



Town Council Meeting Minutes

Thursday November 21, 2019 at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Koenig led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on Thursday, December 5th and 19th at 7:00 p.m. in the Matthew Thornton Room.

2019 December property tax bills have been mailed and are due by December 16th. Property owners who have not received their tax bill should contact the Tax Collectors office for a duplicate bill.

Eversource joins other utilities urging caution to customers of sophisticated scammers finding unique ways to exploit people and steal their money either over the phone, online or at the front door. Scammers are posing as Eversource employees to get money or personal information for identity theft. Eversource urges anyone who believes they are a target of improper solicitation to alert local law enforcement and contact the company directly at 1-800-662-7764.

Councilor Harrington spoke of past requests from the Merrimack Youth Association (MYA) for representation from the Council on their board, and stated a willingness to serve in that capacity. The MYA is really attempting to meet the demands the Council has placed upon them. She would like the Council to demonstrate to them that their efforts are recognized, and provide an opportunity for them to have a member of the Council attend meetings to show support for their efforts.

Chairman Koenig noted the offer to be that of an informal liaison, and not requiring a formal vote of the Council.

The Council expressed its appreciation for Councilor Harrington's willingness to serve in that capacity.

Comments from the Press and Public

Debra Pignatelli, Executive Councilor

Councilor Pignatelli stated since joining the Executive Council in 2004, one of her main goals has been to help Merrimack with its toll booths. She spoke of having been before the Council, over the years, with different approaches for addressing the tolls. She has never before had the votes needed to pass anything.

During the last month or two she has been talking about zeroing out the tolls at exit 11, and now has the votes to pass it. The Executive Council is meeting on Monday morning at which time she expects

1 Item 28A; Authorize to Decrease the Rate of Tolls at the F.E. Everett Turnpike Exit 11 Ramp Toll
2 Plazas in Merrimack to Zero Dollars and Zero Cents for all Vehicles, to pass. It would take effect
3 January 1, 2020. Members of NHDOT will be out at 10:00 a.m. December 31st taking down the signs.
4 Ben Niles, 11 Fernwood Drive

5
6 Spoke of the daily traffic congestion on the Route 3 corridor. A long-time resident recently
7 commented to him that the quality of life in Town is suffering due to this, and that he believes property
8 values will be impacted.

9
10 Mr. Niles questioned the cause of the congestion commenting on the amount of development in Town.
11 He believes the corridor is overbuilt. He spoke of the number of vehicles that come along with
12 increased development, and questioned how it impacts the workflow of the Police Department and
13 emergency response time of emergency personnel.

14
15 Residents living in developments accessed off Route 3 wait 10-20 minutes to get out onto Route 3
16 because of the flow and level of traffic, and because there is not adequate separation to allow safe
17 entry.

18
19 The Nashua Regional Planning Commission (NRPC) believes it to be a great idea to add bike and
20 pedestrian lanes to Route 3. He would support such an idea were it feasible. The proposal is to shrink
21 the travel lanes to 10' wide. For safe travel in those speed zones, the standard is 11'. Traffic calming
22 measures have been discussed. He questioned how calming measures would improve the poor traffic
23 flow and driving experience in the Town. He asked about a cost-benefit analysis if only 1-2% of
24 residents bike or walk in Town suggesting there would be the need to relocate utility poles, etc. in the
25 corridor between Nashua and Bedford.

26
27 He questioned if it is time to conduct a comprehensive up-to-date traffic study of the entirety of the
28 Route 3 corridor, and if the Town should pass a building moratorium for the Route 3 corridor until all
29 of the problems are properly addressed.

30
31 He believes it the responsibility of the Council to take a more active role in Town governance.
32 Everyone needs to be working on how to improve the quality of life in Merrimack. He does not
33 believe there to be sufficient Town-wide input on some of the things being done by the various boards.

34
35 **Recognitions, Resignations and Retirements** - None

36
37 **Appointments** - None

38
39 **Public Hearing** - None

40
41 **Legislative Updates from State Representatives**

42
43 Representative Wendy Thomas noted Legislative Service Requests (LSRs), which she has put forward.
44 Currently insurance providers cover 28 days of IV therapy if having a tick borne illness. The Bill
45 would mandate that insurance companies have to pay for the number of days deemed appropriate by
46 the treating physician. Another Bill compliments one put on by Representative Stack last year; leases
47 signed for rental properties require the renter to be provided with a water quality report upon signing.
48 Another Bill would prohibit the firing of individuals in non-essential jobs who test positive if legally in
49 the therapeutic cannabis program.

1
2 She put forward a Bill proclaiming October 9th as PANDAS/PANS Awareness Day. PANDAS is the
3 acronym for Paediatric Autoimmune Neuropsychiatric Disorder Associated with Streptococcus and
4 PANS for Paediatric Acute-Onset Neuropsychiatric Syndrome.

5
6 Another Bill would permit therapeutic dispensaries to sell products containing third party CBD oil and
7 isolates. A lot of the approx. 8,000 patients want CBD products, leaving dispensaries unable to keep
8 up with the demand. The way the Bill is currently written they have to source everything in State and
9 must grow their own product.

10
11 She has withdrawn her Bill related to Medicaid to School, and is a co-sponsor on one that Senator Jay
12 Kahn is putting in.

13
14 The Department of Health & Human Services (DHHS) meeting for PFAS was conducted the prior
15 evening. When asked if he resided in the Town of Merrimack would he drink the water, Jonathan Ali,
16 Ph.D., NHDES Toxicologist, responded “No.”

17
18 Representative Thomas stated she has been contacted by Saint-Gobain for the Community Advisory
19 Council. She will request that Saint-Gobain provide the entire Town with bottled water.

20
21 Representative Nancy Murphy spoke of the level of participation at the prior evening’s meeting with
22 DHHS.

23
24 Jeanine Notter, Deputy Republican Floor Leader, stated she asked the Toxicologist if he would drink
25 the water. He said he wouldn’t drink it if it were above the standards (12 ppt). She didn’t think to ask
26 if he would drink tap water if it didn’t have anything in it, but what she didn’t know was that he also
27 didn’t recommend cooking with it. She asked him about bottled water understanding with extreme
28 temperatures chemicals from the plastic could leach into the water. There was no answer for that.

29
30 Representative Notter stated HB712 will be an income tax although called a tax on wages. It passed
31 the Finance Committee and will go to the House for a full vote. It does affect Merrimack. She stated
32 all of the bills worked on in Concord affect Merrimack as it is in the State of New Hampshire.

33
34 Chairman Koenig acknowledged that; however, noted what he was looking to gain is focus more on
35 items the Town Council could react to or help with in some way.

36
37 Representative Thomas spoke of sitting on the Protecting Unprotected Water Sources Committee. The
38 Committee was tasked with coming up with funding to protect the State’s water. What the Committee
39 is looking at is the possibility of a \$0.50/month charge on water. Guidelines would have to be
40 established on how the funding could be expended, e.g., infrastructure, filtration. Asked if the
41 \$0.50/month would be dedicated to groundwater protection, source water development, water quality,
42 acquisitions, etc., Representative Thomas stated it would be dedicated, but would not be a State fund;
43 would be owned by the water companies. There would be very strict uses.

44 45 **Town Manager’s Report**

46
47 Town Manager Cabanel commended Kristin Wardner, Executive Secretary, who puts together the
48 Town Report. She has reached out to the middle and high schools to help design the cover. The

1 winning design will be published on the report and will become a permanent part of Merrimack
2 history.

3
4 **Consent Agenda**

5
6 **1. Consideration of Changes to Chapter 178, Taxation (Article VI, Optional Property Tax
7 Credit – Service Connected Total Disability) [Final Reading]**

8 Submitted by Town Council Chair Tom Koenig and Vice Chair Bill Boyd

9 The Town Council to consider the acceptance of recommended changes to Chapter 178, Taxation,
10 of the Merrimack Town Code, with reference to Article VI, Optional Property Tax Credit (Service
11 Connected Total Disability), pursuant to Charter Article V.

12
13 **2. Consideration of Changes to Chapter 178, Taxation (Article IX, Solar Exemption) [Final
14 Reading]**

15 Submitted by Town Council Chair Tom Koenig and Vice Chair Bill Boyd

16 The Town Council to consider the acceptance of recommended changes to Chapter 178, Taxation,
17 of the Merrimack Town Code, with reference to Article IX, Solar Exemption, pursuant to Charter
18 Article V.

19
20 **MOTION made by Vice Chairman Boyd and seconded by Councilor Rothhaus to move the
21 Consent Agenda. MOTION CARRIED 7-0-0**

22
23 **Old Business**

24
25 **1. Wasserman Park Facilities Update**

26 Submitted by Parks and Recreation Director Matthew Casparius

27 Town Council to be presented with an update on the facilities at Wasserman Park.

28
29 Matthew Casparius, Director, Parks and Recreation Department, provided a presentation (can be
30 viewed [here](#); tape counter 31:45). He displayed photos of the condition of the buildings in Wasserman
31 Park when he first came on board six years ago. At that time, the Council had requested he develop an
32 initial five-year plan to begin addressing some of the most urgent needs. Over the past 6 years, a great
33 deal has been done; in FY15 there were 15 major projects, FY17 saw 13 major projects completed, in
34 FY18 there were 12 major projects. In the fall of 2016, improvements to the Function Hall (new
35 heating system, water line, and sprinklers) allowed the Town to begin renting out the building. In that
36 first year (mid-year start), revenue generated reached approx. \$1,300. In the second year, \$2,500, third
37 year \$6,100, and year to date for the current fiscal year (6 months in) revenue has surpassed \$6,500.

38
39 In 2014, the camp had gone through a steady 5-6 year decline in enrollment. This past summer was
40 the highest enrollment ever. The only week that did not sell out was the week of July 4th.

41
42 Wasserman Park has a total of 19 buildings in fair to good condition. Of the 19, seven are the old
43 sleeping cabins. They are only used 8 weeks out of the year. There was a time, prior to his arrival,
44 that the department ran an overnight there every two weeks. Those cabins are now mostly used as a
45 place for campers to dump backpacks, change for swimming, etc. Over the summer, he and his staff
46 conducted a review of the buildings, identifying conditions, and the structures that are critical and
47 essential versus those that are nice to have. There are, on average, 150-175 people/day at camp. What
48 they found in the older sleeping cabins is that they are being used far less than even 3-4 years ago. Of

1 the 7, 3 are in tough shape. The department currently has a part-time/year round maintenance person
2 (18 hours/week), and a seasonal employee for 12 weeks in the summer. They do what they can.

3
4 Prior to the Council's retreat last June, a request was made of the Building Department to inspect the
5 buildings and compare conditions to the Turner Report that was done some 10± years ago. There were
6 2 buildings in particular, cabins 1/2 and 5/6, where there were concerns with the collar ties that are
7 holding up the roof structure. A request was made that the buildings not be used until an additional
8 evaluation could be conducted. The collar ties are pulling apart by themselves. At some point, a
9 heavy snow load, etc. could pull the roof down.

10
11 These 2 buildings are the worst in the park. One has the original beds (nailed to floor) from the Camp
12 Naticook days. If removing the beds a gap would be left in the floor. The buildings are not ADA
13 accessible and will require new roofs in the next 1-3 years. The root system of a large pine tree is
14 causing the stone stairs at cabin 5/6 to be pushed out of place. The department is struggling to keep up
15 with the maintenance requirements of cabin 9/10. The Nature Hut has not been used in approx. 10
16 years (falling over), and the woods have grown around it.

17
18 At this time, the recommendation is to take down cabins 1/2 - Heron Cove, 5/6 - Snake Pit, 9/10 - Fox
19 Den, and Nature Hut.

20
21 Asked if Town personnel could perform the demolition, Assistant Town Manager/Finance Director
22 Micali responded in years past he has had a private contractor come in with an excavator. They crush
23 the building, and the Solid Waste Department is used on a Monday to load trucks and remove the
24 debris. Costs include the use of the excavator and the tipping fee.

25
26 Chairman Koenig spoke of the cost of repair (stated to be approx. \$40,000) noting mention made of the
27 lack of need for these buildings. Director Casparius spoke of the information contained in the
28 [communication](#) provided with the agenda.

29
30 Asked when the demolition would occur, Director Casparius stated the cost to be identified in the
31 coming year's Capital Improvement Plan (CIP). With funding available on July 1st, the demolition
32 would likely be next Fall. Assistant Town Manager/Finance Director Micali spoke of another building
33 planned for demolition this year. He will look to identify if the projects can be combined.

34
35 Director Casparius noted another project planned for the coming budget cycle; the 7 tennis courts at
36 Wasserman Park (only official courts in Town) are in constant use and in need of resurfacing.
37 Typically courts are resurfaced every 10 years or so. It has been at least 15 years since that was last
38 done.

39
40 Director Casparius noted the issues highlighted to be the largest. Two years from now the docks (28
41 years old) will be looked at. To replace what exists would be at an approx. cost of \$45,000.
42 Consideration is being given to a change in configuration, which could cut the cost in half. Other
43 projects two years out include the office area, which is not ADA accessible and will require a roof, and
44 the camp office, which is not ADA accessible.

45
46 Councilor Albert questioned if the Function Hall is currently ADA accessible, and was informed it is
47 not. He spoke of the basement restoration (\$70,000), and questioned the feasibility of moving the Park
48 and Recreation office to that location. Director Casparius commented one of the nice things about the
49 current location is its visibility and central location. He spoke of a flood that occurred in the basement

1 some 10 years ago noting all that remains is framing. Currently, when renting the hall, users have
2 access to the entire floor as there is no way to subdivide the rooms (restrooms located in the back). His
3 thought, with the basement, would be to turn it into a series of meeting/activity rooms so that more
4 than one event could be occurring in the building at any given time.

5
6 The last project planned for the next few years is cabin 3/4, 12, and the Boat House, which will all
7 need new roofs.

8
9 Noted was the increase in the number of programs put on by the department over the past 6 years; had
10 been around 25/year and are now at 250±/year.

11
12 Asked about the average number of people that visit the Parks and Recreation Office, Director
13 Casparius stated, during this time of year, it is a few people/day at most, but that number increases ten-
14 fold during the summer months. Another challenge with relocating the office to the Function Hall
15 would be traffic flow; people looking to get to his office would get stuck in the traffic of people
16 heading to camp. Drop off/pick up for camp is at the Function Hall.

17
18 Asked if there is a vision for the old restrooms across from the day camp, Director Casparius stated
19 that building (pool house) has been closed for a few years. It was learned last year that there are
20 multiple roof leaks. It is empty and the power has been cut. The plan is to take that building down.
21 The hope is to do that this year within the existing budget.

22
23 Councilor Rothhaus commented on wanting to visit the park noting consideration of raising structures
24 causes him pause as there is a character about Wasserman Park that he would hate to completely lose.
25 However, there is a point of no return. He stated agreement with the office continuing in its current
26 location.

27
28 Councilor Woods stated the Parks and Recreation Commission was updated the prior evening, and is
29 supportive of the recommendations of Director Casparius.

30
31 Councilor Albert questioned if meeting rooms is the best use of the basement given the cost that would
32 be involved in renovating. He suggested it could be used as storage for some of the Parks and
33 Recreation equipment, etc. rather than making the investment (\$70,000±).

34
35 Councilor Harrington commented on the lack of meeting space in Town. Councilor Healey suggested
36 it would be helpful to understand the projected income should that space be available.

37 38 **2. Wasserman Park Beachfront Update**

39 Submitted by Parks and Recreation Director Matthew Casparius and Public Works Deputy
40 Director/Town Engineer Dawn Tuomala

41 Town Council to be presented with an update on the status of the Wasserman Park beachfront.

42
43 Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department (PWD), provided a
44 [presentation](#). Noted were the trees (4) and their root systems, which extend about 30' from the trees in
45 all directions. A split rail fence was erected to keep people away from the hazard. The waterfront
46 reconstruction project would include construction of a peached beach, which would involve
47 constructing a retaining wall, placement of sand and then another retaining wall and drainage. As there
48 is a large (6') elevation change, the project would not work easily without the removal of the root
49 system.

1
2 The New Hampshire Code of Administrative Rules Part Env-Wq 1403.04 - Removal of Dead,
3 Diseased, Or Unsafe Vegetation states in part “A property owner may remove, or may have removed,
4 any dead, diseased, or unsafe trees, limbs, saplings, or shrubs from the waterfront buffer that are not
5 included in the scoring described in RSA 483-B:9, V(a)(2)(D)”.

6
7 With regard to scoring, if they are alive and not considered diseased, then they have to be included
8 within the scoring, and there would be no way they would be able to be removed. For every 50’ block
9 along the shoreland there are points assigned for every tree. The beach area is about 200’ long, and the
10 trees are located centrally. If removed, there would be nothing else around. These trees are the only
11 points, and are worth 60 points. In order to replace them, a lot of seedlings and groundcover would
12 have to be added, which would be costly.

13
14 Deputy Director Tuomala stated she is going on the assumption that these trees are unsafe at this point.
15 However, the NHDES regulations state all stumps should be left intact ([RSA 483-B:9](#) - Minimum
16 Shoreland Protection Standards). RSA 483-B:9 V2(B) states in part “Rocks and stumps and their root
17 systems shall be left intact in the ground unless removal is specifically approved by the department,
18 pursuant to RSA 482-A or RSA [483-B:11](#), II - Nonconforming Structures. The Shoreland Protection
19 and Wetland would be the two applications the Town would have to apply for in order to conduct the
20 work.

21
22 The exception, 483-B:11, reads in part “For the purposes of this section, a proposal that is "more nearly
23 conforming" means alteration of the location or size of the existing footprints, or redevelopment of the
24 existing conditions of the property, such that the structures or the property are brought into greater
25 conformity with the design standards of this chapter.” That can be done by enhancing the stormwater
26 management and adding infiltration areas and some landscaping.

27
28 Deputy Director Tuomala stated the definition of an unsafe tree to be one that has structural defect and
29 poses an immediate hazard to structures or personal property or safety. The trees in question have
30 roots that are all exposed, and don’t appear healthy (would obtain an opinion). She believes them to be
31 unsafe.

32
33 Councilor Albert questioned if there have been claims of individuals injured due to the roots. Director
34 Casparius stated there have not been any claims, but they hear of stubbed toes and things like that all
35 the time. Councilor Albert stated he is aware of a knee injury.

36
37 Deputy Director Tuomala stated the goal to be to get an application in to NHDES in December. The
38 desire would be to be able to construct in the spring. She would like to speak with NHDES in person
39 prior to submitting the application to ensure everyone is on the same page. Shoreline laws are made
40 more for the private citizen, and creating a private beach. This is a public beach that has been in the
41 Town since 1994. Not much has been done to the area since that time. She located a 1994 plan that
42 would have added another 100’ of beach area. She is going to consider the beach area the entire 200’
43 although work will only be done in the first 100-150’. It will be made known the docks will be done in
44 a few years and improvements will be made.

45
46 In 2012, the State came down and made a series of recommendations for erosion control just above the
47 area in question, feeding down into the lake. Some of those recommendations will be utilized within
48 the plan, which should satisfy the requirements.

1 Councilor Healey questioned if it is possible to bury the roots. She also questioned if there is a plan
2 for adding plantings for erosion control and to lessen the impact of removing trees of that size. Deputy
3 Director Tuomala responded replacing the trees would be at a significant cost. She cannot make up the
4 points; too costly. The original plan does not include a lot of landscaping, but does include erosion
5 control behind the retaining walls. Because of the elevation difference, covering/filling the area of the
6 roots cannot occur without removal of at least some of the roots, which would likely result in killing
7 the trees. She considered placing some type of platform over it, but the law says it should be pervious.
8

9 Having visited the area again earlier in the day, she noted additional exposure. Chairman Koenig
10 remarked left on their own, they will continue to be more exposed because they are on the side of the
11 hill that feeds down to the lake. As much as he would like to save the trees, he wants to do what is in
12 the best interest of the community.
13

14 New Business

15 **1. Request to Make Merrimack a “Purple Heart Community”**

16 Submitted by Marie Grella and American Legion, Post 98, Commander Roland Roberge
17 The Town Council to discuss and consider a request to make the Town of Merrimack, NH, a
18 “Purple Heart Community”.
19
20

21 Marie Grella, American Legion, Post 98, invited Merrimack to become a Purple Heart Community.
22 The purpose of a Purple Heart Community is to create a tribute to the men and women who have been
23 awarded the Purple Heart medal. With the presence of a sign designating the Town as a Purple Heart
24 Community, the public will have a visual reminder of the sacrifices paid by the Purple Heart recipients
25 and a notice that the Town supports the military heroes who have made sacrifices for the way of life
26 our residents enjoy. In order to become a Purple Heart Community, there has to be at least 1 recipient
27 in Town. Who that individual is, is confidential.
28

29 Ms. Grella noted the designation is not intended to cost the Town anything. She provided information
30 on the cost of the signs; however reiterated it should not cost the Town unless not having a VFW or
31 American Legion in the Town. The Towns she has been going to such as Amherst, have purchased 6
32 signs (package costing \$550). Once the signs arrive, the PWD will install them.
33

34 Chairman Koenig questioned if it can be verified the community has at least one Purple Heart
35 recipient, and was informed one was in attendance.
36

37 Roland Roberge, Commander, American Legion, Post 98, questioned the best placement for the signs.
38 Ms. Grella stated, in other communities, the Town Administrator or Director of Public Works has
39 identified the locations. In communities where she has done them, she has placed them at the various
40 entrances to town. Commander Roberge stated the proposal to cover the cost of the signs would be
41 brought up at the next meeting. He did not see an issue in acquiring the signage.
42

43 *Chairman Koenig read the following Proclamation into the record:*
44

45 “The Town of Merrimack, New Hampshire
46 Proclamation
47 Purple Heart Community
48

1 **WHEREAS**, the people of the Town of Merrimack have great admiration and the utmost gratitude for
2 all the citizens of our community who have selflessly served in the armed forces that has been vital in
3 maintaining the freedom and the way of life enjoyed by our citizens, and
4

5 **WHEREAS**, citizens of our community have been killed in action while serving in the armed forces
6 and have been posthumously awarded the Purple Heart for their ultimate sacrifice, and
7

8 **WHEREAS**, citizens of our community have been awarded the Purple Heart for their bodily sacrifice
9 of being wounded by the hand of the enemy while engaged in combat, and
10

11 **WHEREAS**, the Purple Heart is the oldest American military decoration and was created as the badge
12 of military merit, made of purple cloth in the shape of a heart with the word merit sewn upon it on
13 August 7, 1782 in Newburgh, NY by General George Washington, and
14

15 **WHEREAS**, the heritage it represents is sacred to those who know the price paid to wear the Purple
16 Heart, and
17

18 **WHEREAS**, August 7th is nationally recognized as Purple Heart Day,
19

20 **NOW THEREFORE**, we the Merrimack Town Council hereby proclaim Merrimack, New Hampshire
21 a Purple Heart Community honoring the service and sacrifice of those from our community who were
22 awarded the Purple Heart while serving in our nation's wars, and also be it proclaimed, we the Town
23 of Merrimack, New Hampshire will recognize August 7th annually as Purple Heart Day and urge the
24 people and organizations of Merrimack to display the American flag as well as other public
25 expressions of recognition of our Purple Heart recipients.
26

27 Proclaimed this 21st day of November 2019 by the Merrimack Town Council.”
28

29 **MOTION made by Councilor Healey and seconded by Vice Chairman Boyd to proclaim the**
30 **Town of Merrimack, NH, a “Purple Heart Community”**
31

32 **ON THE QUESTION**
33

34 Councilor Albert commented it is a great recognition of those deserving of it. Councilor Healey
35 commented, as a Veteran and a member of the American Legion, she is most supportive of the request.
36

37 **MOTION CARRIED 7-0-0**
38

39 **Salvatore Thomas Scali, 11 Essex Green Court**
40

41 Stated he served in Vietnam in 1968 and 1969. He is proud to have served the Country, and proud to
42 acknowledge that the Town wants to take up this cause. He stated his appreciation. He has traveled
43 through America quite a few times, and has seen many streets and highways noting honor of the Purple
44 Heart. He is a recipient of the Purple Heart, and his license plate has a purple heart on it; BLKH –
45 stands for Blackhorse, the unit he fought with in Vietnam in 1969 in Pleiku. He is grateful to be here,
46 and grateful to the Town to make it honorable for Veterans who do not look for accolades, but accept
47 what their community bestows upon them. He will be gone someday, but the Town of Merrimack will
48 always have this sign that acknowledges its veterans.
49

1 **2. Watson Park Lighting Discussion**

2 Submitted by Public Works Director Kyle Fox

3 Town Council to review and discuss the proposed lighting plan for Watson Park.

4
5 Kyle Fox, Director, PWD, spoke of recent improvements made to Watson Park; installation of 4 x 4
6 fencing (last year) to corral off the parking area. In July of last year the new volleyball courts were
7 opened. With the volleyball courts comes a big sandbox, which will be the permanent location of the
8 skating rink.

9
10 He has been working with a vendor who just completed an upgrade at Wastewater converting all lights
11 to LED, and has provided a proposal to do the same at Town Hall. During those discussions, he asked
12 that a proposal be put together for the LED lights at Watson Park, and explained the desire for the type
13 of feel for the area. The proposal calls for locating the light poles in the four spaces between the three
14 volleyball courts. The type of poles and fixtures selected were displayed. Although 31 watt fixtures
15 were detailed, there is the ability to go to a 55 watt fixture. With LEDs you do not have the light
16 spread and pollution you get with the old sodium lights. A 5th light is desired, which would illuminate
17 the path between the parking area and the rink. The vendor has indicated, if acting quickly, they would
18 be able to get the bases and wiring in this fall, and the lights could be in place for this year's skating
19 season.

20
21 Councilor Healey questioned if the area has been viewed at night with a 30 watt bulb, and was told it
22 has not. She stated concern it may not be bright enough. Director Fox stated he and Assistant Town
23 Manager/Finance Director Micali have discussed that, and are leaning toward the 55 watt bulb.

24 Chairman Koenig questioned the height of the lights. Director Fox was uncertain; however stated his
25 belief they would be in the 15' range. Asked if there is a comfort level that the neighbors located
26 behind the courts would not be disturbed, Director Fox indicated there is. The light part of the fixture
27 is completely encased in the bell and only points down. The elevation of the homes is above the park.
28 The lights will be on a timer. Chairman Koenig noted Town Ordinance states parks are closed at dusk,
29 and questioned the need for an amendment.

30
31 Chairman Koenig questioned if the lights are able to be dimmed. Director Fox will look into that.
32 Assistant Town Manager/Finance Director Micali spoke of the desire to ensure the entirety of the rink
33 is lit. He reiterated the rink is in the back corner of the park, away from the road and some of the
34 streetlights.

35
36 Chairman Koenig questioned if it would be better suited to have two poles with the smaller wattage
37 along the path. Director Fox noted the increased cost of an additional pole. He will speak with the
38 vendor to see what he would suggest. The proposal received is at a cost of \$34,196 (55 watt fixture)
39 for all five poles, electricity, installation, etc. Councilor Albert questioned, and was informed the
40 infrastructure would be constructed in such a way that additions, should they be desired, could be made
41 over time.

42
43 Asked about the funding source, Assistant Town Manager/Finance Director Micali spoke of savings
44 achieved in salary line items, e.g., when a vacant position is filled with an individual with a lesser
45 salary than the previous or after being vacant for a period of time. Those savings will allow the project
46 to move forward in the current fiscal year.

1 Director Fox noted the project was discussed at the Parks and Recreation Commission meeting the
2 prior evening. They were supportive of the project.
3

4 **3. Road Acceptance of Barbie Court**

5 Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

6 The Town Council to consider the Planning Board's recommendation of a two year maintenance
7 bond and recommended acceptance of Barbie Court. Acceptance of the road is conditioned upon
8 the two year maintenance bond in the amount of \$50,066.78 and the drainage solution constructed
9 along the cross country sewer line remain satisfactory.
10

11 Deputy Director Tuomala performed a final inspection and approval of the road on October 14th. On
12 October 15th, the Planning Board recommended acceptance of the road be forwarded to the Council. A
13 maintenance bond of \$50,000 is in place. The only stipulation was related to a retaining wall, which
14 was placed along the sewer access road by an owner of an abutting property prior to the sewer being
15 put in place. It has caused an issue that is being worked through. It has been good for the past 8
16 months; however, she wished for it to be included in the acceptance in the instance a problem does
17 occur in the next two years. Should that concern come to fruition, the maintenance bond would be in
18 place to address it.
19

20 Barbie Court is located on Pearson Road, and is a 250' long road that ends in a cul-de-sac.
21 Construction has been underway for the past several years. For a number of reasons, it has not been
22 accepted up until this time.
23

24 Chairman Koenig commented the PWD has always been very good about explaining the
25 situation/condition of a road and setting the maintenance bond to be able to support the maintenance.
26 The Planning Board voted 3-0-1 to accept it.
27

28 Councilor Healey questioned the projected maintenance cost of the road once the maintenance bond
29 has expired, and was informed it would be the same as other Town roads. Asked why the 250' is a
30 road rather than a driveway, Deputy Director Tuomala indicated there are 5 houses on the road. As a
31 cluster sub-division, the houses are closer together and there is more common land around the outside.
32

33 **MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to approve the**
34 **acceptance of Barbie Court conditioned upon the two-year maintenance bond in the amount of**
35 **Fifty Thousand Sixty Six Dollars and Seventy Eight Cents (\$50,066.78) and the drainage solution**
36 **constructed along the cross country sewer line remain satisfactory. MOTION CARRIED 7-0-0**
37

38 **4. Highway Garage Complex Signage Update**

39 Submitted by Finance Director Paul T. Micali and Public Works Director Kyle Fox

40 Town Council to receive an update on the proposed Highway Garage Complex sign.
41

42 Assistant Town Manager/Finance Director Micali stated the highway garage project is near
43 completion. Proposed signage would read "Town of Merrimack Highway and Maintenance
44 Complex". Underneath would be a stationary electronic board and under that a planter. Given the
45 location being a residential neighborhood, being looked into is whether the electronic board could be
46 on a timer.
47
48

1 The specific location of the sign has not been determined; however, it will be in the vicinity of the new
2 entryway (working with vendor on lines of sight).

3
4 Feedback was requested relative to the electronic aspect of the signage. There are electronic signs
5 located throughout Town; Police Station, Library, Solid Waste, and 2 mobile signs. There is no sign in
6 the Turkey Road area to inform commuters of elections, meetings, etc.

7
8 Councilor Healey commented had it not been brought forward she had intended to suggest an
9 electronic aspect to the signage. Councilor Albert questioned why not a scrolling sign. Director Fox
10 stated the true purpose of portable/changeable message boards is to alert motorists to upcoming traffic
11 changes. Many towns use them for messaging, and it is a great thing to do, but when you do that you
12 really need to limit the messages you put on. You don't want to distract drivers and in that limited
13 attention that they can give it while still paying attention to the road, you only want a maximum of 2
14 screens.

15
16 Asked about the orientation of the sign, Assistant Town Manager/Finance Director Micali stated it
17 would be perpendicular to the road.

18
19 *The Council is supportive of the electronic aspect of the signage.*

20 21 **5. First Quarter Financial Review**

22 Submitted by Finance Director Paul T. Micali

23 Finance Director Paul Micali will review the key financial information of the quarter ending
24 September 30, 2019.

25
26 The FY19 audit has been completed. The reports are anticipated during the 1st week of December.
27 The opinion received is clean. A new firm was utilized this year.

28
29 Assistant Town Manager/Finance Director Micali stated should there be a Management Report, it is
30 his belief it would be very minor. It is his opinion, at this time, there are sufficient appropriations to
31 last throughout the fiscal year.

32
33 First quarter findings for health insurance indicate costs have increased (\$710,243.69 expended in
34 FY19 and \$760,731.04 in FY20). The increase is in line with the rate increase. Projecting slightly
35 higher than projected during the budget process mainly due to a shift in the census, e.g., single, two-
36 person, and family plans.

37
38 Costs for the New Hampshire Retirement System (NHRS) are running pretty constant (\$580,083.04 in
39 FY19 and \$576,270.51 in FY20). There was no increase last year.

40
41 Overtime comparisons show a decrease in the Fire Department (\$102,181.21 in FY19 and \$98,829.00
42 in FY20) and an increase in the Police Department (\$73,075.01 in FY19 to \$99,688.25 in FY20).
43 There were vacancies in the Police Department over the summer, which have been filled; however,
44 new positions result in training time. The shifts are being covered through overtime. Overtime costs
45 in the Solid Waste Department have increased slightly (\$13,640.99 in FY19 and \$16,516.24 in FY20)
46 as a result of time lost due to injuries and coverage utilizing overtime. He commented, when an
47 individual from the Highway Division is sent over to Solid Waste on a Saturday, it is 100% overtime.
48 The increase under General Government (\$1,282.89 in FY19 to \$4,083.65 in FY20) is related in large
49 part to the I.T. Department (problems with phone lines, etc.).

1
2 Revenues have increased (\$1,592,454.06 in FY19 to \$1,700,962.10 in FY20). Building permits are up
3 as are interest rates. Auto registrations are increasing.

4
5 Revenues are healthy, and appropriations are well within budget.

6
7 Councilor Albert noted the Summary by Department Expenditure Report indicates the Highway and
8 Solid Waste departments have less than 50% of their budgets remaining. Assistant Town
9 Manager/Finance Director Micali explained that percentage is a result of encumbrances. There are
10 sufficient funds to carry them through the year.

11
12 Asked about the Welfare Department, he explained the \$77,000 of that budget is to outside agencies.
13 Those funds are paid July 1st. There is an uptick being seen in payments for housing through the
14 Welfare Department.

15
16 Ben Niles, 11 Fernwood Drive

17
18 Questioned the number of vehicles registered each year, Assistant Town Manager/Finance Director
19 Micali stated it to be roughly 25,000.

20 21 Minutes

22
23 November 7, 2019

24
25 *The following amendments were offered:*

26
27 Page 7, Line 40; insert a comma following “disagrees with that”

28 Page 9, Line 29; insert “for” before “power”

29 Page 17, Line 22; replace “developer” with “development”

30 Page 17, Line 22; it should be noted the correct amount is \$600,000 not \$6 million

31 Page 25, Line 7; correct spacing

32 Page 26, Line 40; replace “One” with “Five”

33
34 **MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the**
35 **meeting minutes of the Town Council meeting of November 7, 2019, as amended. MOTION**
36 **CARRIED 7-0-0**

37
38 **Comments from the Press** - None

39
40 **Comments from the Public** - None

41
42 **Comments from the Council**

43
44 Councilor Healey stated the D.W. Diner will serve a free turkey dinner between the hours of 8:00 -
45 10:00 a.m. on Thanksgiving Day for those in need.

46
47 Vice Chairman Boyd commented several weeks ago he and Chairman Koenig had the opportunity to
48 sit with Governor Christopher Sununu, Representative Richard Hinch, Town Manager Cabanel, and
49 Director Fox in a meeting with Victoria Sheehan, Commissioner, New Hampshire Department of

1 Transportation (NH DOT) and Christopher Waszczuk, Assistant Commissioner, NH DOT. The
2 discussion was around the various traffic problems experienced in Merrimack, and included working
3 with the NRPC on a complete traffic study from the Bedford line down to Nashua.
4

5 Another discussion was around the opening of a northbound on-ramp from exit 12 at Bedford Road
6 and a southbound off-ramp at exit 12. The NRPC conducted a study in 2004 providing an analysis as
7 to what a northbound on-ramp/southbound off-ramp would look like at Bedford Road. Director Fox
8 has started a discussion with Jay Minkarah, Director, NRPC, with regard to updating that study to put
9 some hard data together relative to looking at opening up that area.
10

11 A conceptual look was provided as to what it would entail for the NHDOT to do those on/off ramps at
12 that location. They indicated it is not as simplistic as many might believe.
13

14 During the presentation of the Ten-Year Transportation Plan conducted in Bedford, Councilor Albert
15 advocated for relief relative to sound barriers along the Turnpike. One of the things Vice Chairman
16 Boyd advocated for was increased public safety with egresses on/off the Turnpike into Merrimack,
17 specifically the north end of Town over by the Webster Green Condominiums. He had alluded to the
18 Merrimack 360 project and brought up the idea of looking at a public safety egress down off of
19 Milligan Parkway near where Campers Inn is located.
20

21 Vice Chairman Boyd requested Director Fox provide an update relative to issues around traffic
22 congestion along the D.W. corridor at a future meeting.
23

24 Chairman Koenig noted that to be an ongoing conversation planned with the Governor and
25 Commissioner Sheehan. It may be that they come to a Town Council meeting and witness the
26 situation first-hand. The intent behind the meeting was to be able to keep the Governor and
27 Commissioner aware of traffic issues in Merrimack.
28

29 Vice Chairman Boyd remarked one of the things alluded to during the discussion was the anticipation
30 that when the widening project is completed, some of the traffic being deviated off the F.E. Everett
31 Turnpike onto the Daniel Webster Highway should be alleviated. He stated his hope in the long-run
32 we can open up exit 12.
33

34 Commissioner Sheehan pointed out that was a complex enough problem that it would slow down the
35 widening project to try and include it at this point, but that they could consider that as they are
36 developing the widening.
37

38 Town Manager Cabanel noted they specifically spoke with Commissioner Sheehan about the sound
39 barriers. She is willing to come to Merrimack and talk to the Council. They cannot put up sound
40 barriers because of the specific rules surrounding level of decibels, etc. There was discussion of some
41 type of barrier that she would be willing to consider. When the question arose of who would pay for
42 that, it was noted a chain link fence was already planned. Director Fox is looking at options such as
43 heavy-duty PVC fencing that might help without being unsightly.
44

45 Councilor Albert stated his appreciation commenting he stands by his belief that if the Commissioner
46 lived in one of those neighborhoods, they would have a real nice sound and sight barrier.
47

48 Councilor Albert spoke of the passing of Lt. Jason Menard of the Worcester Fire Department while
49 trying to rescue an individual in a house fire.

1
2 Councilor Woods wished a Happy Thanksgiving to his colleagues and the residents of Merrimack.

3
4 **Adjourn**

5
6 **MOTION made by Councilor Woods and seconded by Councilor Healey to adjourn the meeting.**
7 **MOTION CARRIED 7-0-0**

8
9 *The November 21, 2019 meeting of the Town Council was adjourned at 9:44 p.m.*

10
11
12 Submitted by Dawn MacMillan

DRAFT