a former public administrator and a teacher brings a lot to the position and he is equally adept with the budget and the inner workings of town. He explained that Councilor Mahon has a very good working relationship with Town staff. Town Manager Eileen Cabanel stated that Chairman Rothhaus has done a wonderful job as Chairman and she appreciates the work he has done, as well as his sincerity and down to earth attitude.

Councilor Dwyer nominated Finlay Rothhaus as Vice Chair. A roll call vote was taken PASSING 5-0-2 Councilor Harrington and Councilor Rothhaus abstained.

Councilor Dwyer stated he feels that Councilor Rothhaus did a great job as Chair and he thinks it would be a good team with him and Chairman Mahon. Councilor Boyd thanked his colleagues for allowing him to be Vice Chair.

Public Hearing

Chairman Mahon opened the public hearing at 7:20 pm

Acceptance and Expenditure of October Snow Storm Grant from FEMA

Submitted by Finance Director Paul T. Micali

The Town Council held a public hearing to consider the acceptance and expenditure of a grant from the Federal Emergency Management Agency of up to \$152,250 (estimated) to defray the costs associated with the October snow storm, pursuant to Charter Article 8-15 and RSA 31:95-b. Finance Director Paul Micali explained the October storm was eligible for two tier FEMA aid. The first tier is for snow removal because the storm was outside of normal boundaries (more than two feet of snow) of a typical snow storm for October 31st. The second tier is for cleanup costs associated with the snow storm with downed tree limbs and needing to have the power restored. The Town spent approximately \$203,000 for the storm and FEMA will reimburse 75% of that. Normally the State reimburses 12.5% of the Town's 25% share, however, there has been no indication from the State in that respect. Town Manager Eileen Cabanel thanked Finance Director Paul Micali for all the work he did compiling the information about the storm for FEMA. Councilor Dwyer asked about the \$4,400 for miscellaneous and what that included. Finance Director Paul Micali explained that portion is for Merrimack Village District and administrative costs.

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

Chairman Mahon closed the public hearing at 7:21 pm

MOTION made by Councilor Boyd and seconded by Councilor Harrington to accept and expend a grant from the Federal Emergency Management Agency of up to \$152,250 (estimated) to defray the costs associated with the October snow storm, pursuant to Charter Article 8-15 and RSA 31:95-b and for the Finance Director and/or the Town Manager to sign any and all applicable necessary paperwork. MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

None

Town Manager's Report

- The Turkey Hill Road Bridge over the Souhegan River is nearing completion. Final paving was placed yesterday.
- In the three weeks leading up to the Town Election, the Media Division (and volunteers) recorded 12 hours of original programming for Merrimack TV.
- For the 8th consecutive year, election results were shown LIVE on Channel 22.
- Nicholas is proud of his team of employees and volunteers. Their hard work during the election this year demonstrates the value of community media.
- Community Development is calling all interested residents. There are vacancies and expiring terms for members of both the Planning Board and Zoning Board of Adjustment. If you're interested in serving the community and have the time to volunteer, please contact the Community Development Department. We can assist you with what is involved in each of the Boards and help with the appointment process.

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- The Master Plan Steering Committee continues to progress through the various chapters of the Master Plan update process. The next meeting will be April 24 at 7:30 pm, and will cover Community Facilities and Open Space. All are invited to attend and participate.
- Activity in the vicinity of the Merrimack Premium Outlets has begun. The Planning Board has received applications for 2 parcels in the area, both of which will be discussed again in May. First is a proposed Dunkin Donuts/Retail facility located across the intersection of Industrial Drive on Continental Boulevard. The second project would entail a 3-restaurant building and a bank located near the entrance to the Mall on Premium Outlets Boulevard.
- Staff has, at the direction of the Planning Board, begun preparation of amendments to the parking requirements section of the Site Plan Regulations. The Board has identified that this section needs more immediate attention than the comprehensive amendments to the Subdivision and Site Plan Regulations CD staff is working on with PWD. We hope to bring the amendments to the Planning Board in the next month or so for review and public hearings.
- Town Manager Eileen Cabanel asked the Council to check if they will be available on June 15 for the annual retreat.
- Town Manager Eileen Cabanel stated that approximately 15% of the Town's budget is for health insurance. She mentioned that a company has been hired to analyze the Town's health insurance and usage and to determine what can be done to lower costs. She discussed that the Town was accepted into the COMPASS program through the LGC. For example, an employee getting a MRI could shop around for the lowest price and would then be cut a check for the savings. One thing they saw in the analysis is that the cost for services like PT, MRIs and X-Rays were higher than state wide averages.
- Town Manager Eileen Cabanel stated how the Town signed a 15 year contract with the Concord Cooperative for our recyclables. It is a very lengthy or detailed contract and begins when the project opens. The largest participant, Concord, has said that they want to get out of the contract. She will keep the Council updated.

Consent Agenda

Acceptance of Money Donated by the 17th Session of the Citizen's Police Academy

Submitted by Captain Michael Dudash and Lieutenant Denise Roy

The Town Council considered the acceptance of a donation in the amount of \$305.00 from the 17th Session of the Citizen's Police Academy to be used for the Merrimack Police Department's K9 Gunny, pursuant to Charter Article 8-15 and RSA 31:95-b.

MOTION made by Councilor Koenig and seconded by Councilor Boyd to accept a donation in the amount of \$305.00 from the 17th Session of the Citizen's Police Academy to be used for the Merrimack Police Department's K9 Gunny, pursuant to Charter Article 8-15 and RSA 31:95-b. MOTION CARRIES 7-0-0

Old Business

Acceptance of New Hampshire Highway Safety Grants

Submitted by Lieutenant Denise Roy

The Town Council considered the acceptance of the Seat Belt Enforcement grant and the "Click it or Ticket" grant, each valued at \$2,250.00 and made available through the New Hampshire Highway Safety Agency, pursuant to Charter Article 8-15 and RSA 31:95-b. Lieutenant Roy stated that the grant runs from May 1 through June 30 and places a uniformed officer throughout the Town specifically targeting those under the age of 18 not wearing a seat belt. Councilor Koenig asked about the time period of the grant. Lieutenant Roy stated that it is timed for the end of the school year.

MOTION made by Councilor Boyd and seconded by Vice Chair Rothhaus to accept the Seat Belt Enforcement grant and the "Click it or Ticket" grant, each valued at \$2,250.00 and made available

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through the New Hampshire Highway Safety Agency, pursuant to Charter Article 8-15 and RSA 31:95-b. MOTION CARRIES 7-0-0

New Business

Consideration of Changes to Chapter 92 – Amusement Devices [First Reading]

Submitted by Town Manager Eileen Cabanel

The Town Council considered the acceptance of recommended changes to Chapter 92 – Amusement Devices of the Merrimack Town Code, pursuant to Charter Article V. Town Manager Eileen Cabanel explained that this agenda item is at Chairman Mahon's request to have amusement device applications come to the Town Manager for approval, rather than having a public hearing before the Council. Chairman Mahon explained this changes the approving authority from the Town Council to the Town Manager and that the ordinance has been in effect since 1991 and there have been no issues since then. This would simplify the process and allow businesses to get their license in a more expeditious manner. Vice Chair Rothhaus asked if there should be an avenue for those denied to come before the Council. Councilor Boyd wondered how someone would know that they can appeal a denial before the Council if it isn't written into the ordinance. Finance Director Paul Micali said that anyone has the right to come before the Town Council and it is written as such in the Charter. Chairman Mahon agreed with Councilor Boyd that there should be some language stating that if someone is aggrieved by the Town Manager's decision, they can appeal to the Town Council. Councilor Dwyer also agreed. Councilor Koenig suggested that wording be added stating that the Town Council is still involved in, is responsible for, and allows the Town Manager to handle the process unless something comes up that needs the Council's attention. It was suggested that section 92:2-1 be deleted since it deals with preexisting uses from when the ordinance was first created. Councilor Flood doesn't feel wording needs to be added about a denial and that staff should be notifying applicants of this.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to make the suggested wording changes and move Chapter 92 – Amusement Devices of the Merrimack Town Code, pursuant to Charter Article V to public hearing. MOTION CARRIES 6-1-0 Councilor Koenig voted in the negative

Discussion on the motion

Town Manager Cabanel clarified the changes: Add the appeal process to Section 92.4 - License Denial and remove Section 92.2-1.

Minutes

MOTION made by Councilor Boyd and seconded by Vice Chair Rothhaus to approve the minutes from the February 16 Town Council meeting with corrections. MOTION CARRIES 5-1-1 Councilor Koenig voted in the negative and Councilor Harrington abstained

- Councilor Koenig explained that the Articles are out of order on the minutes compared to the ballot. Finance Director Paul Micali explained it was discussed in the order that the agenda was presented.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes from the February 23 Town Council meeting as presented. MOTION CARRIES 4-0-3 Chairman Mahon, Councilor Koenig and Councilor Harrington abstained

MOTION made by Councilor Boyd and seconded by Vice Chair Rothhaus to approve the minutes from the March 8 Town Council meeting as presented. MOTION CARRIES 5-0-2 Chairman Mahon and Councilor Harrington abstained

MOTION made by Councilor Koenig and seconded by Councilor Boyd to approve the minutes from the March 14 Town Council meeting as presented. MOTION CARRIES 6-0-1 Councilor Harrington abstained

Comments from the Press

None

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Comments from the Public

None

Comments from the Council

Councilor Boyd congratulated high school basketball player Tyler Gendron for being named by ESPN as New Hampshire's Gatorade Player of the Year. He also congratulated Merrimack residents who ran the Boston Marathon. Councilor Boyd spoke about a selectman from the town of Pittsfield who imposed a gag order on Town staff. He feels very insulted by this and feels it is a disservice to that community.

Councilor Harrington thanked the voters for electing her to the position of Councilor.

Vice Chair Rothhaus welcomed Councilor Harrington and welcomed back Chairman Mahon and Councilor Koenig.

Councilor Flood welcomed Councilor Harrington.

Councilor Koenig congratulated Chairman Mahon and Councilor Harrington for being elected and thanked the Town for their support and for passing the operating budget and articles. He thanked Vice Chair Rothhaus for serving as Chairman this past year and Councilor Boyd for his efforts as Vice Chair. He congratulated Chairman Mahon for stepping up to be Chairman.

Councilor Dwyer congratulated Chairman Mahon, Councilor Harrington and Councilor Koenig.

Chairman Mahon congratulated Councilor Koenig and Councilor Harrington. He thanked the voters for their continued support.

Councilor Dwyer expressed his disappointment that only 2,400 residents voted. He hopes that Merrimack can do better. He thanked those that did show up.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Harrington to adjourn the meeting.

MOTION CARRIES 7-0-0

Submitted by Kristin Wardner