



Town Council Meeting Minutes

Thursday October 26, 2017, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on Thursday, November 2nd, November 16th, December 7th and December 21st at 7:00 p.m. in the Matthew Thornton Room.

Chairman Harrington spoke of Councilor Dwyer’s resignation from the Council effective October 27th. Letters of interest should be sent to the Town Manager by Monday, November 6th. Interview dates will be November 8th and 9th depending on the number of letters received. Selection will occur during the Town Council meeting of Thursday, November 16th.

The 25th Annual Halloween Party will take place tomorrow, Friday, October 27th from 5:00 - 8:00 p.m. at Wasserman Park. This free event features a variety of games, crafts and other activities. Town Manager Cabanel spoke of the growth of the event noting 800-1,000 attendees are anticipated. The event is co-organized by the Parks & Recreation Department and the Merrimack Police Dept. For complete details visit the Parks & Recreation Department website at: www.merrimackparksandrec.org.

This Saturday, October 28, 2017, (10:00 a.m. - 2:00 p.m.) is National Drug Take Back Day. Please bring your unused or expired prescription drugs to the Merrimack Police Department where they will be safely disposed of.

Perfluorooctanoic Acid (PFOA) Information Update

Councilor Boyd spoke of having had the opportunity to have coffee with a member of the Citizens for Clean Water (C4CW) in response to some of the discussions had after the last meeting regarding a formal organization of the Merrimack Water Advisory Committee. The member of the C4CW, Rachel Ricker, Nancy Murphy, and Councilors Albert and Boyd make up the initial membership. They met, reviewed a proposed agenda, and were able to gain a good feel for the overall organizational purpose. It is hoped the organizational meeting will be held on November 15th or 29th at a place to be determined.

Highway Garage Project Update

Vice Chairman Rothhaus stated floor planning for the building is nearing completion. Engineers are working on mechanical plans with the desire being to handle that without consuming a lot of usable space. Two days in November have been set aside for Liberty Utilities and Eversource to come in and go over possible rebates for energy saving ideas that might be incorporated into the facility. The

1 construction management team is beginning the pre-qualification process; looking at contractors who
2 want to bid on components of the project. Presentation to the Town Council will be on November 16th.
3 On December 5th the Planning Board will receive a presentation.

4 **Comments from the Press and Public**

5
6 Wendy Thomas, 10 Wildcat Falls, Merrimack

7
8 Stated the last time she was before the Council she stated her well water was going to be tested by
9 Granite State Analytical. The results were 20.4. What is significant about that is that she lives 5 miles
10 from Saint-Gobain. Right now, the State has areas of interest; 1 mile and 1.5-mile radiuses from Saint
11 Gobain. The water also tested positive for 9 other PFOA chemicals specific to Saint-Gobain. The
12 State maximum level for PFOAs is 70 parts per trillion (ppt). Ms. Thomas remarked if she resided in
13 several other places in the United States she would be told that her water is too dangerous to drink.
14 New Jersey is trying to lower the value to 14, Vermont is already at 20. These are chemicals that stay
15 in your body. Were she to stop any exposure to these PFOAs today it would take 4 years for the value
16 of the PFOAs in her body to go down by half. When she spoke with the State and requested
17 confirmation that 20.4 is not harmful to someone who has an auto-immune disease they could not. She
18 commented 70 is clearly too high, 39 is too high, 20.4 is too high. She stated the need for the water to
19 be cleaned, and for Saint-Gobain to be held accountable.

20
21 Ms. Thomas spoke of having had lunch with a friend who is a real estate agent, and who relayed to her
22 that Merrimack and Litchfield are problems as far as selling houses because the water situation is
23 becoming known.

24
25 At the meeting, several brochures were handed out; blood test result brochure, fact sheet, drinking
26 water factsheet, health advisory, filter information. She has been passing out pdfs of these files to
27 people who have contacted her, and stated her assumption that information would be put on the
28 Town's website.

29
30 She remarked when the State heard that her well was at 20.4 and that they are five miles from Saint-
31 Gobain, they arranged to come to her home and re-test the well. They have offered to test other wells
32 around where she lives. She informed the viewing audience she resides on the private side of Wildcat
33 Falls off West Chamberlain. Anyone having a private well in that area that would like the State to
34 come down and test it, which it would do for free, can contact the State or contact her, and she will
35 provide the direct information (wethomas@gmail.com).

36
37 Mike Malzone, 8 East Chamberlain Road

38
39 Stated he met Councilor Dwyer in 2006 when he ran for office in Town. Dan was one of those people
40 he met out on the side of the street campaigning. He commented they banter a lot, and perhaps
41 disagree on more than they agree, but he considers him to be a very good friend. He commented they
42 have had some spirited debates over the years, but he has also had the honor of being at Dan's kids'
43 weddings. He stated his understanding of what Councilor Dwyer has given back to the Town.

44
45 Mr. Malzone touched upon the members of the audience from the Police Department, and the
46 appointment of the new Police Chief. He commented in his 25 years in the Town, the Town has gone
47 through 4 or 5 chiefs, but it has always been an open-door policy at the Police Station. No matter who

1 you were or what you were in this Town, if you had a problem you could always walk into the Police
2 Station and ask to talk to the Chief.

3
4 ***There being no objection, the Council went out of the regular order of business to take up Item #1***
5 ***under New Business.***

6
7 **1. Police Chief Position Confirmation**

8 *Submitted by Town Manager Eileen Cabanel*

9 The Town Council shall consider the confirmation of the appointment of a new Police Chief,
10 pursuant to Charter Article 7-8.

11
12 Town Manager Cabanel commented she had the distinct pleasure of interviewing for the position of
13 Chief of Police. The process starts with making the decision whether you want to stay inhouse or look
14 outside the department. She was approached by many saying don't go outside of the department,
15 which was something she never even considered as Merrimack has such a fine department, one she and
16 the community are very proud of. The attention to community events and community policing is
17 exemplary, and members of the department are all very approachable and professional. She spoke of it
18 being difficult to get onto the Merrimack Police Department, which is sought after by many it is
19 recognized as one of the finest in the State. There are criteria expected of the department; those that
20 are hired have the same philosophies, attitudes, and desired skills.

21
22 The process narrowed to a decision between two exemplary individuals. When comparing the two,
23 they possess many of the same qualities. One that is most impressive is that they both have spent their
24 entire adult lives working for the people of Merrimack, which says a lot for the department and the
25 community.

26
27 She spoke with members of the department, volunteers, community members, and a few former Police
28 Chiefs before reaching a decision on what the Town should be looking for is a leader for the future,
29 someone who embraces community policing with all his/her heart, and someone who wants to move
30 forward into the future, which requires continuing education and advancing employees through the
31 ranks.

32
33 Town Manager Cabanel introduced her choice for Merrimack Police Chief, Denise Roy.

34
35 Councilor Boyd stated Captain Roy has his unequivocal support to be the next Police Chief for the
36 Town of Merrimack. Not only is she an extremely affable and personable woman, she sets a standard
37 every day in how she conducts herself, personal integrity, character, but above all, in his observation,
38 she is nothing less than the consummate professional.

39
40 Councilor Flood stated how pleased she is with Denise Roy being brought forward for this position.
41 She stated her belief she will continue in the very good culture that our former chiefs and those serving
42 with her have demonstrated over the years. It makes Merrimack a very special place to live.

43
44 Councilor Koenig stated it to be a privilege and honor to be able to take this moment to congratulate
45 Denise and thank her for stepping up to help Merrimack to move forward. The presence of so many of
46 the past chiefs that have been her mentors and so many of the staff is a real testament to her abilities
47 and the hard work she has done.

1 **MOTION** made by Councilor Rothhaus and seconded by Councilor Dwyer to affirm the Town
2 **Manager's Choice of Denise Roy as the Chief of the Merrimack Police Department. MOTION**
3 **CARRIED 7-0-0**

4 *Oath of Office administered to Denise I. Roy by Chairman Harrington*

5
6 Chief Roy thanked the Council, Town Manager Cabanel, and Assistant Town Manager/Finance
7 Director Micali. She thanked all who were in attendance to support her, and commented to say she
8 was overwhelmed by the attendance and the trust that has been placed in her would be an
9 understatement.

10
11 She thanked Paul Stavenger for the profound effect and impact he has had on her career and her life.
12 Paul Stavenger retired after many years as the Deputy Chief of Merrimack. She spoke of some of their
13 shared experiences over the years.

14
15 Chief Roy thanked her family and friends for their never-ending support, and the citizenry of
16 Merrimack. She thanked those she has worked with in the past, and those she has the opportunity to be
17 working with now. She spoke of having learned something from each of those individuals, and of the
18 culture that has been passed on her to, and which will continue.

19
20 *The Council took a five-minute recess at 7:30 p.m.*

21 *The Council reconvened at 7:35 p.m.*

22
23 *There being no objections, the Council went out of the regular order of business to take up items 4*
24 *and 5 under New Business.*

25
26 *Chairman Harrington noted Recognitions/Resignations/Retirements as well as matters related to the*
27 *Town Code would move to the end of the agenda.*

28
29 **4. Direction for 2018/2019 Budget**

30 *Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali*

31 *To ask the Town Council to contemplate budget parameters for the 2018/2019 budget season*
32 *which will be discussed at a future meeting.*

33
34 Town Manager Cabanel remarked each year information is provided to inform the Council of what is
35 being seen for some of the budget items for the coming year. That information is fluid, and is
36 constantly being updated.

37
38 What is known is there will be an increase in health insurance cost. The Guaranteed Maximum Rate
39 (GMR) is 8.5% (\$210,000 or \$0.06 to the tax rate). It takes about three years for data to be compiled
40 and actuarial calculations completed for the insurance company to identify increase/decrease in trend.
41 Town Manager Cabanel stated her expectation increases will be significantly less moving forward with
42 the current plans.

43
44 When asked if the Town would be shopping around for available plans, Town Manager Cabanel stated
45 there is not much, if anything, to choose from any longer because the other group, Interlocal Trust,
46 represents the Harvard Pilgrim plan. What she has seen happen is the poor performers have all moved
47 over to that program, and they were seeing increases of 25-28%, sometimes in consecutive years. She
48 would not be comfortable with a plan that could experience such a sudden and large fluctuation. If, at

1 some point, it seems to be stabilizing and they have a wider, broader array of risk levels that would be
2 a good time to shop around.

3
4 Councilor Boyd commented the Town has been fortunate that health costs are low as that means our
5 wellness costs have been sustained, and any catastrophic costs have been reduced. The increase is
6 modest. He spoke of the Town's ability to manage and offer wellness opportunities to its employees,
7 and stated his support of staying the course.

8
9 It was noted there is a clause within Health Trust that states if changing carrier, you are not allowed to
10 return to their coverage for two years. It was also noted a carrier cannot determine a group's rate
11 without 3 years of experience to look to. Another known budget item is an increase in Property
12 Liability insurance; a not to exceed amount of 10% (\$18,000 or \$0.01 to the tax rate) has been
13 provided.

14
15 A change in the Short-Term Disability for non-union workers will be proposed. The way the plan
16 currently works, if an employee is out ill, he/she receives \$700/week or \$100 day. If a person makes
17 more than \$500 or \$700/week that is all they get. For some that is equal to their regular salary, and
18 works well. Others end up having to utilize vacation time in addition to sick time. Proposed is
19 changing it to a percentage rather than a dollar amount; 70% of weekly pay (\$26,000 or \$0.01 to the
20 tax rate; the regular increase for the non-union is \$18,000). Because it is spread amongst many who
21 use it or don't, it becomes more affordable.

22
23 Workers Compensation is proposed to be increased by approx. 10% (\$25,000 or \$0.01 to the tax rate).
24 This is modified based on your own experience. The Town is at 62%, which indicates it is doing very
25 well. Town Manager Cabanel noted there have been work-related injuries as of late. Primex will be
26 coming in-house to check on equipment to determine if modifications to equipment or practices
27 could/should be made as a proactive measure to avoid injury.

28
29 When asked if she has found the Joint Loss Safety Committee of assistance in identifying some of
30 these, Town Manager Cabanel responded yes and no; she feels there is not enough of a balance on the
31 board, difficult to get people to create a good representation of management versus non-management.
32 For that reason, as these claims come forward a lot of times she would disagree as to whether it was
33 preventable. If deemed to be preventable things are done. If not, it just goes by. She provided the
34 example of an individual who, while using a piece of Town equipment, tore his rotator cuff. He will
35 be out for months, and there is no reason for that. We have very expensive equipment, it is new
36 equipment, and either it needs to be modified so that it doesn't injure the employees (because the
37 person was using it properly) or we must do something else because we cannot allow our employees to
38 be at risk. What she was told is they switch people off; you do it for a couple of hours then I will do it
39 for a couple of hours. Had she known that, the practice would have stopped a long time ago.

40
41 There are 6 union contracts (\$365,000 or \$0.11 to the tax rate). One is on its second year and five are
42 in their last year. Councilor Albert suggested the contract terms be staggered. Chairman Harrington
43 commented that discussion comes up nearly every other year. There are pros and cons to both. Town
44 Manager Cabanel responded going forward that is something she would very much like to do. She
45 explained attempts were made to get all 6 of them into a single year because of the Affordable Care
46 Act and the fear that the Town would begin being penalized for having a "Cadillac Plan" for health
47 insurance.

1 Town Manager Cabanel spoke of a non-union wage increase; likely around 2% (\$69,000 or \$0.02 to
2 the tax rate). She spoke of a reluctance to stick with that number because the Town has been unable to
3 fill some positions. The Human Resources Department was asked to prepare a comparison of salaries
4 paid in similar surrounding communities for some of the positions.
5

6 A proposal will be made for the purchase of new polling equipment (\$50,000 or \$0.01 to the tax rate).
7

8 The Town signed a new agreement for natural gas, which will result in a 0% increase. Electrical rates
9 will not increase due to the long-term contract ending 11-30-20. Solid Waste will experience an
10 increase in tipping fees of \$1 for trash (\$8,500). We have a long-term agreement with Waste
11 Management. The rate for tipping fees is approx. \$69/ton, which is significantly better than most of
12 the other communities around.
13

14 Town Manager Cabanel commented she has seen where for other communities it has cost a great deal
15 more to pick up trash. She spoke with Waste Management to see if they could match the price the
16 Town currently receives, and was informed they could but the Town would have to transport it. The
17 difference between regular trash disposal/transportation and recycling is approx. \$70/ton. It costs
18 \$69/ton for the tipping fee (to dispose) and \$52 to transport it. With recyclable materials it is one fee.
19 You pay \$53 and they take it away (\$50,000 or \$0.01 to the tax rate). It benefits the Town and
20 citizenry to continue to recycle.
21

22 Vice Chairman Rothhaus commented there are certain components of recycling that are more valuable
23 than others, and because it is single-stream there is a single price. He questioned if it would be cost
24 effective to call out items such as cardboard for separation. Town Manager Cabanel remarked that is
25 important and something that has been considered in the past. When determining the value, they also
26 look at the quality of the recyclables. She also spoke of the cost involved in hiring an individual to go
27 through and pick out cardboard.
28

29 When asked if the Town has been fined or targeted for having had contaminated loads, Town Manager
30 Cabanel stated that is not the case; they have been very clean. In the years the Town has been doing
31 this, it has had very high marks.
32

33 Town Manager Cabanel stated there is no increase in the New Hampshire Retirement System (NHRS)
34 rates because they are two-year rates. However, she wished for the Council to review the information
35 noting the Fire Department has now reached a level of 31.89%. For every dollar it is nearly \$0.32 for
36 retirement that the Town is required to pay, and the employee pays about 11%. Police is 29.43% with
37 employees paying 11%, and everyone else is 12.15% with the employee at 7%. With the fire and
38 police departments although it is changing, we must make up for sins of the past. They have changed
39 the retirement age for everyone. They have made provisions for when an employee can get a subsidy
40 for health insurance.
41

42 Councilor Albert asked for clarification, regarding NHRS, we budget X amount of dollars because we
43 have X amount of people that are eligible for retirement, and if only 1 person retires the remainder of
44 the funds is returned to the general fund. Town Manager Cabanel spoke of the account called
45 “compensated absences”. Every year the Town pays those rates on every single person’s salary, and it
46 goes into NHRS. When someone retires their relationship becomes with the NHRS. If a person retires
47 before that magic year the retirement system keeps the employer’s portion.
48

1 Councilor Flood questioned if the extra cost for police and fire is related to the shortfall the NHRS had.
2 Town Manager Cabanel responded “to some extent” commenting it is a bit of a political football.
3 Other pending items include State revenues. The rooms & meals taxes and Highway Block Grant
4 don’t typically change a good deal. A decision on the use of fund balance will have to be made by the
5 Council. If \$450,000 were used it would reduce the tax rate by \$0.13. It was noted the \$450,000 that
6 was used last year is built into the FY18 tax rate. If that amount was not utilized again for the coming
7 year, that would represent a \$0.13 increase to the tax rate.

8
9 Veterans Tax Credits was introduced to the Legislature and approved a few years ago. It expanded the
10 number of eligible veterans by broadening the range from its previous identification of veterans who
11 served during times of war. Concerned there was no way to tell how many qualified veterans may be
12 out there and how much of the budget would have to be subsidized by the rest of the tax base, they
13 waited a year to learn from the experiences of other communities. The Town currently forgives
14 \$567,000 of taxes for veterans (each veteran receives \$500 off tax bill). The highest amount that has
15 been seen is the City of Nashua, rolled this new program out, and is giving tax credits in the amount of
16 about \$39,000.

17
18 Vice Chairman Rothhaus remarked he would have expected that to be higher, that there are more
19 veterans than that who fall outside of current parameters. Town Manager Cabanel stated she was very
20 surprised the number was so low. She spoke of 17 residents that have visited the Assessing
21 Department looking for this to be changed.

22
23 Councilor Boyd commented he believes the prior law indicated 90 days of credible active duty service,
24 and the new legislation took out the entire active duty piece, which he sees as including not only those
25 that did active duty service, but also reservists. Assistant Town Manager/Finance Director Micali
26 remarked the prior law stated the individual had to have served during time of war, e.g., Korean War,
27 Vietnam War (identified certain dates). If you were between the Korean War and Vietnam War you
28 were in one of these groups that was overlooked. The new enabling legislation is basically anyone
29 who has been honorably discharged from the military.

30
31 Town Manager Cabanel stated the Tax Rate for FY18 is estimated to be \$4.92 for the Town. A \$0.01
32 increase in the Town’s tax rate is expected from the year before, and the school is looking at a \$0.74
33 increase.

34
35 Councilor Albert questioned if it is believed vehicle fuel will have an impact. Assistant Town
36 Manager/Finance Director Micali stated earlier in the day the Town signed a contract for 50,000
37 gallons of unleaded and 45,000 gallons of diesel. The rates were favorable, e.g., less than what was
38 budgeted for last year.

39
40 Town Manager Cabanel stated one of the things the Town will be facing is that the Assessor has
41 increased the value of the mall by \$75 million. In the past, the income method had to be used when
42 valuing the mall as it is impossible to find comparable sales. It is currently valued at approx. \$90
43 million. In investigating this further, they learned the entity had gone out for financing and valued the
44 property at over \$200 million while at the same time telling the Town that their tenants were paying
45 nothing for expenses, that they were paying everything, so the Town was not even getting the net
46 number. Once you take the net number and subtract that from revenues you end up with \$165 million
47 worth of value.

1 Chairman Harrington commented some have expressed to her concern about stores closing at the mall.
2 Apparently, that is a non-issue in terms of valuation and assessment. Town Manager Cabanel
3 commented it is just the nature of the mall that people move in and out, e.g., some want a seasonal
4 presence. Percentagewise they are still very full.
5

6 **5. Review of 2018/2019 Budget Schedule**

7 *Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali*

8 The Town Council to review the 2018/19 budget schedule.
9

10 Assistant Town Manager/Finance Director Micali went over the details of the schedule provided with
11 the agenda.
12

13 Chairman Harrington questioned the last date that would allow for something to be placed on the
14 ballot, and was informed it is dependent upon what the matter is. Chairman Harrington used the
15 example of the veterans' tax credit, which is a topic that was discussed at the Retreat. There was
16 discussion of reviewing what surrounding communities have done, and perhaps putting the matter on
17 the ballot for the Townspeople to determine. She was informed if it were brought forward as a citizen
18 initiative, they have until the 2nd Tuesday in February to do so. If a matter were brought forward by
19 the Council, it could be discussed at a January meeting and moved as a Warrant Article.
20

21 **Appointments** - None
22

23 **Legislative Updates from State Representatives** - None
24

25 **Town Manager's Report** - None
26

27 **Old Business**

28 **1. O'Gara Drive Recreation Area Discussion**

29 *Submitted by Town Manager Eileen Cabanel*

30 Town Council to discuss the plan and next steps for the O'Gara Drive recreation area.
31
32

33 This is a piece of property the Town has leased from the School District for some time, and is where
34 many recreational elements exist. Grant monies had been accepted to improve the area, which had "in
35 perpetuity" language. The Town tried to find a way to get away from that requirement. Matt
36 Casparius, Director, Parks and Recreation Department, has been working with a representative of the
37 State who has been in contact with the Department of Interior, which represents the agency that
38 initiated the grant process.
39

40 To get out from under "in perpetuity" clauses and the entirety of the grant requirements, you cannot
41 sign another lease agreement with the School District in any way. That is the easiest way to get out
42 from under that. Were the Town to sign any agreements with the School District on any of the
43 recreational elements, the "in perpetuity" then applies to every recreational component even though the
44 grant did not help fund them all.
45

46 Town Manager Cabanel commented one of the big items that brought this to the Council's attention
47 was the condition of the tennis courts. The School Board was questioned as to what they would like to
48 see happen with those courts noting they would not be replaced in another location. The response was

1 the desire for the land to be brought back to its original condition (dirt). Cost for removal of the tennis
2 courts and the basketball court is estimated at \$20,000. When asked, Town Manager Cabanel stated
3 the work would be done by in-house personnel as well as outside contractors. The Town does not own
4 an excavator or an operator for an excavator. Councilor Albert commented he was surprised with all
5 the skills within the Public Works Department (PWD) that the Town does not have an operator or the
6 equipment.

7
8 Kyle Fox, Director, PWD, stated the department has operators capable of operating excavators.
9 During his early tenure with the Town the excavator the department had was 20+ years old. They
10 looked at whether to purchase another, and came to the decision to purchase an additional backhoe as
11 most of the work is maintenance work, and it did not make fiscal sense to own an excavator because of
12 the cost.

13
14 Moving the ice skating rink to Watson Park would be a simple transition given the moveable
15 equipment. The issue relates to the lights. It may be that this coming season people can skate only
16 until dusk. The lights where the rink was on O'Gara Drive she believes came from the area of the
17 tennis courts. Chairman Harrington questioned other options for temporary lighting, e.g., utilize the
18 gazebo as a platform to put floodlights on. There was concern stated regarding the amount of power to
19 the area, etc.

20
21 Three different options for location of the ice skating rink within Watson Park were discussed. Option
22 1, falls almost entirely within the 50-year flood plain. Option 3 is slightly within it, but not much of a
23 concern. Option 2 is free of that concern. Option 1 is the most picturesque and is close to the Pavilion
24 for seating. It is within the 50-year flood plain, would require fill to level out the site, and there are
25 potential limits on usage of the park for other activities.

26
27 Option 2 is not within the flood plain, area is already flat, close to Pavilion, does not impact anything
28 else that the Pavilion or park may be used for. It is mostly hidden from the street view, and is a very
29 tight fit in the space.

30
31 Option 3 would provide the most amount of space around the site to move, adjust or expand, is the
32 closest option to the electrical panel, ground is flat, and would not impact anything else the Town may
33 want to use the bandstand or park for. It is partially hidden from the street, is the furthest site from the
34 Pavilion and would require the clearing of some small trees and brush.

35
36 Councilor Dwyer stated his belief, Option 3 would not be partially hidden when the leaves are down
37 and there are lights. Councilor Boyd stated concern with the impact on the condominium complex that
38 abuts that property. There should be discussion with those residents.

39
40 Councilor Flood stated her belief Option 3 has many things in its favor. It is a somewhat unusable
41 space (alcove) in the park, and an area where this activity would fit nicely. The fact that it is not
42 within the flood zone is particularly favorable given the other consideration for the area, and its
43 inability to withstand a flood. She stated concern with how the Pavilion would fare if subjected to
44 skates.

45
46 Town Manager Cabanel spoke of Director Casparius' recommendation to put 3 sand volleyball courts
47 in the same location as the ice skating rink. Official sand volleyball courts are 60' x 30'. Ice skating
48 rink is 70' x 120'. Three courts would fit entirely within the boundaries of the rink. Combining the

1 volleyball courts with the ice skating rink would result in a year-round amenity. Options 1 and 2 could
2 result in volleyballs going over the embankment and down to the river, and the proximity to the
3 Pavilion could interfere with activities planned there. The estimated is \$2,500 - \$5,000.

4
5 Chairman Harrington allowed for additional public comment.

6
7 Tim Tenhave, D.W. Highway

8
9 Stated the proximity of the options all come close to Baboosic Brook in one area and the Souhegan
10 River in another. They are both protected water bodies, and care should be taken about what can be
11 done within so many feet of those waterbodies including the cutting of trees. Given the heritage of that
12 property, there is the need to be careful about how deep poles would be buried.

13
14 When asked if he sees any issues concerning the flood plain with the options presented, Director Fox
15 stated given the recreational nature of the use he does not believe there would be a problem. The trees
16 that would need to be removed for Option 3 is a cluster of scrubby trees (not high-quality value). The
17 proposed activity would be more than 50' from the river and the brook. If digging is done more than
18 2', there is the need for a soil management plan through NHDES approved.

19
20 Councilor Boyd commented the poles would have to come out in the winter for the ice skating rink to
21 be put down. Director Fox stated there would likely be a system where there is are pipes in the ground
22 that is flush, and the volleyball pipes would slide in.

23
24 Councilor Koenig questioned if there is concern with filling the flood plain area that is on the corner of
25 Option 3. Director Fox stated that would have to be discussed with NHDES. It is very minor, so he
26 does not believe there to be an issue. Councilor Flood stated her recollection there is a restriction in
27 the park where you cannot fill more than 1'. Vice Chairman Rothhaus stated his support for Option 3.
28 He stated the desire to allow the team to work towards providing a proposal.

29
30 Chairman Harrington questioned the will of the Council. Councilor Boyd stated support for Options 1
31 and 2. The remainder of the Council stated support for Option 3. Councilor Boyd stated his concern
32 to be encroachment on the neighbors. He stated appreciation for the concept of piggybacking the
33 volleyball courts, but would rather see the ice skating rink on Option 1, which goes towards the desire
34 to have it visible coming in and out of D.W. Highway. Option 2 is a viable location for the volleyball
35 court as it will be away from the recreational area where people can picnic, will be tucked in, will not
36 impact the neighbors, and allows people to congregate under the gazebo and watch people play.

37
38 Councilor Albert remarked if utilizing Options 1 and 2, a large portion of the park is taken up whereas
39 Option 3 provides for a multi-use area that takes up less space.

40
41 Chairman Harrington suggested early engagement with the neighborhood.

42
43 Town Manager Cabanel spoke of the options for the basketball court. The existing court is 74' x 42'.
44 There have been numerous requests for full-sized court (96' x 60' with an estimated cost of \$45,000)
45 for high school and adult aged participants. Locations being vetted. The existing court will be
46 demolished in conjunction with the removal of the tennis courts. Estimated timeline for removal is
47 following Thanksgiving 2017. It was noted there is the potential for funding from the MYA.
48 Discussions were had around the possibility of locating the court in the MYA parking lot. The concern

1 there is with the Route 3/Baboosic Bridge/Wire Road project, which will require the entrance and exit
2 to that facility to be moved.

3
4 Councilor Albert commented he heard the discussion during the Parks and Recreation Committee
5 meeting, and has spoken with members of the MYA Board. He is of the belief the court could be fit in
6 at the MYA location, and that it is an important fit. The two hoops they currently have are heavily
7 used. He spoke of having seen plans where the existing parking lot would be the basketball court and
8 possibly parking and a new exit out towards the Wire Road intersection. He believes that would work,
9 and would like to see that route followed.

10
11 Councilor Flood stated agreement with the scenic value of the location of the ice skating rink. She
12 questioned how wedded anyone is to the idea of both amenities being together. Chairman Harrington
13 commented the only disadvantage would be in the preparing of two surfaces. Councilor Dwyer
14 commented the skating rink will scar the grass underneath it. Vice Chairman Rothhaus noted that
15 depends on the amount of time the rink is left down. Councilor Albert remarked the other advantage to
16 keeping them both in a single location is lighting.

17
18 Councilor Koenig noted the only thing the Town is required to do this year is remove the tennis courts.
19 Town Manager Cabanel stated the initial request of the School District was for the removal of the
20 tennis courts. A subsequent request was for the removal of everything. Councilor Koenig stated the
21 tennis courts need to be removed first. The lease goes through next year. There is no requirement to
22 take out the ice skating rink this year.

23
24 Regarding the skateboard park, Town Manager Cabanel stated it to be a question for the School Board.
25 She believes it to be an amenity for those students who have this as their passion. The alternative is to
26 tear it down. Consideration of constructing another skateboard park elsewhere would include a
27 minimum \$150,000 cost (would require Warrant Article). Vice Chairman Rothhaus questioned if the
28 School Board might be willing to take over the park until they wish to utilize the property for another
29 purpose. Chairman Harrington suggested the discussions take place at the joint meeting. Councilor
30 Boyd requested the Town Manager and her team look at the 4 acres of Town owned land by the Post
31 Office as a potential location. Chairman Harrington remarked she believes a site could be identified,
32 but would lead to discussions of whether its proximity is accessible to the students, the cost of
33 constructing a new park, etc.

34
35 Councilor Boyd remarked at the end of the day the question will be who will maintain liability
36 insurance, etc. Town Manager Cabanel stated if the facility remains it would fall upon the School
37 District. The Town cannot have any affiliations with the property if wishing to break away from the
38 “in perpetuity” clause. Were the Town to have such an affiliation, according to the State, the Town
39 would be responsible for every element on that property to be replaced in perpetuity. Councilor Boyd
40 suggested that should not exclude the Town from doing a lease arrangement exclusively on the
41 skateboard park. Town Manager Cabanel explained further it does. As soon as the Town enters into
42 any kind of a lease agreement on that property, it then invokes the “in perpetuity” clause for every
43 element of that property. The skate park was not included in the grant, but it is included as it relates to
44 “in perpetuity”.

45
46 Councilor Koenig stated his understanding the Town could not get into any kind of an agreement
47 before the lease ran out. Presumably the Town could let the lease run out, and two days later create a
48 new one on that property. Director Casparius stated his interpretation to be the requirement to allow

1 the current lease to expire. At the same time, the Town is responsible for returning that to its natural
2 state by the time it expires. The other option is for the School District to take it over. Councilor
3 Koenig suggested they could take it over for a day. He stated it to have been made very clear the
4 Town has to allow the lease to expire. It was not as clear regarding what must happen with the state of
5 the land except for what the School Board requested. Town Manager Cabanel remarked in
6 conversations between the State and Director Casparius, the State has been much more specific, and
7 indicated that the Town really needs to walk away.

8
9 Councilor Albert requested the [presentation](#) be placed on the Town's website, and that Director
10 Casparius email a copy to the membership of the Parks and Recreation Committee.

11
12 *Town Manager Cabanel left the meeting at 9:20 p.m.*

13
14 *The Council took up Item #2 under New Business*

15
16 **2. Merrimack Conservation Commission Signage Discussion**

17 *Submitted by MCC Member Michael Boisvert*

18 Town Council to consider the MCC's request to post signage on Town parcel 4D1-10 (Merrimack
19 river access under railroad parcel), and talk about enforcement.

20
21 Michael Boisvert, Merrimack Conservation Commission (MCC), spoke of the Sklar parcel recently
22 obtained, which is adjacent to a Town parcel. For the MCC to improve the site and abide by Deed
23 restrictions, there is the need to post signage to stop ATV and 4x4 use of the parcel. Posting would be
24 on the north boundary of the Town parcel so that the signage can be viewed by those driving south
25 between the two parcels.

26
27 Councilor Albert stated agreement with the need for good signage in that area. He questioned if
28 anything had to be added to the Town Code relative to prohibiting these activities.

29
30 Gage Perry, Chairman, MCC, stated, per NH RSAs, if you do not grant permission explicitly for use of
31 ATVs, it is an activity that is not permitted. Posting it is doing nothing more than explaining to people
32 there are RSAs that tell them they are not supposed to be there. Councilor Flood spoke of the amount
33 of traffic and littering that occurs on the parcel, and questioned how posting would impact that. Mr.
34 Boisvert stated there will be a need for enforcement.

35
36 Assistant Town Manager/Finance Director Micali stated, as the property owner, the MCC could place
37 the signs. However, to make it enforceable, there would have to be language within the Ordinances.
38 That would provide two options for enforcement; Town and State level.

39
40 Mr. Tenhave noted State RSA covers wetlands and similar issues that encompass 20-25% of the Town
41 owned parcel and pieces of the MCC parcel. In general, posting all the way around the sides can be
42 done as the property owner, and the only enforcement that comes from that is if there is a violation, the
43 police can then charge the violator for trespass, but cannot charge for the actual act of operating the
44 ATV and conducting themselves in a way that is unacceptable. Putting language in the Ordinance
45 would allow the offender to be charged with trespass and fined in accordance with the language.

1 Mr. Perry spoke of RSA [215-A:29](#), XI, which states in part: “No person shall operate an OHRV on the
2 property of another unless such operator has obtained written permission from the landowner....”. In
3 terms of penalty, there is a \$1,000 maximum limit imposed by the State for a municipality.
4

5 Councilor Boyd spoke of the grant received by the Police Department to increase OHRV patrols at
6 conservation parcels. Mr. Perry commented on the type of usage occurring at the parcel; large
7 vehicles.
8

9 **MOTION** made by Councilor Koenig and seconded by Councilor Boyd to grant the Merrimack
10 Conservation Commission any and all permission needed to post signage to protect parcel 3D1-3,
11 those signs can be located on parcel 4D1-10 to limit access from that property. **MOTION**
12 **CARRIED 7-0-0**
13

14 **Recognitions, Resignations and Retirements**

15
16 *Chairman Harrington noted Item #3 would be taken up later in the agenda.*
17

18 **1. Recognition of Town Committee Member**

19 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus*

20 The Town Council will present a certificate to the following individual for his service to the Town
21 of Merrimack:

- 22 - Dustin Liukkonen – Technology Committee

23
24
25 Chairman Harrington noted Mr. Liukkonen has moved out of Town. She expressed gratitude for the
26 time he dedicated to the Technology Committee.
27

28 **2. Recognition of Retirement of Town Employee**

29 *Submitted by Human Resources Coordinator Sharon Marunicz*

30 The Town Council will present a recognition award to former Master Firefighter
31 David A. Trepaney in recognition of his retirement from Merrimack Fire & Rescue Department
32 with almost 30 years of full-time service. November 30, 1997 - September 30, 2017
33

34 Chairman Harrington noted Mr. Trepaney was unable to be in attendance. He was thanked for his
35 many years of service to the community.
36

37 **Public Hearing**

38 39 **1. Public Hearing - Consideration of Changes to Chapters of the Merrimack Town Code**

40 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

41 The Town Council will hold a public hearing to consider the acceptance of recommended changes
42 to Chapters 19, 27, 111, 142 and 193 of the Merrimack Town Code, pursuant to Charter Article V.
43

44 *Chairman Harrington declared the Public Hearing on Chapter 19 open at 9:44 p.m.*
45

46 No public comment was offered.
47
48

1 *Chairman Harrington declared the Public Hearing closed at 9:45 p.m.*

2
3 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 19 to the**
4 **Consent Agenda. MOTION CARRIED 6-0-0**

5 *Councilor Flood was out of the room at the time of the vote.*

6
7 *Chairman Harrington declared the Public Hearing on Chapter 27 open at 9:45 p.m.*

8
9 No public comment was offered.

10
11 *Chairman Harrington declared the Public Hearing closed at 9:46 p.m.*

12
13 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 27 to the**
14 **Consent Agenda. MOTION CARRIED 6-0-0**

15 *Councilor Flood was out of the room at the time of the vote.*

16
17 *Chairman Harrington declared the Public Hearing on Chapter 111 open at 9:46 p.m.*

18
19 Tim Tenhave, D.W. Highway

20
21 Stated there are two pieces being proposed for elimination; overnight camping, which the Commission
22 did not object to, and an adjustment around OHRV use. Chapter 111 does not identify all the parcels
23 owned either by the MCC or the Town. When asked if all the parcels should be covered by this
24 chapter, Mr. Tenhave he commented it gets a little sticky because you get into restrictions that were
25 imposed by deeds. Technically you can enforce those restrictions by deeds, but basically the only
26 enforcement is trespass. Because of all the deed restrictions and things that have been enacted through
27 master plans, definitive plans, etc. it is not as cut and dry as the list that is included in the chapter.
28 Language in the chapter includes “No person shall discharge any air-powered or spring-powered gun,
29 any type of bow or any firearm within any conservation area.”. That is not currently a restriction at the
30 Horse Hill Nature Preserve or Grater Woods.

31
32 Mr. Tenhave stated his opinion the chapter should be expanded to cover most of the parcels, but in the
33 expansion there also needs to be adjustments where there would be different classes of restrictions
34 based on the parcel, which can get a little messy when talking about 30-40 parcels. That is why over
35 the past three years the MCC has been advocating for a re-write of Chapter 111, but it will require
36 some effort and some help from Town staff.

37
38 Assistant Town Manager/Finance Director Micali questioned if it would be most effective for the
39 ordinance language to note an attachment, which could include each of the parcels and the
40 correspondence restrictions. By doing it that way, when additional parcels are purchased, the
41 attachment could be amended rather than the ordinance. Mr. Tenhave stated he is uncertain if
42 enforcement could occur on parcels not specifically called out in the ordinance.

43
44 Chairman Harrington questioned if the recommendation is that the chapter, for the time being, is okay,
45 but there should be a deliberate timetable and action to revise Chapter 111, with support from staff.
46 Mr. Tenhave stated that to be correct, and remarked there is a good deal of research that must occur,
47 which is where it becomes time consuming.

1 Chairman Harrington requested the MCC provide an outline as to what research would have to occur,
2 e.g., review of deed language, parcel characteristics that may result in groupings, etc. Mr. Tenhave
3 stated a project proposal could be laid out by the end of the first quarter of 2018. It was clarified the
4 MCC should be looking to include in its outline all properties owned and managed by the MCC.
5

6 *Chairman Harrington declared the Public Hearing closed at 9:57 p.m.*
7

8 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to move Chapter 111 to**
9 **the Consent Agenda. MOTION CARRIED 7-0-0**

10
11 *Chairman Harrington declared the Public Hearing on Chapter 142 open at 9:58 p.m.*
12

13 No public comment was offered.
14

15 *Chairman Harrington declared the Public Hearing closed at 9:58 p.m.*
16

17 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 142 to**
18 **the Consent Agenda. MOTION CARRIED 7-0-0**

19
20 *Chairman Harrington declared the Public Hearing on Chapter 193 open at 10:00 p.m.*
21

22 No public comment was offered.
23

24 *Chairman Harrington declared the Public Hearing closed at 9:59 p.m.*
25

26 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 193 to**
27 **the Consent Agenda. MOTION CARRIED 7-0-0**

28
29 **Consent Agenda**
30

31 **1. Consideration of Changes to Chapters of the Merrimack Town Code [Final Reading]**

32 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

33 The Town Council will consider the acceptance of recommended changes to Chapters 11, 79, 139,
34 158 and 178 of the Merrimack Town Code, pursuant to Charter Article V.
35

36 **2. Introduction of Chapter 1, General Provisions, of the Merrimack Town Code [Final Reading]**

37 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

38 The Town Council will consider the acceptance of Chapter 1, General Provisions, of the
39 Merrimack Town Code, pursuant to Charter Article V.
40

41 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move the Consent**
42 **Agenda. MOTION CARRIED 7-0-0**
43
44
45
46
47
48

1 **New Business**

2
3 **3. Consideration of Changes to Chapters of the Merrimack Town Code [First Reading]**

4 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

5 The Town Council to consider the acceptance of recommended changes to Chapters 81, 163, 167,
6 169 and 183 of the Merrimack Town Code, pursuant to Charter Article V.

7
8 **Chapter 81 - Waterlines**

9
10 Director Fox stated there to be a single recommended change to the Ordinance, relative to the amount
11 of compensation MVD would reimburse the Town for Town projects where we must move their water
12 lines. What happens in public rights-of-way, for all other utilities, if work being performed conflicts
13 with utilities, the utility company is required to move the utilities out of the way, and then move them
14 back after the work is concluded, at no cost to the Town. In 1998, the Ordinance was set up that
15 requires MVD to reimburse the Town up to \$1,000 for any project. It is believed appropriate to raise
16 that amount.

17
18 In trying to determine what the appropriate amount would be, they tried to balance the fact that when
19 projects are completed it is the entire tax base that pays that cost versus the relocation of utilities,
20 which would be that of the utility payers. The desire is to be fair to the entire tax base. On the other
21 hand, you don't want to get into a situation where you necessarily put the full burden on the MVD
22 because they are the utility that is in the way for all the projects. You would not want to get into a
23 situation where a project is held up because the MVD cannot get the funding approved to do the work
24 that is required. The suggested amendment is to change the amount of reimbursement to a cap of
25 \$25,000. When asked, Director Fox stated he has not spoken with the MVD.

26
27 Director Fox was asked to take this opportunity to make further recommendations for amendments to
28 make the language clearer.

29
30 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 81 to a**
31 **Public Hearing subject to the appropriate language changes made by PWD Director Fox, which**
32 **will be presented prior to the Public Hearing. MOTION CARRIED 7-0-0**

33
34 **Chapter 163 - Solid Waste Facility**; no questions were posed.

35
36 Director Fox stated the recommended changes to be purely clarifying/housekeeping.

37
38 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to move Chapter 163 to a**
39 **Public Hearing. MOTION CARRIED 7-0-0**

40
41 **Chapter 167 - Stormwater Management Standards**; no questions were posed.

42
43 Director Fox stated there to be no recommended changes at this time. When asked, he stated the new
44 permit is pending. Once that is approved and the Town goes through the Notice of Intent process to
45 conduct tasks under the new permit, numerous changes will be recommended for the Ordinance.

1 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to move Chapter 167 to a**
2 **Public Hearing. MOTION CARRIED 7-0-0**

3
4 Chapter 169 - Streets and Sidewalks; no questions were posed.

5
6 Director Fox stated there to be a single recommended change. Chapter 169-4 allows residents and
7 businesses to push snow from their driveways across the traveled way. Being proposed is to restrict
8 that allowance. When snow is plowed across the road it leaves an icy patch on the road. Plowing
9 across the road can leave a bulge in the snowbank, which in heavy winters can really impact the width
10 of the travel lane. A lot of people do their driveways after the storm is over, and what happens a fair
11 amount of time is the Town has put out the final treatment material, which is then taken away.

12
13 Councilor Albert commented there are a good many residents that currently plow in this way, and in
14 some areas, that is the only means of removing the snow. Councilor Koenig stated his opinion the
15 language, as proposed is over restrictive. If the issue is the pushing of snow across the traveled way,
16 maybe that could be suggested, but to talk about throwing snow across is crazy. He understands the
17 problem, and would love to solve the issue, but believes the proposed language is too restrictive, and
18 doesn't take into account common sense.

19
20 Director Fox stated it to be a difficult issue. The department respects the needs of the residents. This
21 language was put forward as a public safety item. He commented it is hard to strike a balance between
22 what is and is not allowed. Director Fox suggested the Council could consider saying just for main
23 roads versus sub-division roads. Councilor Albert suggested it would be beneficial to raise the penalty
24 so that if the Town had to return with final treatment or to push the snowbank back it could be
25 reimbursed.

26
27 Councilor Boyd commented the language would imply a plow driver that goes down a driveway,
28 across the street, adjusts the plow, and heads back up the driveway would be in violation. He
29 suggested all but the first sentence of that section be removed.

30
31 Councilor Albert agreed the amended language is too restrictive, and not necessary. He stated he
32 would not have a problem amending the violation to \$500.

33
34 **MOTION made by Councilor Koenig and seconded by Councilor Dwyer to return the ordinance**
35 **to its original language. MOTION CARRIED 6-1-0**

36 *Councilor Boyd voted in opposition*

37
38 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 169 to a**
39 **Public Hearing. MOTION CARRIED 7-0-0**

40
41 Chapter 183 - Vehicles and Traffic

42
43 Director Fox stated there to be a number of proposed changes. Under §183-31, the changes would
44 codify stop signs on new sub-division roads that have been installed since the last time this process
45 was undertaken. Under §183-33, being proposed is the addition of the Madeline Bennett Lane traffic
46 signal. When asked if that signal met any of the warrants, Director Fox was unsure. Councilor Koenig
47 stated the last time the issue was discussed it was stated it did not meet the warrants, which is why the
48 Council never accepted it. Vice Chairman Rothhaus requested that information be researched. He

1 stated his understanding if the Town accepted something that did not meet any of the warrants it could
2 result in a likability for the Town.

3
4 **MOTION made by Councilor Koenig and seconded by Council Boyd to remove the**
5 **recommended change to §183-33. MOTION CARRIED 7-0-0**
6

7 Director Fox noted the proposed change to §183-36 is to prohibit parking in the right-of-way on Sunset
8 Drive; 40' from the front of the fence line into the pump station.

9
10 Assistant Town Manager/Finance Director Micali stated an additional recommended change to be
11 §183-35. It currently identifies McElwain Street as a one-way street. The Police Department has
12 stated it is no longer necessary for that to be a one-way street between the hours of 2:00 - 3:00 p.m.

13
14 **MOTION made by Councilor Koenig and seconded by Councilor Boyd to amend by removing**
15 **the restriction on McElwain Street identified under §183-35. MOTION CARRIED 7-0-0**
16

17 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 183,**
18 **with proposed amendments, to a Public Hearing. MOTION CARRIED 7-0-0**
19

20 Minutes

21
22 Approve the minutes of the Town Council meeting of October 12, 2017.

23
24 **MOTION made by Councilor Boyd and seconded by Councilor Albert to table acceptance of the**
25 **meeting minutes of the Town Council meeting of October 12, 2017. MOTION CARRIED 7-0-0**
26

27 Recognitions, Resignations and Retirements (Continued)

28 29 **3. Recognition of Town Councilor Dan Dwyer**

30 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus*

31 The Town Council will present a recognition award to Daniel Dwyer in recognition of his service
32 to the Town of Merrimack as a Town Councilor for over 7 years. April 13, 2010 - October 26,
33 2017

34
35 Tom Mahon, 31 Naticook Road

36
37 Spoke of it having been a pleasure to serve with Councilor Dwyer who has been a good influence on
38 and contributor to the Council. He spoke of the admiral record of the Council during the time
39 Councilor Dwyer has served. He wished him and his family well.

40
41 Vice Chairman Rothhaus spoke of having gone up to the New Hampshire National Guard facility in
42 Manchester, thanked them for their opportunities to come and help Councilor Dwyer out when he
43 called upon the National Guard to gain access to polling places, etc. He was provided with a National
44 Guard T-shirt and hat for Councilor Dwyer.

45
46 Vice Chairman Rothhaus commented a few weeks ago when Councilor Dwyer told him he was
47 leaving, it was like a girlfriend dumped him; he was crushed. He spoke of the great asset Councilor
48 Dwyer has been to the Council.

1
2 Councilor Boyd commented when thinking about what he could say to Councilor Dwyer that might
3 make him laugh all he could think of was the old Virginia Slims ad that said, “You’ve come a long
4 way baby!”. From the full page black and white I am against everything to having an impact on the
5 dog park, Wasserman Park, paving, being a key component of bringing Merrimack Business Expo. and
6 Merrimack Rocks to Town, etc., it is obvious he cares about the community a great deal. He thanked
7 him for his service to the community. He thanked him for the advice he provided to him and his wife
8 on the adoption of their daughter, which was invaluable. He thanked him for his friendship. He
9 wished him and his wife the best of health and happiness.

10 Councilor Albert commented it has been short and sweet, but he has appreciated getting to know him
11 as a fellow Councilor. He stated appreciation for his advice, candor, and friendship.

12
13 Councilor Flood commented she and Councilor Dwyer came on board the same day. She stated her
14 appreciation for him always speaking his mind, which is something she will miss.

15
16 Councilor Koenig spoke of Councilor Dwyer having been an amazing asset to the Town and
17 community. While he has been controversial in many places, he has also been a staunch supporter of
18 what is right or what should be. He commended him for that. He spoke of how effective he has been,
19 how ingratiating he has been with all the members of the Council, and how valuable he has been to the
20 Town. To try and list all the things he has been a major impact on would be difficult. He thanked him
21 for being open and honest during all the times that he has supported him and the times he had been in
22 opposition to his thoughts on issues. He knows Councilor Dwyer has always had the Town’s interest
23 at heart. He appreciates that, and all the things he has done. He wished him the best in his future
24 endeavors.

25
26 Chairman Harrington stated even when they have disagreed, they have done so respectfully. She
27 remarked Councilor Dwyer represents a population of citizens within the Town that need to be spoken
28 for, and he has been their voice, which she respects him for. She spoke of his honesty. She wished
29 him health and happiness.

30
31 Chairman Harrington presented Councilor Dwyer with a plaque in recognition of his dedicated service
32 for more than 7 years as a Town Councilor for the Town of Merrimack.

33
34 Councilor Dwyer remarked he could not have done all the things his colleagues gave him credit for on
35 his own. The Council brought out the best in him beginning with the team he entered with. From
36 Dave Yakuboff who first said congratulations on winning, to Tom Mahon, Tom Koenig, everyone
37 from that day on embraced him. He stated this to have been one of his best experiences remarking it is
38 because of the Council atmosphere in that the work is always about the Town. He thanked his
39 colleagues for the kind words, and commented it has been a blast, and he will miss it.

40
41 **Comments from the Press** - None

42
43 **Comments from the Public** - None

44
45 **Comments from the Council**

46
47 Councilor Koenig stated the Planning Board had a meeting with potential developers for property that
48 formerly housed the Radisson Hotel. It was heavily attended, and basically a non-binding discussion

1 about potential traffic issues. They made several proposals, and did present about an inch and a half
2 thick binder on their traffic report on the area, which looked at 9 different intersections; more than is
3 typically done. The summary of that, in his opinion, is that the property developed as retail or
4 commercial would probably generate more traffic than the 240 residential apartments they are talking
5 about developing, and our consultants agreed with that finding. The initial concept of 240 units spread
6 across 4-5 buildings spread across the property seems like a huge number, but the traffic impact, at
7 least during the rush hour, is probably less than what would happen if they developed that full property
8 commercially.

9
10 The other big takeaway from that is they finally got the State to start talking and listening to them on
11 how to better coordinate those lights. The State has been very reluctant to allow anyone to do anything
12 with those lights. There have been multiple Traffic Consultants come in and lay out a plan, and the
13 State has shut it down. This time they are at least talking about it. They are excited about it, and
14 would like to see this proposal go forward with this connected kind of piggyback type program
15 because they want to put it in other parts of the State and they want the developer to pay for this. The
16 developer is good with that because it will help to develop this whole property.

17
18 If that does go forward and work even remotely as planned, it will certainly help that intersection be
19 better than it is today even with the additional traffic.

20
21 He stated his appreciation for those who came out, and his belief they got their questions answered.
22 They are still worried about it and nervous about it, and he is too, but that happens with any
23 development. He believes this to be a good step forward to potentially develop a property that has
24 been under-utilized for a very long time.

25
26 **Adjourn**

27
28 **MOTION made by Councilor Dwyer and seconded by Councilor Boyd to adjourn the meeting.**
29 **MOTION CARRIED 7-0-0**

30
31 *The October 26, 2017 meeting of the Town Council was adjourned at 10:45 p.m.*

32
33
34
35 Submitted by Dawn MacMillan