

Approved: October 25, 2012

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## Town Council Meeting Minutes



Thursday, September 27, 2012, at 7:00 PM, in the Town Hall Meeting Room

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Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Harrington, Councilor Koenig, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

### **Pledge of Allegiance**

Chairman Mahon led in the Pledge of Allegiance.

### **Announcements**

The Merrimack Town Council initiated and is overseeing the 6<sup>th</sup> Annual Merrimack Fall Festival Business Expo, which will be held at the Town Center on Saturday, September 29<sup>th</sup> from 10:00 a.m. to 3:00 p.m. rain or shine. There will be venues both inside and out including Town Hall, the parking lot at Our Lady of Mercy, O'Gara Field, and the James Masticola Upper Elementary School. Admission is free, and the event is open to everyone.

The Town Council will conduct regular meetings on October 11<sup>th</sup> and October 25<sup>th</sup> at 7:00 p.m. in the Town Hall Meeting Room.

The Merrimack Public Library is celebrating the 8<sup>th</sup> Annual One Book, One Town. During the month of October, the Town is invited to read Nathaniel Hawthorne's *The House of the Seven Gables*. There are four events for adults and teens to accompany the reading of the book. Each event starts at 7:00 p.m. Space is limited and registration is recommended.

Friday, October 26<sup>th</sup> is the 20<sup>th</sup> Annual Halloween Event at Wasserman Park from 5:00 to 8:00 p.m. Activities will include indoor games, a costume judging contest, pumpkin decorating, and more. Merrimack High School's F.I.R.S.T. Robotics Team is returning to sponsor the Haunted House.

The Merrimack Police Department and DEA Drug Take Back Day is Saturday the 29<sup>th</sup>, between 10:00 a.m. and 2:00 p.m. in the Lobby of the Police Station. Bring your unwanted, outdated and unused prescription medication for proper disposal.

The official date and time for Halloween is Wednesday, October 31<sup>st</sup>, between 6:00 and 8:00 p.m.

October is National Fire Prevention Month. The Merrimack Fire Department will be holding its Annual Open House on Thursday, October 4<sup>th</sup> from 4:30 to 7:30 p.m. The event will include emergency equipment and live fire demonstrations. Additional information can be found on the Fire Department website [www.merrimacknh.gov/fire](http://www.merrimacknh.gov/fire).

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

#### **1. Recognition of the Retirement of Library Director Janet Angus**

*Submitted by Town Council Chair Tom Mahon and Vice Chair Finlay Rothhaus*

The Town Council will present a recognition plaque to Library Director Janet Angus in recognition

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of her retirement from the Town of Merrimack Public Library effective September 30, 2012. She has been employed by the Merrimack Public Library since September 15, 1986.

Chairman Mahon presented Ms. Janet Angus, Library Director, with a plaque in recognition of her loyal and dedicated service to the Town of Merrimack, which she contributed for more than 26 years.

Ms. Angus remarked it has been a wonderful 26 years, and although she is looking forward to retirement, she has enjoyed working with the people in the Library and Town.

Susan Gustafson, Chairman, Library Board of Trustees, thanked Ms. Angus for her service and commented Ms. Angus is one of the hardest working people she has ever met. She remarked if there was a task to be done she worked hard, diligently, and with professionalism. She stated it has been a pleasure to work side by side with her in promoting the great programs and assets the library gives to the Town.

## **2. Recognition of the Retirement of Town Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present a recognition plaque to Donald A. Hamel in recognition of his retirement from the Town of Merrimack Wastewater Division of the Public Works Department effective October 3, 2012. He has been employed by the Town of Merrimack Public Works Department since January 23, 1989.

## **3. Recognition of the Retirement of Town Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present a recognition plaque to William “John” Adams in recognition of his retirement from the Town of Merrimack Wastewater Division of the Public Works Department effective September 29, 2012. He has been employed by the Town of Merrimack Public Works Department since September 22, 1986.

Chairman Mahon noted Mr. Donald A. Hamel and Mr. William “John” Adams were unable to be in attendance. Both gentlemen were recognized for their loyal and dedicated full time service to the Town of Merrimack. Mr. Hamel is retiring after more than 23 years and Mr. Adams after more than 26 years.

Mr. James Taylor, Assistant Director, Wastewater, remarked it will be tough to replace two long-time employees who have done a fantastic job for the community.

He stated Mr. Adams began his career at the Highway Division in 1986 and about a year later transferred to the Wastewater Plant as a Plant Operator on second shift. His love was always running equipment. When the compost facility was built in 1994, he transferred there and has been running all of the equipment ever since.

Mr. Hamel started as a Construction Services Supervisor when there was a separate division for construction services. When that division was consolidated, he transferred to the wastewater plant as the Sewer Inspector. He has been the first and only Sewer Inspector in town, and has done a fantastic job.

## **Appointments**

### **1. Annual Review with the Zoning Board of Adjustment**

*Submitted by Zoning Board Chairman Phil Straight*

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Zoning Board of Adjustment. This agenda item is to highlight the board’s significant actions,

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current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Mr. Phil Straight Chairman, Zoning Board of Adjustment and Ms. Fran L'Heireux, Vice Chairman, presented to the council, the following information:

Since August 2011, the Zoning Board has held twelve (12) regular meetings and one (1) non-public session with legal counsel. The Board was presented with one hundred thirteen (113) agenda items, thirty six (36) petitions for variances, special exceptions, requests for re-hearings, and appeals of administrative decisions. In addition, the Board recently conducted a meeting with counsel to gain legal advice.

He pointed out the most common variance request is related to yard setbacks. He commented with a great deal of irregular lots in Merrimack, these types of requests are pretty common. The next is related to signage, e.g., the desire to sign close to the highway. He remarked the current laws are not as clear as they would like them to be and should probably be reviewed for updates. He spoke of a few odd requests, one being a line adjustment whereby an individual wished to increase the size of one lot making that lot more conforming and subsequently the other less conforming.

Historically (last 5-6 years) the Board has had an approval rate of approximately 84%. During the course of the past year, the approval rate has been in the area of 91%. He suggested that increase could be related to relatively simple issues that have historically been approved.

At its meeting of August 22, 2012, the Board elected Phil Straight as Chairman, and Fran L'Heureux as Vice Chairman. Tony Pellegrino and Patrick Dwyer continue to serve as full members, and Leonard Worster continues to serve as an alternate. The Board welcomes new full member Kevin Shea, and new alternates Rich Consescu and Nathan Barry. Mr. Straight stated the desire of the Board and department to thank former Chairman, Tony Pellegrino for his service.

Staff support is provided by Community Development Director Timothy Thompson, Planning & Zoning Administrator Nancy Larson, Assistant Planner Jeffrey Morrisette, Recording Secretary Zina Jordan, and clerical staff of the Community Development Department.

When asked, Mr. Straight stated the purpose for the recent meeting with counsel was to review process/procedure. He noted they will meet again (perhaps 3 times a year) to be kept up to date on recent court decisions, etc. With regard to new member training, Mr. Straight stated training would be provided by the Local Government Center (LGC). When asked, he stated he is pleased with the dynamic nature of the current board.

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

None.

### **Public Hearing**

*Chairman Mahon opened the public hearing at 7:24 p.m.*

#### **1. Donation Acceptance from Merrimack Crimeline**

*Submitted by Captain Michael J. Dudash*

The Town Council will hold a public hearing to authorize the acceptance of a donation of \$8,652.00

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from Merrimack Crimeline to the Merrimack Police Department to pay for the remaining cost of the new electronic sign/electrical hookup to be installed on Baboosic Lake Road in front of the Police Station, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Michael J. Dudash, Merrimack Police Department, stated he came before the Council at its May 10<sup>th</sup> meeting with a request to expend funds from the Abbie Griffin Memorial Fund for an electronic message sign for the Police Department. The Crimeline Committee has agreed to partner with the Police Department in this endeavor.

After conducting research on an electronic sign it was put out to bid. New Hampshire Signs of Derry was the winning bidder at a cost of \$15,995 (excluding electrical work). Funding approved by the Council (\$9,137) was applied toward the deposit, and Crimeline, as their partner, has paid the remaining balance. The current request is for the Council to authorize acceptance of a donation (\$8,652.00) from Merrimack Crimeline, which would cover the costs of the remaining balance for the sign as well as electrical hookup.

Captain Dudash noted the sign has been installed, but has not yet been hooked up. If approval is gained, the hope is that would occur the following day. He explained there would be 20-minute static displays; however, in the case of an emergency, that could be altered in the interest of getting a message out.

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

*Chairman Mahon closed the public hearing at 7:28 p.m.*

**MOTION made by Councilor Rothhaus and seconded by Councilor Harrington to accept a donation of Eight Thousand Six Hundred Fifty Two Dollars (\$8,652.00) from the Merrimack Crimeline, with thanks, to the Merrimack Police Department to pay for the remaining cost of the new electronic sign/electrical hookup. MOTION CARRIED 7/0/0**

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

None.

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

The MYA conversion to natural gas is complete. A significant savings in heating cost should be seen this winter.

The Capital Improvements Plan (CIP) has been received from each department. Town Manager Cabanel stated she would begin her review and go in front of the Planning board in early November after first appearing before the Council.

Voters are reminded there is now only one polling location. Hours for voting are 7:00 a.m. to 7:00 p.m. The November 6th election will be held in the gym at the High School.

The paving program is coming to an end for the season. Lawrence Road is scheduled to be paved on Monday, October 1st. The Wire Road Bridge replacement over Baboosic Brook is currently out to bid with bids due in by October 16, 2012. This project is proposed to replace the existing corrugated metal pipe with a precast concrete beam deck. The new bridge will have a span of 62 feet. Construction is expected to start in early spring of 2013.

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Town Manager Cabanel noted Officers Gudzinowicz, Wallin, and Landsteiner will receive the Congressional Law Enforcement Award on October 8th.

### **Consent Agenda**

None.

### **Old Business**

#### **1. Acceptance of the Concept of a Dog Park in Watson Park**

*Submitted by Parks and Recreation Committee Chairman Tom Thornton*

The Town Council will consider the acceptance of the concept of a dog park in Watson Park as recommended by the Parks and Recreation Committee.

Mr. Tom Thornton, Chairman, Parks and Recreation Committee informed the Council on September 19<sup>th</sup>, the Committee voted to endorse the dog park at Watson Park. When asked whether other possible locations had been considered, Mr. Thornton stated none were. He noted there could be other possible locations.

Councilor Dwyer remarked as much as he respects the work and opinions of the Committee with regard to the proposed location, and as much as he supports the concept of a dog park, he can no longer support the proposed location. He remarked a year or two ago discussions began around a dog park at that location. The park has now begun to evolve and what it will be for the community can now be seen, e.g., people picnicking, playing, walking dogs on leashes, etc. He added the Rotary Club is presenting an unbelievable piece of architecture in the form of a pavilion for the park, and he no longer sees a dog park as a good fit. He commented he can foresee weddings, receptions, and in the corner a group of dogs with a gravel pit and fencing. On top of that will be the increased number of cars. He stated his belief Watson Park is simply the wrong location.

He noted the Town Center Committee is putting a lot of energy and design ideas together for the Town Center. Although the center of town is debatable as to its exact location, Watson Park is part of that center. He commented Hudson, Amherst, and Manchester have dog parks but not one of them is in the center of their town. He noted Wasserman Park has a parking lot ready to go, and suggested removal of some trees in the back corner near the cabins would allow for the creation of a dog park without a great deal of expense. He reiterated he is behind the effort of having a dog park and believes the Town deserves one.

Councilor Harrington stated she has difficulty considering alternatives at this point in the process. Although she does not disagree with the concept, she believes it would be unfair to the committee that has been working on this for so long and has received encouragement from the Council and the Parks and Recreation Committee. She stated her belief providing options is a good approach given there remains time before the completion of the park and there is the possibility the same amount of funding could result in a park twice the proposed size. She noted a dog park was part of Mr. Watson's vision and has been presented from the start. She suggested the possibility of a park twice the size of that being proposed would be a persuasive argument rather than simply stating the current location is not desirable.

Councilor Dwyer responded it was only after witnessing the use of the park over the summer and seeing the plans come together for the pavilion that his thoughts have shifted.

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Councilor Flood remarked she is uncomfortable with a dog park located near where children will be participating in summer camp. She noted the area where it is planned for and where Mr. Watson wanted it is a good spot. It has an alcove providing a natural shape for the park which is not really visible from the street.

Councilor Koenig noted during the last discussion he stated he is not particularly in favor of the dog park. He made that public statement so that the Council did not go through all of these meetings without anyone saying anything. He stated agreement with a good deal of what Councilor Dwyer expressed regarding placement at that particular location. While it may have been stated a dog park would be a great thing to have in that location since the time the Committee was formed, it certainly was not presented to the Town Council or the Board of Selectmen that way in the initial efforts of trying to create Watson Park, at least not in any of the meetings he sat in on where green space was discussed in connection with passive recreational use. He commented he has always been surprised by the concept of carving out a piece of the park for a dog park.

Although he has not been to see it since some of the brush and shrubs were cleared away, and believes it may look nicer than he had anticipated, he is unsure of the real vision. He is not in favor of expending funds to create a dog park although he understands the intent is to fund the park out of donations, etc. He remarked he is concerned with whether or not the proposed location is the correct location although he is unsure if Wasserman Park or any other park would be more suitable. He reiterated he has reservations with regard to the whole concept.

Councilor Flood agreed one can imagine weddings taking place at the park, but suggested the park could be closed during special events. She recommended a probationary period (1-2 years) to determine how it works with regard to oversight, e.g., gates locked, cleanliness, etc. with the understanding if it is not kept well and safe, it would be closed down and relocated.

Vice Chairman Rothhaus commented he was not on the Board of Selectmen when Mr. Watson donated funds for the property; however, a year or so later he was on the Council and remembers him always speaking of the dog park in discussions. Although he does not remember if it came up initially, for him, his support is based upon hearing discussion of it for the past 6 years. The only conversation he has heard against it was made a few months ago. He stated he is hard pressed to shift gears at this point.

Councilor Dwyer stated he was looking for the Council to be more patient as the plan was conceptual. He commented it may be that Mr. Watson desired the park in the beginning, but it was gifted and it is now up to the Council to manage. He added at that time, what the park would become was not known. He stated his belief the park will be very successful, and if that is the case, it is the wrong spot for the dog park, e.g., it will be too successful and will drown out the park for other activities. He suggested the idea of a probationary period is one he would give consideration to; however he would not want to spend \$4,000 on fencing if a year later it becomes so successful the location is deemed not suitable.

Chairman Mahon remarked the park has become what it was hoped to become; a well-used place. Part of the difficulty is there will be competing interest in use. He stated he has heard from the beginning this was one of the pieces Mr. Watson specifically wanted to have included in the concept.

Vice Chairman Rothhaus questioned whether the item could be tabled so that a discussion could take place with those who have been very active in trying to bring the dog park to fruition. Mr. Thornton noted there is a process that has to be followed, e.g., presentation, etc., and stated the Committee would

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like the park in place by May, 2013. Delays in the process would push that date back. He suggested the Council could vote on acceptance of the concept without identifying a definitive location.

Councilor Flood reiterated she is in favor of placing it at Watson Park under the scenario of a probationary period.

**MOTION made by Councilor Flood and seconded by Councilor Rothhaus to accept the concept of a dog park at Watson Park for a probationary period of two years**

#### ON THE QUESTION

Councilor Flood stated her belief a lot of citizens desire the dog park in that location. She noted it has been on the charrette since before the park was even there and has been on the Master Plan, which was approved by the Council. She stated the proposed area is level and cleared, and the project has nearly enough funds in place to consider it shovel ready.

Vice Chairman Rothhaus remarked understanding the motion calls for a probationary period that would allow conversations around potential alternative locations to take place, he would support it.

Councilor Dwyer questioned whether Councilor Flood would be willing to withdraw her motion and allow for a motion that would postpone a final decision for a few weeks. Councilor Flood stated her confidence there is no other level, cleared spot in town that would be safe for a dog park. She added she has looked all over Wasserman Park and does not believe it suitable. Councilor Boyd suggested the possibility of the property behind the Cinemagic, which connects to trails that run directly to the Souhegan River and has ample parking. There is also the old dog pound at the Wastewater Treatment Plant, which is land that is underutilized, has an existing facility, and a location where fencing can be set up.

Councilor Boyd spoke of discussions that took place last year around Wright Avenue when the Council was told once items are placed in the ground below the level of clean fill, they cannot be removed, and stated his concern with a probationary period is deconstruction that would have to occur if it were determined Watson Park was not the proper location, e.g., not sure the poles could be taken down.

Councilor Flood stated she was pleased with the fact other potential locations were identified. She questioned whether the locations cited were private property, and was informed they are Town owned parcels. She noted the 6' fence being proposed is something she would like to see altered as she believes if the amount of fencing were lessened the degree of ground penetration would be as well.

Councilor Boyd remarked the possibility of alternative locations is why he posed the question of the Chairman of the Parks and Recreation Committee as to whether or not all locations have been vetted. He remarked a dog park at Watson Park was part of the initial thinking; however, he is mindful of testimony received that people are beginning to congregate there and make use of the various aspects of the park. He stated his opinion, in light of what has transpired over the last 18 months with Watson Park, the concept of what was once sought, has changed. He spoke of neighboring communities and locations they have chosen for the placement of dog parks, which are not within the center of town. He stated his believe it behooves the community, should the desire be to present the Town Center and maintain the quality of the crown jewel that Watson Park is, other alternative locations for a dog park should be vetted.

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Councilor Flood commented Councilor Boyd has made some excellent points; however, she wishes they had been brought forward last year. She stated the potential locations identified should be looked at and considered, and that review should be conducted within the next few weeks.

**MOTION WITHDRAWN**

**MOTION made by Councilor Flood and seconded by Councilor Dwyer to enter into an educational fact finding period of two weeks and that the Council approve the concept of a dog park in Merrimack.**

#### ON THE QUESTION

Councilor Harrington questioned whether grant funding allocated to the dog park would be affected if, at some point in the future, a determination was made the dog park would not be located in Watson Park. Town Manager Cabanel explained the parameters of the Land and Water Conservation Grant and stated the monies would remain available for expenditure on a dog park regardless of its location within the Town.

Chairman Mahon suggested an amendment be made stating the end of the fact finding period to be the Council's October 25<sup>th</sup> meeting.

**AMENDED MOTION made by Councilor Flood and seconded by Councilor Dwyer to request the Parks and Recreation Committee review other possible locations for a dog park and report back to the Council no later than October 25, 2012, and that the Council approve the concept of a dog park in Merrimack. MOTION CARRIED 6/1/0**

*Councilor Koenig voted in Opposition*

#### **2. Acceptance of Donations for a Dog Park**

*Submitted by Parks and Recreation Committee Chairman Tom Thornton*

The Town Council to approve the acceptance of donations received for a dog park as recommended by the Parks and Recreation Committee, pursuant to RSA 31:95-b and Charter Article 8-15.

Chairman Mahon noted a public hearing was not required as the amount of donations does not exceed the \$5,000 threshold which would necessitate a public hearing be conducted.

Mr. Tom Thornton, Chairman, Parks and Recreation Committee, informed the Council the Dog Park Subcommittee, through fundraising efforts, has raised the sum of \$3,345. The Parks and Recreation Committee endorsed and accepted the donations in a unanimous vote, and requests the Council accept the donations as well.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the acceptance of donations in the amount of Three Thousand Three Hundred and Forty Five Dollars (\$3,345) received for a dog park, as recommended by the Parks and Recreation Committee pursuant to RSA 31:95-b and Charter Article 8-15 and that the Town Manager and/or the Finance Director be authorized to sign any and all applicable documents that may apply. MOTION CARRIED 7/0/0**

#### **3. Release of Funds from Dog Park Donations**

*Submitted by Parks and Recreation Committee Chairman Tom Thornton*



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The Town Council will consider the Parks and Recreation Committee's request and recommendation to release \$1,394.10 from dog park donations to reimburse Teresa Machado and Michele Dichiarra for tee-shirts purchased for a fund raiser.

Mr. Tom Thornton, Chairman, Parks and Recreation Committee, explained out of the \$3,345 in donations accepted the Parks and Recreation Committee wishes to utilize \$1,394 to reimburse individuals for personal funds expended to purchase tee-shirts to support the dog park and begin fundraising efforts.

When asked how many of the 200 shirts purchased remain to be sold, Mr. Thornton stated approximately 60%. Monies generated from the sale of the remaining shirts will go into the dog park fund. Councilor Koenig stated he had no issue with reimbursing individuals for personal out of pocket expenses, but questioned if the approach was appropriate and what the plan is moving forward with regard to regaining those funds. Mr. Thornton stated the individuals continue to sell the tee shirts, during different events, and it is believed monies will be recouped.

Councilor Harrington questioned whether the individuals were required to come before the Council with a request for reimbursement. Town Manager Cabanel explained the intent was to put a structure in place for both acceptance and expenditure of funds. When asked, she stated it is likely the Council will receive future requests for expenditure of funds.

**MOTION made by Councilor Rothhaus and seconded by Councilor Boyd to authorize the release of the sum of One Thousand Three Hundred Ninety Four Dollars and Ten Cents (\$1,394.10) from the dog park donation fund. MOTION CARRIED 7/0/0**

**4. Polling Places – Establish Boundaries & Location [Tabled at the September 13, 2012 Town Council Meeting]**

*Submitted by Town Council Chairman Tom Mahon and Vice Chair Finlay Rothhaus*

The Town Council to establish the boundaries of the central polling place and eliminate the boundaries of the prior polling places, pursuant to RSA 658:10.

**MOTION made by Councilor Harrington and seconded by Councilor Koenig to discontinue the use of the St. John Neumann Church, the St. James Church, and the James Mastricola Upper Elementary School as polling places for the Town of Merrimack and to further redistrict the Town into a single polling place to encompass the current Town boundaries**

**ON THE QUESTION**

Councilor Boyd suggested the motion be amended to include the November 6, 2012 election and every election two years thereafter. Chairman Mahon stated the current motion was to discontinue polling places; a further motion would be to establish polling places. Councilor Boyd stated the discontinuance was in general without a date certain, and a single polling place would be established with a date certain. Therefore, he believes the motion should discontinue with a date certain.

He added, based on the letter provided by the Chairman of the School Board, the School Board provided a polling place for November general elections and for the upcoming election November 6<sup>th</sup> and every two years thereafter; therefore, the motion to discontinue only applies to the November elections and every two years thereafter.

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Chairman Mahon reiterated the intent was to discontinue the three polling districts, and noted the Charter states the Town Council establishes the polling place thirty (30) days prior. Town Manager Cabanel stated it would be necessary for the Council to establish a polling place for the next election 30 days in advance of that election. Vice Chairman Rothhaus stated his belief the reason for the separate motions is to address the boundaries and that polling places can be established 30 days prior to each election. Vice Chairman Rothhaus added polling places would have to continue to be addressed; however, boundaries have to be dealt with on one occasion.

Councilor Koenig remarked during the joint meeting with the School Board it was stated the James Mastricola Upper Elementary School is the defined polling place and cannot be changed until the Town Council votes to change it. If the Council votes to disband it and no longer have it be a polling place they no longer have particular access without getting permission from the School Board. He suggested the Council not release that given the tenuous situation of where polling places will be in the future. He stated his preference the other two locations be disbanded, the school location be kept as a polling place, and boundaries be adjusted to include the entire town. Then, as necessary, every two years, adjust the polling location from the upper elementary school to the high school.

Chairman Mahon suggested the motion could be stated as voting districts rather than polling places. There are 3 defined voting districts that are now being disbanded and combined into one voting district. Councilor Flood stated her belief the language provided by counsel is proper as the word district might imply wards, which do not apply to the Town.

Town Manager Cabanel explained the point of the two motions is to address this election. At the next election the Council would be required to again establish a polling place, which would likely appear on the Warrant with the budget. She stated she is acceptable to the motion the way it was stated.

Vice Chairman Rothhaus suggested the motion be phrased as voting districts as opposed to polling places, and stated the identification of the upper elementary school does not preclude its use in the future.

Chairman Mahon restated the motion on the floor; to discontinue the use of the St. John Neumann Church, the St. James Church, and the James Mastricola Upper Elementary School as polling places for the Town of Merrimack and to further redistrict the Town into a single polling place to encompass the current Town boundaries.

When specifically asked if he believed the motion would jeopardize the ability to utilize the upper elementary school as a polling place in the future, Chairman Mahon stated, in his opinion, it would not. Town Manager Cabanel stated the School Board has the sole discretion with regard to what occurs within the schools.

*Chairman Mahon called for the vote.*

**MOTION CARRIED 5/1/1**

*Councilor Boyd voted in Opposition*

*Councilor Koenig Abstained*

**MOTION made by Councilor Harrington and seconded by Councilor Rothhaus to establish the Merrimack High School as the single polling place for the November 6, 2012 general election.**

**ON THE QUESTION**

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Councilor Boyd suggested the motion be amended to include the language “and every two years thereafter”. It was noted the next election would not occur on November 6<sup>th</sup>; however the implication would be every two years is the State and Federal Election. Vice Chairman Rothhaus suggested an agenda item could be placed before the Council thirty days prior to the next election. Councilor Boyd withdrew his suggested amendment.

**MOTION CARRIED 7/0/0**

**5. Library Board of Trustees Vacancy [Tabled at the September 13, 2012 Town Council Meeting]**

*Submitted by Town Council Chairman Tom Mahon*

The Town Council to discuss filling the vacant seat on the Library Board of Trustees for the remainder of Martha Wagner’s term which ends April 2013, pursuant to Charter Article 6-2, RSA 201-A:10 and RSA 669:75.

A request has been made by the Chairman of the Library Board of Trustees for the Council to participate in the interview process to address the vacancy. It remains the purview of the Board of Trustees to make a recommendation to the Council to fill the vacancy; however participation by the Council has been requested. It was the consensus of the Council that Councilors Koenig and Flood participate in the interview process.

Councilor Harrington questioned how one would express interest in applying for this position. Susan Gustafson, Chairman, Library Board of Trustees, responded the last time this process was undertaken, the Town Council handled acceptance of letters of intent and set up interviews. Two Trustees and two members of the Town Council conducted the interviews (in public). Chairman Mahon requested the Town Manager arrange for staff to put together an announcement of the vacancy stating letters of intent should be forwarded to Town Hall within a month’s time.

**New Business**

**1. Reappointment of Merrimack Representative to the Nashua Regional Planning Commission**

*Submitted by Merrimack Planning Board Chairman Robert Best*

The Town Council to consider the reappointment of Karin Elmer as one of Merrimack’s representatives to the Nashua Regional Planning Commission (NRPC), as recommended by the Merrimack Planning Board and pursuant to RSA 36:46 (III).

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to reappoint Karin Elmer as one of Merrimack’s representatives to the Nashua Regional Planning Commission, as recommended by the Merrimack Planning Board.**

**ON THE QUESTION**

Councilor Koenig noted he attended the most recent meeting of the Nashua Regional Planning Commission at which Ms. Elmer served in the capacity of Vice Chairman. He stated his belief she is doing a great job for the Town of Merrimack. He wholeheartedly endorsed her reappointment.

**MOTION CARRIED 7/0/0**

**2. Consideration of “Sgt. Ed Pane Day “ Declaration**

*Submitted by Police Chief Mark Doyle*

The Town Council to consider the Police Chief Mark Doyle’s request to publicly declare Saturday, September 29, 2012, as “Sgt. Ed Pane Day”.

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Police Chief Mark Doyle stated the request is for the Town Council to proclaim Saturday, September 29, 2012 as Sgt. Ed Pane Day. Sgt. Pane has been suffering with and battling ALS, Lou Gehrig's disease, for the better part of the last 15-16 months.

This is believed the most appropriate way to recognize his commitment, dedication, level of service, and the 15 years he has provided in terms of community service to the Town of Merrimack. He is a highly decorated Police Officer currently employed as a Patrol Sgt. He was one of the finest bicycle officers and one of those who started the unit many, many years ago. He also worked in a leadership capacity not only as a supervisor within the Police Department but as the Union President. As Union President, he spearheaded the Food Basket Drive, each year for a number of years, which provided food baskets to needy families in the community.

It is believed there is no better forum to do this than as part of the Fall Expo where a number of events will be conducted to help him with his fight against ALS. It brings the community together, brings the Police there, and provides the Police an arena and forum to recognize him in what is believed the most appropriate way. He requested the Council try to get their arms around all that Ed has been trying to battle over the last 15-16 months, sign the Proclamation, and be there on Saturday, if they can, to proclaim with Ed that the September 29<sup>th</sup> is Sgt. Ed Pane Day.

Chairman Mahon read the following Proclamation into the record:

*WHEREAS, Merrimack recognizes the service and dedication of Police Sgt. Ed Pane; and*

*WHEREAS, Sgt. Pane is a long time Merrimack resident and Merrimack High School Alumnus, and*

*WHEREAS, Sgt. Pane has been a Merrimack Police Officer since 1993 and a full-time officer since 1996, and*

*WHEREAS, Sgt. Pane has selflessly served the citizens of Merrimack and put their wellbeing and safety ahead of his own, and*

*WHEREAS, we all owe a tremendous debt to Sgt. Pane for the betterment he has given to Merrimack as both a Police Officer and a citizen, and*

*WHEREAS, we pay special tribute to Sgt. Pane and his fellow Police Officers who serve the people of Merrimack and respond with courage when called upon to provide service, and*

*WHEREAS, Police Officers throughout New England and citizens of Merrimack and other communities have joined together to support Sgt. Pane and his family as they undergo major challenges; NOW THEREFORE,*

**THE TOWN COUNCIL OF THE TOWN OF MERRIMACK, NEW HAMPSHIRE HEREBY PROCLAME:**

Approved: October 25, 2012

Posted: October 26, 2012

*September, 29, 2012 as “Sgt. Ed Pane Day” in Merrimack, New Hampshire and ask all citizens to participate in the many activities planned for observing this day to honor Sgt. Pane. HEREBY PROCLAIMED by the Merrimack Town Council and signed this 27<sup>th</sup> day of September 2012.”*

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to declare Saturday, September 29, 2012, as “Sgt. Ed Pane Day”. MOTION CARRIED 7/0/0**

Police Chief Mark Doyle thanked the Council and stated Sgt. Pane is eternally grateful for all the Council, the Town Manager, and the citizens of Merrimack have been doing for him.

### **3. Acceptance of Donations for the Merrimack Police Department**

*Submitted by Lieutenant Denise Roy*

The Town Council to consider the acceptance of the following donations: \$1,050.00 from anonymous donors, \$250.00 from Dr. Jill Patronagio, and \$1,063.00 from Merrimack Crimeline (proceeds from the Magic Show), to be used for Police equipment and maintenance of K-9 Gunny, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Denise Roy informed the Council of five separate donations received over the course of the past few months from citizens of Merrimack and Merrimack Crimeline. She remarked Merrimack Crimeline has been extremely generous and a force in raising money for K-9 Gunny who is completely funded by donations. She stated appreciation for the community and the support provided.

**MOTION made by Councilor Rothhaus and seconded by Councilor Dwyer to accept the following donations: One Thousand Fifty Dollars (\$1,050) from anonymous donors, Two Hundred and Fifty Dollars (\$250) from Dr. Jill Patronagia, and One Thousand Sixty Three Dollars (\$1,063) from Merrimack Crimeline to be used for Police equipment and maintenance of K-9 Gunny pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7/0/0**

### **4. 2012 Fall Festival / Business Expo**

*Submitted by Dave McCray*

The Town Council to be presented with a review of the 2012 Fall Festival/Business Expo event and finances.

Mr. David McCray stated his purpose for appearing before the Council was to try to recognize some of the concerns mentioned previously, e.g. that this group not be a traditional committee. He stated his desire is to ensure the Town Council is aware of the group’s activities as it is the Council who is ultimately responsible.

Approximately 95 organizations have signed up to participate (approx. 95% from Merrimack). Last year there were 142 (approx. 80% from Merrimack). Mr. McCray remarked the decrease in the number of participant is not necessarily that the event is losing popularity, but more likely related to a decision made, after last year’s major rainout, to no longer actively pursue participants. With 100 participants revenue would be \$4,000. Last year \$7,000 was raised in revenue and \$3,000 expended in advertising. Of the \$4,000 approximately \$3,600 has been expended to date, e.g., bands, D.J., school (largest cost), petting farm, Wally the Green Monster, tee-shirts, etc.

Approved: October 25, 2012

Posted: October 26, 2012

No new signage was purchased; however, this is likely the last year the current signage can be used due to age/condition. The car show has been cancelled as they were not able to gain commitment. He remarked it has not been successful in recent years, and will likely not be part of future events. Mr. McCray spoke of the variety of demonstrations/tournaments scheduled to take place, which are expected to cater to all age groups.

Mr. McCray touched upon the team effort involved and the work that goes into the setup, which is performed by Susan Lee, Chairman, and Linda Bonetti, Vice Chairman of the Economic Development Citizen Advisory Committee. Chairman Mahon noted Mr. McCray puts a great deal of effort into this well organized event, and remarked the event is a tremendous opportunity for the community to get together. Vice Chairman Rothhaus spoke of the amount of work involved in putting the event together and thanked Mr. McCray for his efforts.

##### **5. Naming of the Proposed Watson Park Pavilion**

*Submitted by the Rotary Club of Merrimack*

The Town Council to discuss and consider the Rotary Club of Merrimack's request to formally name the proposed pavilion located at Watson Park, the Roger Duhamel Pavilion.

Mr. Peter Flood, Rotary Club member, stated he was before the Council to answer any questions regarding the request to name the pavilion located at Watson Park the Roger Duhamel Pavilion.

Councilor Boyd remarked he is happy the Council is naming the pavilion for someone from the community and, based on the narrative provided, someone who was behind the scenes with a lot of different activities and lent himself to a lot of good causes. He added he believes it appropriate, since the Rotary is taking the lead on this project, that a Rotarian be named.

Councilor Koenig stated his appreciation and support. He noted the recently adopted naming policy (Resolution), a copy of which was included within the packet provided, and questioned whether procedures such as the requirement for public comment were followed.

Mr. Flood stated prior discussion with the Council concerning naming the pavilion in memory of Roger Duhamel is cited in meeting minutes of the Council on several occasions. Councilor Flood stated her belief what was being asked was whether the different criteria identified within the Resolution were addressed. She noted the Rotary is donating the funds for the construction of the pavilion; therefore, have naming rights. Mr. Flood stated the first monies collected were from donations given after Mr. Duhamel's funeral. The family had requested donations be made to the Rotary Club, and the Rotary Club wished to use the funds on a project in memory of Mr. Duhamel. Councilor Koenig commented because a Resolution has been adopted by the Council, he simply wished to be able to identify its criteria was followed and he was satisfied now based on tonight's discussion.

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to formally name the proposed pavilion located at Watson Park, the Roger Duhamel Pavilion. MOTION CARRIED**  
**6/0/1**

*Councilor Rothhaus Abstained*

##### **Minutes**

Approve the minutes from the September 13, 2012 meeting.

Approved: October 25, 2012

Posted: October 26, 2012

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the minutes of the September 13, 2012 Town Council Meeting as presented.**

#### **ON THE QUESTION**

*The following amendment was offered:*

Page 6, line 23; replace the word “officer” with the word “office”

#### **MOTION CARRIED**

**5/0/2**

*Councilors Mahon and Koenig Abstained*

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

None.

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

None.

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

Councilor Koenig introduced the new Library Director, Yvette Couser. He noted in her application she stated: “I believe good libraries are central to the wellbeing of a community. I’m committed to professional development, teambuilding, and community outreach. I hope that my work in drafting the strategic plan for Merrimack shows my commitment to implementing a new vision for the library.” Councilor Koenig commented he believes her to be an excellent choice, and that she will do extremely well for the Town of Merrimack.

Councilor Boyd commented Mrs. Wyman, the Library media Specialist at the Mastricola Elementary School has had nothing but wonderful things to say about her and how she synergizes with the local elementary schools in Town. He stated he is grateful she will be coming on as the Library Director and wished her success.

Councilor Boyd spoke of his participation in the 2012 Erica’s 5K Run/Walk to Strikeback Against Cancer. Over 400 runners and walkers were in attendance, and the event raised over \$10,000.

The Merrimack Firefighters 5K will be conducted on October 6, 2012 at 9:30 a.m. Proceeds will benefit the Professional Firefighters of Merrimack Local 2904, Community Programs. The race will take place at Merrimack’s Magic Mile.

The family of Michael LoVerme has started the Michael LoVerme Memorial Foundation to raise money to provide funding to specific causes that were loyal to Michael. Michael was very active with computers, programming, and I.T., and the hope is they might be able to raise funds to provide scholarships to students pursuing professional careers either in computer or engineering arts. The Michael LoVerme Memorial 5K Run/Walk will be held on October 14, 2012 at 1:00 p.m. at the Merrimack High School. The website is [www.ML-MF.org](http://www.ML-MF.org).

Approved: October 25, 2012

Posted: October 26, 2012

Paul Micali, Finance Director, informed the Council of the need to consider whether or not the need exists to revise the regularly scheduled meeting dates for the months of November and December. He explained, the Thanksgiving holiday falls on the fourth Thursday of November, and in the month of December, the second meeting would fall between Christmas and New Years, which the Council has historically taken off before beginning its work with the budget on January 3<sup>rd</sup>.

Chairman Mahon stated the Council typically adjusts its schedule to the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays during the months of November and December. As the second meeting in October would be held on the 25<sup>th</sup>, a decision regarding whether or not to conduct a meeting on November 1<sup>st</sup> could be made once the level of business before the Council is known.

**MOTION made by Councilor Harrington and seconded by Councilor Koenig to adjourn the meeting. MOTION CARRIED 6-1-0**

*Councilor Boyd voted in Opposition*

*The September 27, 2012 meeting of the Town Council was adjourned at 9:14 p.m.*

Submitted by Dawn MacMillan