

Approved: May 24, 2012

Posted: May 26, 2012



## Town Council Meeting Minutes



Thursday, May 10, 2012, at 7:00 PM, in the Town Hall Meeting Room

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Chairman Mahon called the meeting to order at 7:05 pm. Present were Vice Chair Rothhaus, Councilor Harrington, Councilor Koenig, Councilor Dwyer, Councilor Boyd and Finance Director Paul Micali. Councilor Flood was not in attendance.

### **Pledge of Allegiance**

Led by Boy Scout Troop 15.

### **Announcements**

Chairman Mahon informed the Council and the viewing public the Farmers Market will operate beginning Wednesday, June 6<sup>th</sup> and will run through Wednesday, September 26<sup>th</sup>, weather permitting. It will operate between the hours of 3:30 – 6:30 p.m. at 515 DW Highway.

Regular meetings of the Town Council will be conducted on Thursday, May 24<sup>th</sup> and June 14<sup>th</sup>. There is also the possibility of a meeting being conducted on June 28<sup>th</sup>. The Town Manager has been requested to propose a summer schedule.

Finance Director Paul Micali informed the Council and the viewing public of the following upcoming events:

The Merrimack Public Library will present Mark Twain's Advice to Humanity on Wednesday, May 23<sup>rd</sup> from 7:00 – 8:30 p.m.

The Merrimack Police Department, Merrimack High School students, and community members are planning the eight-mile run along D.W. Highway from the Nashua border to the Bedford line as part of the 27<sup>th</sup> Annual Law Enforcement Torch Run for Special Olympics. The event begins at 7:00 a.m. on Thursday, May 31<sup>st</sup>. Participants raising \$25 or more can run while the torch is carried through Merrimack making its way through towns all across the State. Lunch will be provided and runners will receive t-shirts. Contact Sgt. Brian Levesque to register or make a donation. Anyone willing to help at the water stations on that day are asked to call 603-325-5622 or e-mail LMMooney@ymail.com. Also, cheering the runners is encouraged between 8:00 – 10:00 a.m. all along DW Highway.

Saturday, May 12<sup>th</sup> is the Police Annual Open House. The event kicks off Police Memorial Week and will be held from 10:00 a.m. to 2:00 p.m.

The Merrimack Skateboard Park has adjusted their hours for the remainder of the school year: Monday, Tuesday, and Thursday from 3:00 – 6:30 p.m., Friday from 3:00 – 8:00 p.m., Saturday from 2:00 – 8:00 p.m., and Sunday from 2:00 – 6:00 p.m. The park will be closed on Wednesdays. Beginning June 19<sup>th</sup> the park will be open every day except Wednesdays from 3:00 – 8:00 p.m.

The Town is now accepting Naticook Day Camp registrations. The camp will be offered at Wasserman Park from June 25<sup>th</sup> through August 17<sup>th</sup>. The resident rate is \$185.00, which includes daily Red Cross swim lessons, daily lunch, and all program supplies. For additional information please contact the Parks & Recreation Department at 882-1046.

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The Town is looking for assistance in naming meeting rooms within Town Hall. Residents are asked to submit nominations in writing and identify why the name should be chosen. Nominations should have a Merrimack connection, e.g., the name of an individual who has supported the Town in some fashion. The Parks & Recreation Committee will review the nominations and forward a recommendation to the Council. Deadline for submission is June 19, 2012 to the Merrimack Parks & Recreation Committee, 116 Naticook Road, Merrimack, NH or by e-mail to ParksDepartment@MerrimackNH.gov.

### **Recognitions, Resignations and Retirements** - None

### **Appointments**

#### **1. Traffic Routing Presentation for the Grand Opening of the Merrimack Premium Outlets & Ribfest**

*Submitted by Police Chief Mark Doyle*

The Town Council to be presented with a draft of the traffic routing details for Merrimack Premium Outlet's anticipated Grand Opening scheduled for June 14-17.

Police Chief Mark Doyle introduced Mr. R. Gordon Leedy, Jr., from Vanasse Hangen Brustlin, Inc., the consulting group contracted by Merrimack Premium Outlets (MPO) to design the Traffic Mitigation Plan. Mr. Leedy informed the Council as a way to gain an understanding of what potential issues might arise during the opening of MPO, traffic numbers generated for the traffic study were updated to adjust for current conditions. They factored in data on the Rib Fest activity over the past three years, overall volumes of traffic, and changes in employment at Fidelity. They also received information from Premium Outlets relative to similar opening events. What resulted was a series of analyses indicating adequate capacity within the intersections to handle expected traffic flows. The only intersection expected to operate over capacity is the intersection with Spartan Way, Premium Outlets Boulevard, and Industrial Drive. However, they are planning for a number of contingencies.

In attempts to improve operations within the existing system, they have coordinated with the NHDOT to ensure all four toll booths in each direction will be open throughout the duration of the opening event. They are in the process of coordinating planning with the State Traffic Management Center.

He provided the Council with graphics depicting areas at which traffic control measures would be placed. A series of signs are being proposed: Changeable Message Boards (CMB) will be a key component. CMB signs placed south of Exit 8 and north of Exit 11 will read "Outlet Shopping use Exit 10". There will be a number of directional signs with similar language directing motorists off the ramps at Exit 10.

Exit 11 will have a CMB sign placed prior to the ramp, which will read "Outlet Shopping use Exit 10". On the ramp junction a sign will be placed that simply flashes the time and date. The purpose of that is to enable the changing of the messages, if need be, to redirect traffic. When asked if the flashing sign would be placed off of the exit, he responded it would be, and explained if congestion exists at Exit 10 that warrants the diverting of traffic to exit 11, both signs could be changed to read Outlet Shopping use Exit 11, and the one on the ramp would have language such as Outlet Shopping next right.

Mr. Leedy explained the signs are all linked to the State Traffic Management Center in Concord, and will be pre-coded with messages. The Police Officers on-site will be in radio contact with the Traffic Management Center. If the need exists to utilize one of the contingency plans, a call can be made and the messages changed.

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Along Industrial Drive and Continental Boulevard a number of both static and CMB signs will be placed directing motorists to an overflow parking area (40 Continental Blvd.) should the parking lot on-site reach capacity. It was noted shuttles would be available between the area of overflow parking and the site. Employees will be parking off-site (old TI building) and shuttled to the site.

Placed on Industrial Drive will be a series of signs directing motorists to outlet shopping. CMBs would either direct motorists to the shopping center or overflow parking. "No parking" signs will be posted along Industrial Drive. Further east on Industrial Drive, directional signs will be placed directing motorists to the center. For the duration of the event, two Police Officers will be stationed at the intersection of the main entrance to assist with vehicular traffic in and out of Fidelity as well as the Outlet Center. Officers will also be located at the ramp junctions (1 at the southbound ramp and 2 at the northbound ramp).

Mr. Leedy stated that the intent is to pull traffic off the highway, keep traffic moving through the intersections, and move traffic on-site as quickly and safely as possible. On-site will be experienced MPO security personnel (10-15), all of whom will be in radio contact with one another. Their role is to direct motorists to parking spaces onsite. The permanent parking spaces are available for use at about 50% more than would normally be provided. Because of the phasing of the project, additional parking was built (approx. 7 spaces per 1,000 sq. ft.). They also have the ability to create temporary/overflow parking areas on-site; the area of the future parking deck will be graded out and available for parking (approx. 150 spaces), as well as the future development area at the corner of Industrial Drive and Continental Boulevard, which will also be graded out (approx. 200-300 spaces). The desire is to put temporary striping in that location.

The MPO security personnel will be directing motorists on-site as well as communicating with the individuals controlling traffic on the main road. This will allow for a push to occur, e.g., if congestion occurs on the public road system the ability exists to push people onto the site or the overflow parking area. It would be up to the security personnel to ensure the traffic has a place to go. With regard to traffic exiting the site, Mr. Leedy stated focus would be placed on preserving the ability for Fidelity employees to exit their site and to push people off the site as there are breaks in traffic.

With regard to contingency planning, Mr. Leedy explained should significant congestion occur at Exit 10, the proposal is to get motorists coming from the south off the highway at Exit 8, have them travel up 101A, and up Continental Boulevard. Motorists coming from the north would be diverted to Exit 11 and taken down Continental Boulevard to the site or the overflow parking area. That diversion is what the CMB located on the highway would be utilized for. There will also be static signs located at key intersections. A series of signs at Exit 11 will direct traffic off the ramp and away from neighborhoods.

Mr. Leedy commented as no one has ever been to the site before their approach has been the more signage, the better. He reiterated the plan would be discussed with NHDOT, who may well recommend additional signage; however, he does not believe they would request a lesser amount of signage.

Mr. Leedy stated the approach they have taken is to attempt to keep traffic associated with the Rib Fest to the east of the F.E. Everett Turnpike and MPO traffic to the West to minimize overlap. He stated his belief is shuttles would be available to go between the events.

Chief Doyle remarked to that end, those involved with the Rib Fest event have started to work with the Nashua Police Department to put CMBs south of Exit 7 to direct any northbound traffic coming from Massachusetts or southern Nashua going to Rib Fest to get off Exit 7 and come up the back way to alleviate a bottleneck at Exit 10.

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Chief Doyle remarked during discussions of the mitigation plan, MPO has been very receptive to the discussions the Police Department had relative to manning the posts along Industrial Drive. They were aware the Police Department is knowledgeable of issues related to potential backups specifically on the F.E. Everett Turnpike. He added his major concern is that it is an opening weekend, and if traffic backs up on the northbound side to a point where it would reach a mile or so beyond the off-ramp to the northbound piece of Industrial Drive it would bottleneck at the Pennichuck Brook. MPO has provided assurance that should such instances occur, the CMB sign system will kick into play and traffic will be able to be redirected in and around that area.

He stated meetings have been set up with the New Hampshire State Police, VHB, NHDOT, and the Nashua Police Department related to traffic mitigation. With regard to Rib Fest, a meeting has been scheduled with organizers of the Rib Fest, the Sheriff's Department, and the Bedford Police Department.

He remarked the key to this kind of a plan working as well as it can, given the traffic concerns that everybody has, is to remain as fluid and dynamic as possible, e.g., being able to change the depth on the fly. He informed the Council discussed at a meeting last week was the potential of having a dry run a week or so before opening where people are put in place and the process run through to see how the cycle will work, e.g. when the lights are put on flash, how people will react traffic wise, how officers will be able to coordinate amongst themselves and the security personnel on-site, how the push aspect functions, etc. A meeting has been scheduled with Fidelity Investments to speak with the security personnel as well as the individual managers of the business units to bring them up to speed on the plan, and discuss how things can change dynamically at the Fidelity site, e.g. they may opt to have traffic exit out the back on Contra Way. They may require the assistance of the Police Department at that end of the site if it looks as though the area could bottleneck.

Chief Doyle stated the Police Department has not yet provided its stamp of approval to the plans as they remain in draft form; however, for all intents and purposes, it appears VHB has put together a pretty comprehensive plan and have provided the opportunity for the department to provide input. He added the Police Department is ready to work with the folks at MPO and law enforcement partners to ensure the event happens and happens right with as little impact as possible on residents and motorists.

Chief Doyle remarked the plan will be in place for several weekends following the opening and until traffic settles down to the point where they have an idea of what normal traffic will be. He commented he feels confident what has been presented is a very good step in the right direction and he feels comfortable the plan that is in place conceptually will work. Once finalized, the plan will be used as a template for future special events for MPO, e.g., Black Friday, etc.

Chairman Mahon echoed the remarks made by Chief Doyle with regard to the cooperative nature of the applicant. He noted it has been mentioned the belief is the first day of the opening (Thursday) will not see the level of traffic as is anticipated for the remainder of the weekend.

Chairman Mahon questioned whether Camp Sargent Road would be posted "no through traffic". Chief Doyle responded what is anticipated is that Camp Sargent Road as well as the areas up and down both sides of Industrial drive and Greens Pond would be posted "no parking".

Finance Director Paul Micali commented the two officers stationed outside of the Outlet Mall entrance will take the leadership role with regard to decisions to be made concerning traffic.

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Councilor Boyd questioned whether the chain of command would be applicable during the weekend or if someone would be designated to make command decisions and relay the information back to the appropriate channels. Chief Doyle responded a command staff officer would be present on-site at the MPO opening throughout the entire weekend, and at Rib Fest. An instant command system will be in place at both locations. He added as they will be dealing with multiple agencies, they will all have interoperable communications and are fairly well adept at getting the communications piece done with signs. He noted there will also be a meeting with the security director of MPO to explain the operations of communications and to whom he will be interacting with when it comes to the push piece, e.g., the command officer will be located at the intersection of Spartan Way and the entrance to MPO on Industrial Drive.

Councilor Boyd questioned whether there would be cooperation between local and State Police for the entirety of the weekend, and was informed there would be. Chief Doyle noted the State Police was included in the first meeting conducted a few months prior and another meeting has been scheduled with Lt. Wagner and his staff. They will work very closely with the Merrimack Police Department, and in fact will work with Merrimack officers at the two on-ramp locations onto Industrial Drive from the Turnpike, both northbound and southbound. They will have direct communications with their troopers on the F.E. Everett Turnpike who would be able to make them aware of backups and make recommendations with regard to pushing off the highway. When asked if State Troopers would be included in the dry run, he stated they would.

Councilor Boyd, speaking to the intersection of 101A and Continental Boulevard, questioned whether signage could remain for the duration of the weekend to accommodate motorists coming from the western part of New Hampshire. Mr. Leedy stated that to be an excellent point and one that could be considered.

Councilor Koenig questioned whether coverage for the remainder of the Town would be affected. Chief Doyle explained officers assigned to the events would be off-duty officers, which is why the department is reaching out to adjoining agencies for assistance. He stated there would be, at minimum, normal staffing levels for any given shift. He further stated residents would see no disruption in service.

Councilor Koenig questioned whether Bedford police officers would be coordinating on traffic control. Chief Doyle stated it would depend on where they are needed. Staffing requirements are being identified for both events. He remarked officers assigned to traffic posts would be rotated through and not placed in one location for an extended period of time.

Councilor Koenig referred to blue signs identified on the photographs and questioned whether they are of a permanent nature. Mr. Leedy responded they would be temporary mounted signs. When asked when they would be removed. Mr. Leedy stated they have yet to determine the timing of removal. He suggested they would likely remain in place until traffic steadies. He noted MPO is working with NHDOT in an attempt to get blue signs authorized. He commented they have an overhead sign structure going across Industrial Drive and thought it might be nice to put up a sign directing motorists to MPO, Spartan Way, and Continental Boulevard, but were told that would not be allowed. Councilor Koenig stated a concern with signage remaining for an extended period of time (months). Mr. Leedy stated he anticipates signs staying in place for a period of weeks. He does not suspect full blown implementation to be necessary during the weekends following the opening. He remarked it would make sense to leave some directional signs up in the Exit 10/Exit 11 areas; however, that would have to be discussed with NHDOT.

Councilor Koenig questioned whether signage would be placed in the neighborhood to the left when coming off of Exit 11. Mr. Leedy stated that could be looked into. Chief Doyle questioned whether signage in that location would be going against current ordinances.

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Councilor Koenig questioned whether measures would be taken to eliminate the amount of dust that could be generated in the areas of temporary parking. Mr. Leedy responded he believes the intent is to spread some gravel; however, he would have to verify that.

When asked for clarification of available parking, Mr. Leedy stated employees will park at the old TI building. The 40 Continental Boulevard location has approximately 600 spaces and overflow parking onsite can accommodate approximately 300-400 additional cars. He remarked they considered running shuttles from some of the park 'n ride facilities; however, that was believed to be excessive. Based on the volumes of traffic they have seen for similar events, they believe the available parking will be adequate.

Councilor Harrington questioned whether consideration was given to utilizing the former Shaw's facility for overflow parking. Mr. Leedy responded they had; however, that went against the desire to keep traffic west of the highway. Councilor Harrington questioned whether the State has provided approval for placement of blue signs. Mr. Leedy stated the purpose of their meeting is to gain authorization. Councilor Harrington remarked some neighbors have expressed concern with traffic leaving the site taking a right down to Exit 11. She questioned what corrective action could take place if that situation were to come about. Chief Doyle suggested residents should contact the Police Department. He noted if problematic with regard to speed, etc. enforcement action could be taken. In a worst case scenario of traffic becoming backed up to Whittier Road trying to get on the turnpike southbound because it couldn't exit another way, a long hard look would have to be had on whether a "no through traffic" restriction would have to be put in place.

Councilor Harrington requested assurance the emergency entrance would not be used for shuttling or any other activity. Chief Doyle provided that assurance.

Councilor Dwyer questioned the number of available parking spaces, and was informed there would be 3,100 paved spaces and approximately 900 additional spaces available. Chairman Mahon questioned the existence of language within the ordinances that would allow the Chief, in an emergency situation, the ability to restrict traffic movement. Chief Doyle stated his belief local ordinances do not address that. He offered to research State RSA. Chairman Mahon commented, in the absence of State law, the Council could put legislation in place to address such an instance.

When asked, Finance Director Paul Micali stated 100% of the cost of special police details for the weekend would be reimbursed by MPO and the Nashua Rotary (Rib Fest).

### **Comments from the Press and Public** - None

### **Public Hearing**

*Chairman Mahon opened the public hearing at 8:00 pm*

#### **1. Acceptance and Expenditure of Funds from the Abbie Griffin Memorial Fund for the Merrimack Fire and Police Departments**

*Submitted by Finance Director Paul Micali*

The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of \$18,274 for a John Deere Gator HPX 4X4 for the Fire Department and an electronic message sign for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Finance Director Paul Micali stated the Abbie Griffin Memorial Fund is a donation by Abbie Griffin, which established trust funds for the Merrimack Fire and Police Departments. The Trustee has informed the Town

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of the availability of \$18,274. He noted the funds cannot be utilized to supplant the budgets of the Fire and Police Departments, e.g. cannot be utilized on items identified within the budget.

He requested the Council table (until May 24<sup>th</sup>) the discussion on the Fire Department's request for a John Deere Gator HPX 4x4, noting information was received by him late in the day and he desired the opportunity to have further discussions with the Department.

He commented the available funds are divided equally between the Fire and Police Departments. The Police Department has put in a request for an electronic message board.

Captain Michael Dudash, Merrimack Police Department, informed the Council the Department has desired, for several years, the opportunity to do away with the flea market type sign located in the front of the Police Station. Their desire is to replace the current sign with an electronic message board. After learning of available funding through the Memorial Fund, the Department sought a community partner to provide a matching donation to cover the anticipated cost of approximately \$18,000 (excluding electrical). A presentation was made to Crimeline.

The anticipated cost excludes electrical work. Captain Dudash explained the vendor suggested the Department check with the Public Works Department to ascertain whether in-house personnel could provide labor/equipment for the necessary digging, which they have stated a willingness to do. Custom Electric has stated a willingness to perform the necessary electrical work for a minimal fee (less than \$300).

Captain Dudash commented that the replacement of the sign would improve the appearance of the center of Town and an electronic sign would be more efficient and effective in relaying messages of importance to the citizenry.

The Crimeline Committee has agreed to partner with the Police Department in this endeavor. As is currently the case, Crimeline would be denoted on the sign.

The plan presented is conceptual and was provided by the vendor. Captain Dudash stated the intent to meet with the owners of Lisa's Tippy Toes Daycare to go over the design to ensure it would not interfere with the business. Nancy Larson, Planning & Zoning Administrator, was contacted with regard to regulations. Although exempt from regulations, the Department wishes to adhere to them. Ms. Larson informed the Department of a regulation requiring a 20' setback.

Councilor Boyd questioned whether the wording depicted on the example provided "Merrimack Police Station" was pre-determined. Captain Dudash stated it was not, and suggested the wording could be Police Headquarters, Merrimack Police, etc. Councilor Boyd encouraged Captain Dudash to work with Ms. Larson to ensure the LED display is in compliance with lighting regulations. Captain Dudash stated the department would follow the regulations.

Councilor Koenig spoke to the example depicted in the photograph and suggested 6' x 6' poles to be rather large. He also questioned whether the poles would be white or blue. Captain Dudash responded the hope is to dress the poles up with blue covers. Vice Chair Rothhaus stated a concern with regard to aesthetics. Captain Dudash stated attention would be paid to creating a sign that is aesthetically pleasing.

Chairman Mahon opened the floor for public input.

*Steven Kane, 33 Craig Drive, Member of Merrimack Crimeline:*

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Mr. Kane informed the Council at the last meeting of the Merrimack Crimeline, a unanimous decision was made to support the project.

*Chairman Mahon closed the public hearing at 8:12 pm*

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to table the request of the Fire Department until the Council's May 24<sup>th</sup> meeting and authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of \$9,137 for an electronic message sign for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15 MOTION CARRIED 6-0-0**

*Chairman Mahon opened the public hearing at 8:15 p.m.*

## **2. Consideration of Changes to Chapter 92- Amusement Devices**

*Submitted by Finance Director Paul Micali*

The Town Council will hold a public hearing to consider the acceptance of the recommended changes to Chapter 92 – Amusement Devices of the Merrimack Town Code, pursuant to Charter Article 5-3.

Chairman Mahon noted the Council discussed, at its last meeting, possible changes to Chapter 92. He remarked the ordinance has been in existence for approximately 20 years and none of the dire consequences predicted have occurred. As a result, it is believed the oversight of Town Council and additional time incurred on the part of the applicant could be avoided. He noted the proposed amendment was before the Council as a second reading.

Councilor Koenig stated a hesitancy to completely turn the responsibility over to the Town Manager as that would appear to imply the Council is not responsible and speaks to a level of authority being placed upon the Town Manager, which could be problematic.

The following comments/amendments were offered:

§ 92-2. Number of devices restricted: first sentence should not be changed and should continue to read: "No person, firm, corporation or association shall display for public patronage or keep for public operation any amusement devices without first obtaining a license from the Town."

§ 92-4. License denial: replace the words "calendar days" with the words "business days"

§ 92-6. License required: first sentence should not be changed and should continue to read: "The applicant for an amusement device license shall, in addition to such information as may be required by the Town Council or its designee contain no less than the following:"

Councilor Harrington stated her agreement as did Councilor Boyd.

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

*Chairman Mahon closed the public hearing at 8:18 p.m.*

**MOTION made by Councilor Koenig and seconded by Councilor Dwyer to adjust the changes to Chapter 92 as follows: the first sentence of § 92-2 should end with the words "obtaining a license from the Town.", § 92-4 replace the words "calendar days" with the words "business days", and the first sentence of § 92-6 should end with the words "by the Town Council or its designee contain no less than the following:" MOTION CARRIED 6/0/0**



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**MOTION made by Councilor Koenig and seconded by Councilor Boyd to move the item forward for final action at the Council's next regularly scheduled meeting. MOTION CARRIED 6-0-0**

**Legislative Updates from State Representatives** - None

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

Finance Director Paul Micali informed the Council:

The final conversion from oil will be underway shortly: National Grid will begin work at the MYA building the first week of June to bring the gas line to the building.

The Merrimack Drug Take-Back Day was a huge success taking in over 126 pounds of unused and unwanted prescriptions and medications.

The Town's Auditors will begin preliminary work for the 2011/2012 audit on May 23rd and 24th.

The Town-wide street sweeping program has begun. A link for the schedule can be found on the front page of the Town website.

The Town of Amherst is beginning preparations to pave a portion of Seaverns Bridge between Arrow Lane and Woodbine Lane. The work is expected to begin May 10<sup>th</sup> and take approximately 1 month to complete. Work will include stump removal, culvert installation, and base gravel replacement. Seaverns Bridge will be closed to through traffic with a detour established via Bates, Peaslee, and Amherst Roads.

Finance Director Paul Micali congratulated the employees of the Wastewater Treatment Facility, which recently celebrated no loss time on accidents over 1,000 days.

The Town of Merrimack had three heroes honored as New Hampshire Heroes at the State House in Concord. The Governor presented awards to the following individuals from the Town of Merrimack: Officer William Gudzinowicz, Officer Philip Landsteiner, and Officer Stephen Wallin. They were also recognized by the VFW at their Loyalty Day for the 2011 Police Officer of the Year.

Finance Director Paul Micali informed the Council the date of June 15<sup>th</sup> is being considered for the Council Retreat. A location is being determined. It is requested agenda item requests be forwarded to the Chairman.

**Consent Agenda** - None

### **Old Business**

1. **Consideration of the Ratification of Final Contract Language with the NEPBA Local 112 Union**  
*Submitted by Town Council Chairman Tom Mahon and Vice Chair Finlay Rothhaus*  
The Town Council to consider ratifying the final contract language of the collective bargaining agreement between the Town and the Merrimack Dispatchers and Support Staff Union, NEPBA Local 112.

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Chairman Mahon noted the Council approved the cost items for submission on the Warrant back in February pending agreement on final contract language. That has been completed.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to ratify the final contract of the Collective Bargaining Agreement between the Town and the Merrimack Dispatchers and Support Staff Union, NEPBA Local 112 with an effective date of July 1, 2012 through June 30, 2013 the cost items of which were approved by the voters at the 2012 Merrimack Annual Town Meeting.**

**MOTION CARRIED 6-0-0**

**2. Concord Regional Solid Waste/Resource Recovery Cooperative Recycling Contract Review**

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

The Town Council will review the Town of Merrimack's contract with the Concord Regional Solid Waste/Resource Recovery Cooperative pertaining to single stream recycling.

Chairman Mahon remarked in 2009, the Town was approached by the Concord Coop with a proposal to set up a single stream recycling facility. A presentation was made at that time. Based on that presentation, the Council agreed to enter into an agreement; however, major changes have occurred in the process since. The most significant change being the City of Concord has withdrawn their support for the project. The City of Concord represented 41% of the tonnage anticipated.

The current Coop Board is supposed to be meeting next Thursday to eliminate the project and release those communities that had signed contracts.

Chairman Mahon stated the item had originally been placed on the agenda for consideration of withdrawing from the contract. When contacted, the Executive Director stated they needed to conduct a formal meeting to formalize the end of the project and therefore the release of the contract.

**MOTION made by Councilor Koenig and seconded by Councilor Harrington that the Town of Merrimack withdraw from the contract with the Concord Cooperative for single stream recycling**

**ON THE QUESTION**

Councilor Koenig stated the Council had received a presentation and was advised of the representation it would have on the board. The interest on their part was to be able to ensure a volume of tonnage to the single stream recycling. It has been several years since that time. The Coop had represented the program would be kicking off and constructed right away. No action has occurred. He stated, at this point, decisions have been made without input from the Town of Merrimack, which are not financially feasible for the Town of Merrimack to continue to pursue. The Town has what appears to be a less expensive route that can be taken for single stream recycling today.

Councilor Harrington stated her recollection is there was specific contract language, which appears not to have been adhered to. She stated her agreement with the motion.

Chairman Mahon added the construction and operating costs have increased significantly making it potentially less viable for verbal commitments made at that time to be met.

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Councilor Boyd noted decisions have been made without consultation with other towns participating in the Cooperative.

**MOTION CARRIED 6-0-0**

**New Business**

**1. Acceptance of a Donated Air Hockey Table for the Parks and Recreation Department**

*Submitted by Parks and Recreation Director Sherry Kalish*

The Town Council to consider the acceptance of a donated air hockey table with an estimated value of \$400.00 for the Parks and Recreation Department, pursuant to RSA 31:95-e and Charter Article 8-15.

Parks & Recreation Director Sherry Kalish informed the Council she was contacted by William Roy offering the Department a donation of an air hockey table, which she believed would be a nice addition to the game room at Wasserman Park.

Councilor Koenig questioned whether there are any anticipated costs associated with the donation, and was informed the table should be usable as is.

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept a donated air hockey table with an estimated value of \$400.00 for the Parks and Recreation Department, specifically the game room at Naticook Day Camp, pursuant to RSA 31:95-e and Charter Article 8-15, and that a letter be forwarded to Mr. Roy expressing the Town's appreciation of the donation to the children of the community of Merrimack. MOTION CARRIED 6-0-0**

**2. Monetary Donation Acceptance for the Parks and Recreation Department**

*Submitted by Parks and Recreation Director Sherry Kalish*

The Town Council to consider the acceptance of \$650 from the Rotary Club of Merrimack and a campership donation of \$550 offered to Naticook Day Camp from the American Camp Association that assists Merrimack families/low income families in sending their children to summer camp, pursuant to RSA 31:95-b and Charter Article 8-15.

Parks and Recreation Director Sherry Kalish informed the Council of receipt of offers of donations to assist in funding the cost of Merrimack children attending summer camp. She noted children must be residents of Merrimack to qualify for the application process to accept scholarship funds.

She noted, in the case of the Rotary Club, they have generously supported the children of Merrimack year after year. Scholarships are awarded through the Welfare Department. Applicants are completed and reviewed through the Welfare Department, and names of those receiving scholarships are forwarded to the Parks & Recreation Department.

The second donation is new this year. The Naticook Day Camp is accredited by the American Camping Association. The Association instituted a new program of offering scholarship money to towns interested in providing assistance to their underprivileged children.

**MOTION made by Councilor Dwyer and seconded by Councilor Rothhaus to accept the sum of \$650.00 from the Rotary Club of Merrimack and a campership donation in the amount of \$550 offered to the Naticook Day Camp from the American Camp Association that assists Merrimack families in sending their children to summer camp, pursuant to RSA 31:95-b and Charter Article 8-15, and that a**

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**letter be forwarded expressing the Town's appreciation of the donation to the children of the community of Merrimack. MOTION CARRIED 6-0-0**

### **3. Chamberlain Bridge Sign**

*Submitted by Town Council Vice Chair Finlay Rothhaus*

The Town Council to discuss the details of the proposed Chamberlain Bridge sign installation.

Vice Chair Rothhaus spoke to the desire of the Merrimack Heritage Commission to note and remember items of importance to the Town. He informed the Council that the Commission has over \$20,000 in a fund to be allocated to various projects. It is the desire of the Commission to install a granite sign on the outside curve of the Chamberlain Bridge. It is believed if located on the west side of the bridge, brightness of the sun during the daytime hours would hamper viewing; therefore, the desire is to install the sign on the east rail. The sign is just over 7' wide, 10" thick, will come up on the sides 12", and from that point on each side would come up in an upward arch (total height approx., 24"). The sign would read Chamberlain Bridge in black and grey lettering.

The cost of the sign is just over \$1,900 with an additional cost for pin placement (\$25/pole) and would be lined up to the top rail of the bridge and secured at an estimate cost of less than \$100.

Vice Chair Rothhaus stated John Chamberlain moved into Town in the early 1700s and first showed up on tax rolls in 1734 when he was granted the rights to build two mills: saw mill and grist mill. The river was used to generate power for the mills. In order to access the mills he needed to establish a bridge. Initially it was a rude bridge and in the mid-1700s he was given 250 pounds to build a bridge that was specified to be 17' long and 3" thick. As time went on improvements were made to the dam area (granite blocks and eventually the concrete dam). The bridge that was built by John Chamberlain was west of the current granite bridge, which was constructed in 1924. He added it is the only curved arch bridge in the State of New Hampshire.

Chairman Mahon questioned whether the sign has already been purchased, and was informed an agreement has been reached. He questioned whether the Public Works Department (PWD) has been contacted with regard to the impact of a granite slab being installed on the bridge. Vice Chair Rothhaus was uncertain. He remarked he has been told by PWD in the past that the bridge is one of the strongest structures in Town. Chairman Mahon stated his concern to be with who would be responsible for maintaining the sign and noted his desire for the Department to be consulted.

Councilor Harrington stated a concern with ensuring the sign would be installed properly and spoke to the potential for future safety concerns. Chairman Mahon questioned whether it would fall under the current sign ordinance. It was noted the sign would be constructed of granite (low maintenance) and secured to the bridge with epoxy. Vice Chair Rothhaus stated an estimate has been received from Al's Masonry out of Hollis, NH.

Councilor Koenig remarked he was not anticipating a 1' thick by 2' high by 7' piece of granite. He had anticipated a proposal for an 18" square bronze plaque. He noted a concern with the potential for complaints related to blocking the view out over where the dam used to be. He added he does not have a good conceptual picture of what the impact of a 7' piece of granite would have on the edge of the rail.

Vice Chair Rothhaus remarked a bronze plaque had been contemplated for placement on one of the stones; however, it was stated that could not occur without taking the stone out. A brass plaque was also contemplated, but there were concerns related to the current popularity of brass. The less expensive route

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would be aluminum plaques, which would be susceptible to damage by salt, etc.

Councilor Dwyer stated his support of the request noting the Heritage Commission has put the time and effort into a decision of the type of sign to be utilized. Vice Chair Rothhaus stated a desire to have the item placed on a future agenda for further discussion at which time he could provide the Council with a copy of the proposed design.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to table until the Council's June 14<sup>th</sup> meeting so that appropriate information can be presented, and that the Public Works Department be requested to provide comment. MOTION CARRIED 6-0-0**

#### **4. Town Council Committee Assignments**

*Submitted by Town Council Chairman Tom Mahon*

The Town Council will determine committee assignments for the current year.

The following committee assignments were made:

To the Merrimack Planning Board:	Councilor Koenig, Liaison Councilor Boyd, Alternate Liaison
To the Adult Community Center:	Councilor Harrington
To the Parks & Recreation Cmte.:	Councilor Flood
To the Merrimack Conservation Commission:	Councilor Mahon
To the Economic Devel. Citizens Advisory Cmte.:	Councilor Boyd
To the Town Center Committee:	Councilor Dwyer
To the Nashua Regional Planning Commission:	Councilor Koenig

#### **5. Town Committee, Commission, and Board Appointment Committee Make-up**

*Submitted by Town Council Chairman Tom Mahon*

The Town Council to determine the process to share the workload for the upcoming May and June committee interviews.

Chairman Mahon remarked historically assignments have been made based on those holding the positions of Chairman, Vice Chairman, and Liaison. He questioned the will of the Council. Councilor Boyd questioned whether it would be permissible for other Councilors to be present for interviews, and was informed it is and in fact would be advantageous for other members of the Council to be available should a member of the committee be unable to be in attendance.

Finance Director Paul Micali commented a great deal of renewals are coming up June 30<sup>th</sup>. Letters will be sent to current members questioning whether they wish to continue. Chairman Mahon requested a list be compiled and provided to the Council.

#### **Minutes**

Approve the minutes from the March 22<sup>nd</sup> and April 5<sup>th</sup> Town Council meetings.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of the March 22, 2012 Town Council Meeting as presented. MOTION CARRIED 5-0-1. Councilor Harrington Abstained**

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**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of the April 5, 2012 Town Council Meeting as presented**

The following amendment was offered:

**Page 3 – Motion at the top of the page should read: “AMENDED MOTION made by Vice Chair Boyd and seconded by Councilor Mahon to task the Community Development Director Tim Thompson to advise the State of New Hampshire the Council deems the former Shaw’s Plaza parcel and the Zylas parcel 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”**

**MOTION CARRIED 5-0-1. Councilor Harrington abstained**

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Councilor Harrington informed the Council that the Fire Department was also represented at the VFW Loyalty Day Banquet at which Firefighter Kip Caron and EMT Philip James Comeau were recognized as Firefighter of the Year and EMT of the year, respectively.

Councilor Boyd stated the Reeds Ferry Elementary School will hold their 2012 Annual Art Show and Ice Cream Social on May 17<sup>th</sup> from 5:45 p.m. to 8:00 p.m.

On June 2<sup>nd</sup> a Sophomore at Merrimack High School, Hannah Vaccaro, who is very active with an orphanage in Haiti located on the island of LaGonave, is doing a unique version of a shoe drive to benefit the orphanage. She is conducting a road race at the High School on June 2<sup>nd</sup> at 10:00 a.m. It will be a 5K for runners and walkers. For participants under the age of 18 the cost will be \$5 dollars and a pair of gently used shoes, for those over the age of 18, the cost will be \$10 and a pair of gently used shoes. It was noted all shoes would be accepted. Local resident, Mike Amarello, will be providing professional race services.

Chairman Mahon informed the Council that he would be speaking at the National Railroad Day being conducted in Lincoln, NH on Saturday.

Councilor Koenig spoke of the Police Department Open House being conducted on May 12<sup>th</sup> at 10:00 a.m.

**Adjourn**

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

The May 10, 2012 meeting of the Town Council was adjourned at 9:11 p.m.

Submitted by Dawn MacMillan