



Town Council Meeting Minutes

Thursday, April 23, 2020 at 7:00 PM

Chairman Koenig called the meeting of the Town Council to order at 7:00 p.m.

Due to the Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Town Council was authorized to meet electronically.

Members of the Town Council participating electronically were Chairman Koenig, Vice Chairman Boyd, Councilor Albert, Councilor Harrington, Councilor Healey, Councilor Rothhaus, Councilor Woods, and Assistant Town Manager/Finance Director Paul Micali. Town Manager, Eileen Cabanel was excused.

Each member of the Council participating electronically was able to hear the proceedings and be heard. As required by electronic participation, all votes were taken by Roll Call.

Pledge of Allegiance

Chairman Koenig led in the Pledge of Allegiance.

Announcements

Chairman Koenig noted, as stated on the agenda, the meeting was being aired live on Merrimack TV and the Merrimack TV Facebook Live page (<http://www.facebook.com/merrimacktv>). Telephone access was available for members of the public wishing to provide comment during the Public Hearing; 1-312-626-6799 or 1-929-205-6099 (ID # 949 3466 9818). Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to TCPublicComments@MerrimackNH.Gov.

The deadline to file for property tax exemptions has been pushed back to May 15th. Please submit your application for property tax exemption by one of the following two methods; U.S. mail to Merrimack Town Hall, 6 Baboosic Lake Road, attention Assessing Department or utilize the white drop box at Town Hall located along the entrance sidewalk in the parking lot.

Absentee ballots for the postponed April 14th Town Meeting are available. Voters wishing to vote by absentee ballot should contact the Town Clerk's office at 424-3651 or see the Elections and Voting section of the Town Clerk's website for an application and information on absentee ballots. All voters are advised that in light of the current public health state of emergency, Emergency Orders #16 and #26, and current public health guidance on social distancing and avoiding being in public in groups of 10 or more, all voters have a reasonable ground to conclude that a "physical disability" exists within the meaning of RSA 657:1. Therefore, all voters may request an absentee ballot on that basis.

Transfer Station extended summer hours have begun. The Transfer Station is open until 7:00 p.m. on Thursday evenings.

The Voter's Guide will be mailed on May 1st.

1 Chairman Koenig spoke of appreciation for the Merrimack Mask Sewing Effort, which is a community
2 run volunteer organization organized by Wendy Thomas that supplies fabric masks at no cost to area
3 residents and local medical establishments. They currently have 2 dozen volunteers who have cut
4 fabric, sewed masks, and donated materials including sewing machines, fabric, elastic, and buttons so
5 that protective fabric masks can get out to as many people as possible. Although difficult to quantify
6 at this point, the group has distributed over 2,500 masks. Some of the people and organizations that
7 have received the masks include private medical providers, area hospitals, area nursing homes, the
8 V.A., a nurse in Washington State, a physician in Canada, area residents, food banks, and now even
9 Town employees. Chairman Koenig expressed sincere thanks to the group and Councilor Healey for
10 coordinating the delivery of 70 masks for the PWD group. The Town has been careful to ensure a
11 supply of PPE for first responders, but there remained the need for the PWD crew that remains
12 working for the Town. Anyone looking for a mask can contact the Merrimack Mask Sewing Effort
13 through Facebook.

14

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

16

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

18

19 **Appointments** - None

20

21 **Public Hearing**

22

23 **1. Public Hearing – Abbie Griffin Memorial Fund**

24 Submitted by Interim Fire Chief Matthew Duke and Police Chief Denise Roy

25 The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds
26 from the Abbie Griffin Memorial Fund in the amount of but not to exceed \$16,037, for the
27 purchase of a forcible entry simulation door prop, which is a reusable training tool that allows to
28 train and practice on the essential skill of gaining quick entry into a building in emergency
29 situations for the Fire Department and for upgraded technology for the training/community room, 2
30 FLIR ONE Pro thermal cameras for smartphones, 2 Viper HD binoculars, a Century BOB
31 opponent body bag and steel targets for the Police Department, pursuant to RSA 31:95-b and
32 Charter Article 8-15.

33

34 Brian Levesque, Deputy Chief, Merrimack Police Department, stated the request to be to utilize the
35 Abbie Griffin Memorial Fund in a variety of ways; update outdated computer and speaker equipment
36 in the community training room and include a ceiling camera for virtual training. Also desired is the
37 purchase of two FLIR ONE pro thermal cameras for smartphones. The devices attach to the bottom of
38 a smartphone enabling it to be a thermal imager that could be used for search and rescue or searching
39 for a suspect in the dark. Also desired are two Viper HD binoculars that would also be utilized for
40 search and rescue as well as by the Special Response Team (SRT) so they can safely observe from a
41 distance. The final items are a Century BOB, which is a giant torso on a stand that can be used for
42 defensive tactics training and practice with the 40 mm launcher and steel targets (reusable) for the
43 range.

44

45 The request from the Fire Department is for the purchase of a forcible entry simulation door prop,
46 which is a large heavy-duty adjustable, reusable door prop. Forceable entry is a complex, time-
47 sensitive skill where little details matter. Having the equipment would provide the ability to practice
48 those skills. It is difficult for the department to find donor sites or build its own props. Almost
49 everything they are called to do is on the other side of some kind of door, which is often locked. It is

1 critical that the department is able to defeat those locks quickly and efficiently. This prop simulates
2 many different types of doors and locks, and would allow for practice with a multitude of tools. It is
3 portable, reusable, and has an adjustable level of difficulty. It can also be used in conjunction with
4 standard fire instruction.

5
6 The Police Department is interested in utilizing this as a shared resource for their SRT. The price is
7 \$7,000 and \$8,000. Once the specifications are finalized the best price will be sought.

8
9 Chairman Koenig questioned if the prop would require repair costs, and was informed it is designed so
10 that the areas that would be sawed are replaceable, e.g., drop in steel panels that can be pulled out, etc.
11 For the most part, replacement costs for consumables are pennies per use.

12
13 ***Chairman Koenig declared the Public Hearing open at 7:21 p.m.***

14
15 No public comment was offered.

16
17 ***Chairman Koenig declared the Public Hearing closed at 7:23 p.m.***

18
19 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to authorize the**
20 **acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of**
21 **but not to exceed Sixteen Thousand Thirty Seven Dollars (\$16,037), for the purchase of a forcible**
22 **entry simulation door prop, which is a reusable training tool that allows to train and practice on**
23 **the essential skill of gaining quick entry into a building in emergency situations for the Fire**
24 **Department and for upgraded technology for the training/community room, 2 FLIR ONE Pro**
25 **thermal cameras for smartphones, 2 Viper HD binoculars, a Century BOB opponent body bag**
26 **and steel targets for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15**
27 **and furthermore that the Town Manager or her proxy be authorized to sign any documents**
28 **necessary to accept and expend the funds**

29
30 *A Roll Call vote was taken, which resulted as follows:*

31
32 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,
33 Councilor Harrington, Councilor Healey, Vice Chairman Boyd

34
35 Nay: 7

36 MOTION CARRIED 0

37
38 **Legislative Updates from State Representatives** - None

39
40 **Town Manager's Report**

41
42 The Community Development Department is continuing to accept new applications for both the
43 Planning Board and Zoning Board, so that staff can perform reviews and coordinate departmental and
44 peer review of projects as necessary. In order to maintain limited contact, please call or e-mail the
45 department to set up an appointment to submit an application. Procedures for application drop off will
46 be explained when an appointment is arranged.

47
48

1 For Planning Board and Zoning Board applications, please understand that a meeting date for when
2 applications will be heard is not able to be determined at this time.

3
4 **Consent Agenda** - None

5
6 **Old Business**

7
8 **1. Town Election Discussion (Official Ballot Vote) – May 12, 2020**

9 Submitted by Town Moderator Lynn Christensen

10 Town Moderator Lynn Christensen to provide the Town Council with an update on the upcoming
11 Town Election scheduled for Tuesday, May 12, 2020.

12
13 Lynn Christensen, Town Moderator, remarked, based on the current situation, the election will not take
14 place on May 12th. From comments she has heard, she does not believe the State will re-open until the
15 end of May or later. If the State remains closed until the end of May, the earliest the election could be
16 held would be June 9th, which is a timeframe she would not be comfortable with, given the amount of
17 work that would have to be done. We will follow the two-week increment process as is allowed;
18 however, she anticipates an election date of June 23rd.

19
20 Residents will be encouraged to request absentee ballots. Absentee ballots are being sent out with a
21 postage paid envelope for ease of submission.

22
23 When the election is held, social distancing will be adhered to, volunteers will be wearing masks and
24 voters will be required to wear masks. She has spoken with the Secretary of State's Office and the
25 Attorney General's Office. There are only a handful of towns in this situation. They are looking into
26 Federal funding, and, if needed, will work with the Town to fund some of the need. Election
27 workers/volunteers who are in a vulnerable situation will not be utilized.

28
29 Asked if an election at the end of June would impact the budget, Assistant Town Manager/Finance
30 Director Micali stated were the budget not to pass, the Town Council would have 7 days to approve a
31 default budget. Asked if he would have to have a printed budget at that point or if there would be
32 additional time allowed understanding the budget could not (and would not in a short timeframe) be
33 overspent, he indicated he would have to check with the Department of Revenue Administration as the
34 Town has not gone beyond July 1st without having the budget reconciled. It is likely the Town would
35 operate under a Continuing Resolution until a budget could be approved by the Council.

36
37 Assistant Town Manager/Finance Director Micali stated the Town would do all it can to protect the
38 election workers and voters, e.g., secure masks and gloves, look into plexiglass for registration booths.

39
40 Chairman Koenig questioned the number of masks needed for voters and how they would be
41 obtained/distributed, etc. The Town has collected hand sanitizer in gallon jugs that can be placed at
42 polling locations, etc. Ms. Christensen commented on some of the precautions that have been/will be
43 taken, e.g., golf pencils have been ordered to be used at the booths for single use in marking ballots.

44
45 Asked if guidance has been received from the Secretary of State's Office relative to social distancing
46 and wearing of masks at polling locations, Ms. Christensen stated she has been in touch with the
47 Secretary of State's Office, and they are in agreement with her plans. Should a voter refuse to wear a
48 mask, they will be required to stay in their vehicle, a designated election worker will bring an absentee
49 ballot to them in their vehicle, they can mark it there, and it will be brought back in.

1
2 Chairman Koenig asked, and was informed, technically, the election remains scheduled for May 12th
3 until it can be changed again. It can only be changed in two-week intervals.
4

5 Ms. Christensen stated the ballot boxes have to be opened before elections and the ballots counted in
6 public. Ballot testing has to be conducted prior to the election. That will be done electronically.
7 Because Town Hall has been closed, that cannot be done. Chairman Koenig stated the Town Hall can
8 be opened for specific reasons when necessary. It can be done in a virtual meeting.
9

10 Asked if the school is aware of the plans, Ms. Christensen stated the only concerns expressed are
11 related to the janitorial staff. They have been given the day off. They will be available to do set-up
12 prior to the election. The day of the election they will have a person designated that will be available if
13 needed, but generally speaking the janitorial staff will not be available on that day.
14

15 Councilor Woods questioned the latest date it would be known another extension would be sought
16 beyond the May 12th date, and was informed it would depend on the situation in the State. Ms.
17 Christensen reiterated she does not expect the election to be conducted any earlier than June 23rd. If
18 something should occur early in June where the State experiences a sudden spike in infection rate, etc.
19 that will be revisited. It is hoped, through the efforts of social distancing, etc., that the election will be
20 able to be conducted on the 23rd. She stated the election would not be conducted any earlier than the
21 23rd of June.
22

23 **2. Bedford Road Bridge Project Update**

24 Submitted by Public Works Director Kyle Fox

25 Public Works Director Kyle Fox to provide the Town Council with an update on the status of the
26 Bedford Road Bridge Project.
27

28 The new bridge is now open to one lane traffic. The previous bridge was installed in 1984 and was a
29 21' span metal pipe arch bridge that had severe corrosion and was undersized for the roadway. The
30 metal arch bridge bypassed the Darrah Bridge, which was used as the foundation for the construction
31 of the detour bridge.
32

33 Kyle Fox, Director, Public Works Department (PWD), stated the project was intended to fulfill three
34 primary objectives. The first was to raise the road profile west of the bridge to keep Bedford Road
35 from overtopping during floods. Following the Mother's Day flood in 2006, attempts were made to
36 gain FEMA funding to do a permanent replacement that would fix this issue, but they were only
37 offering replacement costs. That is when the project began rolling into the Bridge Aid program. DOT
38 allowed for inclusion of addressing the issue of water overtopping the road.
39

40 The second primary objective was to replace the metal arch bridge itself. It was a metal pipe arch that
41 was badly corroded and was on the State's Red List. The new bridge is an approx. 90' span versus the
42 old 21' span. It will easily pass the 100-year flood. The Darrah Bridge also constricts the waterway,
43 and will be removed as part of this project.
44

45 The third objective was to improve the pedestrian/bicycle access through the corridor. The area going
46 through the bridge was very narrow. The guardrail was leaning back and there was no shoulder to
47 speak of. The new bridge has shoulders and a full sidewalk on the north side of the bridge. The
48 sidewalk will extend out to Pearson Road and wrap around into the existing sidewalk system.

1 Now that traffic has swapped over to the new bridge, the contractor can remove the detour bridge that
2 people have been driving on since last year, will reconnect the waterline main that connects into
3 Pearson Road, construct embankment slopes on north side of Bedford Road, construct westbound
4 Bedford Road roadway, remove traffic signals, and open the road to two lanes of traffic. At that point,
5 the utility companies will come in and relocate the temporary poles that are located north of the detour
6 road bridge back to where they were before the project began.
7

8 Once that work is completed, the areas will be loamed and seeded. Both lanes of traffic are expected
9 to be on the new bridge around the 3rd week of June. The utility company will be given two months to
10 get their work done before the contractor finishes the project.
11

12 Councilor Albert asked if the contractor would be removing the dead trees from the area. Director Fox
13 stated they would not be removed. NHDES does not like trees being removed from such areas as they
14 consider it to be natural habitat (turtles). The question can be asked of NHDES. That could not be
15 done until after the contractor has done their work. Right now it cannot be done because of the electric
16 lines and the inability to get equipment that far out.
17

18 New Business

19 20 **1. Coronavirus/COVID-19 Update**

21 Submitted by Town Council Chair Tom Koenig and Town Manager Eileen Cabanel
22 The Town Council Chair and Town Manager to provide an update on the current
23 Coronavirus/COVID-19 situation.
24

25 Assistant Town Manager/Finance Director Micali remarked around the 16th of March the Town started
26 to gear up and opened up Emergency Management with the Police, Fire, PWD, and 3 Counselors to get
27 the ball rolling with the Town's response to the COVID-19 Pandemic. At that time, consideration was
28 given to limiting the amount of Town staff in Town buildings, locking the doors and having the public
29 be able to get in touch with the departments void of face-to-face contact. That continues. A list of
30 contact numbers and operations for the various Town departments can be found on the Town's website
31 and posted outside of Town Hall.
32

33 Several people are working remotely. Phones are being answered and questions responded to. All 6
34 divisions of the PWD are operating as normal. The Highway Division is taking care of the athletic
35 fields and solid waste is running normal operations. A few things have changed in solid waste, e.g.,
36 the recycle building is down to one lane and the number of windows open at the transfer station has
37 been limited. The wastewater division is still operating as normal. Local contractors love getting our
38 compost and mixing it in with loam. About a week and a half ago a contractor reached out asking how
39 to get compost. A plan was put together, and the Town was able to sell compost on a commercial
40 level.
41

42 With so many people at home, the Town is trying to gear up the paving program. The hope is to start
43 late May. Other projects included in the budget are looking to start while road traffic is down. The
44 Police Department has had some operational changes, e.g., suspended civilian fingerprinting,
45 discourage people from coming into the lobby, officers are wearing protective gear, no longer the first
46 to enter the scene when responding to ambulance calls. Dispatch is doing a lot of prep with calls.
47 Both police and fire are taking the necessary precautions.

1 Earlier this month the Fire Department had a large procurement of PPE; surgical masks and face
2 shields were received with additional equipment expected next week. The Town Hall also procured
3 surgical masks for employees onsite that are required to meet with the public.

4
5 On emergency responses; the Fire Department did a tiered response system on personnel exposure and
6 consumption rate of PPE by sending one member on a call to evaluate COVID patients and make
7 determinations on ambulance transport. This was brought up during a conference call conducted by
8 the State during which the Town was asked to share its practice. The practice has saved the Town
9 money and preserved some of the PPE, which is a commodity that is increasingly difficult to obtain in
10 a timely manner.

11
12 The Media Division has hosted several virtual meetings. They have produced online versions for
13 Police, Fire and the Library to keep the word out on how we are doing things. They are looking to get
14 one set up regarding elections. The Town Clerk/Tax Collector is doing all billing transaction processes
15 with their staff. They are still completion transactions. Even new vehicle registrations can be done.
16 They ask that you call in advance and they will make you aware of the information you need to
17 provide for new vehicle registrations.

18
19 Several events planned for this summer are on hold and dependent on what the Governor dictates can
20 and cannot be done. If gatherings remain at 10 or less some of those events may have to be cancelled.

21
22 We continue to plan as if summer day camp will open (June 22nd); however, guidance is set by the
23 Governor. The NH Department of Health and Human Services is the licensing authority and the Town
24 Emergency Management authorities and Town Council will determine whether or not camp will open.
25 The Town is in contact with the CDC, which is working with the American Camp Association to
26 develop a series of operating guidelines and what recommendations need to be in place for camps to
27 operate safely.

28
29 4th of July celebration; moving ahead with annual parade and firework show. The Rotary is looking
30 into whether they can hold the pancake breakfast at the school. The Family Fun Day portion of the 4th
31 of July event will not take place (perhaps in the fall).

32
33 The Town has between 10-19 diagnosed cases of COVID-19. The State has launched the 2-1-1
34 COVID-19 Hotline. All residents with questions or concerns surrounding the COVID-19 outbreak can
35 call 2-1-1. Information on area resources can be found on the Town's [website](#). Councilor Harrington
36 spoke of concern with this being a time of high stress for many, and encouraged those in need to utilize
37 the many resources available.

38
39 Councilor Albert questioned if the Police Department is receiving complaints regarding individuals not
40 adhering to social distancing guidelines and whether an uptick is being seen in calls related to matters
41 such as domestic violence.

42
43 Denise Roy, Chief, Merrimack Police Department, responded the department has not received calls
44 related to social distancing. What they have heard is concerns related to crowded places. Domestic
45 calls are on the uptick. It is not out of control, but an increase is being seen. It is more in line with
46 verbal than physical. She echoed the remarks relative to the resources available to children and adults.

47
48
49

1 **2. Donation Acceptance for the Merrimack Police Department**

2 Submitted by Captain Matthew Tarleton

3 The Town Council to consider the acceptance of a donated drone (aka sUAS – a small unmanned
4 aircraft system), valued at approximately \$2,000, from Merrimack resident Dwayne LaFlotte to be
5 used by the Merrimack Police Department when deemed appropriate/necessary, pursuant to RSA
6 31:95-e and Charter Article 8-15.

7
8 Matthew Tarleton, Captain, Merrimack Police Department, noted the information provided with the
9 agenda relative to Standard Operating Procedure (SOP). A PowerPoint presentation was shared.

10
11 Captain Tarleton commented on the number of agencies that have been utilizing drones for some time.
12 Manchester, in particular, is utilizing drones for all kinds of needs and has provided positive feedback.
13 Like anything high-tech it has to be of a certain quality and capability, which always comes at an
14 expense. This is something the department has been considering, and when the donation presented
15 itself it could not be turned down. It is hoped the Council will approve acceptance of the donation.

16
17 Detective William Vandersyde, Community Resources Officer, Merrimack Police Department, spoke
18 of having worked with the Portsmouth Police Department when putting the presentation together.
19 Together they outlined the advantages of utilizing a drone, which were outlined, e.g., will help improve
20 the ability to enforce laws and protect lives, will increase officer safety and reduce potential injuries,
21 savings on valuable resources like police officer time when out looking for a lost child or elderly
22 person in one of our parks (drone has thermal capabilities). Being able to utilize this type of
23 equipment would allow the department to overlook a large area when events are occurring that draw
24 large crowds/traffic. The equipment could be used with or without the thermal imager.

25
26 A slide was shown of a callout the Portsmouth Police Department had where they were working on a
27 subject who barricaded himself inside a home. It was early in their drone purchase. They decided to
28 utilize the drone, and it provided them a great birds' eye view of the layout before any officer arrived
29 on scene. They put it up into windows for observation to see if they could view the suspect. While
30 they were looking at the property, the suspect ran out toward the swamp. It was a long standoff that
31 went into the night. The suspect ran out into the swamp. They were able to put the drone in the air,
32 turn on the thermal imaging, and track the suspect running behind the neighborhood into the swamp,
33 and were able to direct the officers to within feet of where he was. Once the officers were within short
34 distance of the suspect they allowed the dog to go in. It saved them hours of time and increased the
35 officers' safety.

36
37 Slides were displayed of a project the Portsmouth Police Department worked on with their DPW as
38 well as others where aerial views were able to be provided of accident scenes. The drone would be
39 able to be utilized to assist with the AIT team for crash investigations. Currently photographs are
40 taken at ground level at the four compass points.

41
42 Although not part of the drone program being proposed, currently available is the technology (costly)
43 for not only the operator of the drone but also ground crews to see live views from the drone.

44
45 Merrimack is in an unusual area having Manchester Airport (Class C airport) and Nashua (Class D)
46 and some parts of the Town not under control of either airport. Were we to utilize the drone, an email
47 would have to be sent to the FAA for a Certificate of Authorization (CoA), which would provide them
48 notification that we want to operate up to about 400'. That information goes to the tower that can
49 reference that. All aircraft is aware of that. At 400' we would not interrupt or interfere with any

1 aircraft. We would want to take it one more step. As a municipality, all that is required is the CoA,
2 but we would want to get our pilot certified with Part 107 of the FAA regulations.

3
4 With regard to training, all pilots would complete the Part 107 Remote Pilot Certificate, which is
5 necessary for remote pilots operating for commercial purposes, regular training, which is necessary for
6 pilot proficiency to limit liability, to operate in all types of conditions, for flight time to qualify to fly
7 all drones in fleet, and training of additional police and fire personnel.

8
9 In bringing the program into the department, a log would be in place for the sake of transparency. It
10 would be updated every time the drone is utilized. Any information received from that use would be
11 secured on a separate hard drive, which would be locked up.

12
13 The presentation included information on the Privacy Act in regard to how data would be collected and
14 maintained. It would not be part of the network or accessed by any of the computers or online. It
15 would be stored on a separate hard drive. The department would ensure the procedure is documented
16 including audits to comply with the department SOP. Oversight of those having access to the private
17 personal information collected would be provided. They have established SOPs authorizing the use of
18 drones on request.

19
20 The department has developed an SOP prohibiting the collection, use, retention or dissemination of
21 data in any manner that would violate the First Amendment or in any manner that would discriminate
22 against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation or
23 gender identity. The Police Department has adequate procedures in place to receive, investigate and
24 address, as appropriate, privacy, civil rights and civil liberty complaints.

25
26 Councilor Albert stated his comfort with the department's use of the technology, particularly given the
27 prepared SOP in place that outlines how the equipment will be operate that covers constitutional rights,
28 etc.

29
30 Vice Chairman Boyd questioned the cost of training, and was informed the cost (2 individuals @
31 approx. \$250/ea.) would be absorbed in the training budget.

32
33 Asked if there would be training relative to the Fourth Amendment related to how the drone would be
34 used, Chief Roy responded that goes along with the Constitution as well as the SOPs. The same
35 training that would be provided for basic search warrants (searching/seizing) would apply to the
36 drones.

37
38 Detective Vandersyde added if a situation dictated that a search warrant be obtained for the drone to be
39 utilized, that would occur. He will oversee the program and will be involved in any decision made
40 relative to use. There could be situations, e.g., such as the child that went missing down at the MYA.
41 Under circumstances such as that, the drone would be up in the air. He stated his assurance when it
42 comes to a residence and if the department were going to be using the drone for a barricaded
43 individual, if a search warrant were required for that type of call then that is what would happen.

44
45 Vice Chairman Boyd questioned if there has been discussion around whether or not the data gathered
46 would be subject to the State's Right-to-Know Law. Chief Roy stated her belief it would be.

47 Detective Vandersyde stated his belief that language is within the SOP.
48

1 Councilor Rothhaus stated his preference to see this type of equipment utilized more for the search and
2 rescue type scenarios and when actively working a scene. Other than that he would like the equipment
3 to be housed. He stated concern with the general use of this type of equipment beyond that type of use.
4

5 Councilor Healey commented on not seeing any reference to ensuring obtaining of a search warrant
6 within the SOP language, particularly on private property. Captain Tarleton reviewed the SOP noting
7 the language can be found in the last paragraph under the heading of Privacy (2D). Councilor Healey
8 requested the language be added in a few additional areas so that it is more clearly called out.
9

10 Councilor Healey commented on the need for a three-person team to run the equipment; pilot, observer
11 and assistant, and questioned if those are new positions or positions that will be incorporated into
12 existing staff. Chief Roy stated it to be existing staff only; there would be zero need to add staff for
13 this program.
14

15 Chief Roy remarked she can understand the concerns and commented on the number of discussions
16 that have taken place within the department. She provided her assurance that the tool would never be
17 utilized for anything other than what was spelled out in the presentation, and stated if a search warrant
18 would be required to enter an individual's home, it would work the same way with this equipment.
19 The amount of times it would be needed for SRT call-out are minimal. It can only enhance the current
20 tools, e.g., canine officer.
21

22 Chief Roy commented were the drone deployed to search for a lost individual, there is always the
23 possibility of flying over someone's yard.
24

25 Councilor Harrington noted language under the heading of Privacy (2) that reads: "The Department
26 will make available to the public, on an annual basis, a general summary of the agency's sUAS
27 operations during the previous fiscal year, to include brief description of types of categories of
28 missions flown, and the number of time the agency provided assistance to other agencies, or to State,
29 local, tribal or territorial governments."
30

31 Chief Roy suggested the information could be included in the Town Report if believed to be helpful.
32 Councilor Harrington suggested it be presented in an annual report to the Town Council.
33

34 Councilor Woods questioned the cost of upgrading the system/program down the road (next level).
35 Detective Vandersyde stated the next step up would be in the \$2,300-\$2,400 range. The downlink
36 equipment, should that be considered at some point down the road, could be anywhere from \$15,000 -
37 \$25,000 (expect that will reduce over time as technology improves).
38

39 Chairman Koenig commented on his belief the downlink is almost a critical piece if doing something
40 like they did in Portsmouth when wanting to share the information with the people on the ground.
41 Captain Tarleton remarked he believes they would be able to do that through simple radio
42 communication. If a command post is set up it would allow the individual in charge to be able to see
43 what the pilot is seeing. However, the pilot will be able to directly relay information as it is happening.
44 There will be a bit of a learning curve, and there will be training involved.
45

46 Chairman Koenig spoke of the need to ensure the SOP is sufficient to ensure a comfort level into the
47 future. He agreed an annual report to the Town Council could be helpful in that regard.
48

1 Councilor Albert commented should a concern come about the Council can make changes if believed
2 necessary. Councilor Healey stated concern with waiting a year before receiving a report, and
3 suggested any use be included in the monthly report provided the Council for that first year. Chief
4 Roy stated agreement.

5
6 Assistant Town Manager/Finance Director Micali spoke of the level of communication between
7 emergency services and the Town Manager and the Town Manager and Town Council. He is
8 confident, should the drone need to be utilized, the Council would be aware prior to the monthly
9 report.

10
11 Councilor Rothhaus questioned if the drone were to capture a separate activity while flying over
12 private property in the process of being utilized for another purpose, would the separate activity be
13 followed up on or have to be ignored. Chief Roy stated it could not be ignored, but if not permitted
14 into the private property they would not access. If warranted, they would seek a search warrant. Just
15 as is the case now, if they are in a location where they witness something in plain sight, they can act on
16 it, but would be very cautious. If they are searching for someone and happen to see a crime being
17 committed, their first priority is what they are searching for. They would handle it just as if they drove
18 by the house. Noted was that the City of Manchester has had experience deploying drones countless
19 times in the city for all types of situations. They have indicated they have not had any
20 issues/complaints.

21
22 **MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the**
23 **acceptance of a donated drone (aka sUAS – a small unmanned aircraft system), valued at**
24 **approximately Two Thousand Dollars (\$2,000), from Merrimack resident Dwayne LaFlotte to be**
25 **used by the Merrimack Police Department when deemed appropriate/necessary, pursuant to**
26 **RSA 31:95-e and Charter Article 8-15, and furthermore that a letter of gratitude be sent to Mr.**
27 **LaFlotte for his generous donation in support of the Merrimack Police Department and Town of**
28 **Merrimack**

29
30 **ON THE QUESTION**

31
32 Vice Chairman Boyd commented if there is ever a concern raised about the use of the drone, he is
33 confident the issue would be revisited by the Council.

34
35 *A Roll Call vote was taken, which resulted as follows:*

36
37 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,
38 Councilor Harrington, Vice Chairman Boyd, Councilor Healey

39 7

40 Nay: 0

41 **MOTION CARRIED**

42 **3. Donation Acceptance for the Parks and Recreation Department**

43 Submitted by Parks and Recreation Director Matthew Casparius

44 The Town Council to consider the acceptance of a donation to the Function Hall at Wasserman
45 Park from the Rotary Club of Merrimack by repainting the interior of the building. The Rotary
46 Club would be purchasing all of the paint and painting supplies, valued at approximately \$500.00
47 and their club members would be doing the painting, pursuant to 31:95-e and Charter Article 8-15.

1 **MOTION** made by Vice Chairman Boyd and seconded by Councilor Albert to approve the
2 acceptance of a donation to the Function Hall at Wasserman Park from the Rotary Club of
3 Merrimack by repainting the interior of the building. The Rotary Club would be purchasing all
4 of the paint and painting supplies, valued at approximately Five Hundred Dollars (\$500.00) and
5 their club members would be doing the painting, pursuant to 31:95-e and Charter Article 8-15
6

7 ON THE QUESTION
8

9 Vice Chairman Boyd expressed his continued gratitude to the Rotary Club for the work they do in the
10 Town of Merrimack.

11
12 *A Roll Call vote was taken, which resulted as follows:*

13
14 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
15 Councilor Healey, Vice Chairman Boyd

16 6

17 Nay:

18 0

19 **MOTION CARRIED**

20 *The connection with Councilor Rothhaus was temporarily interrupted.*

21 **4. Fire Truck Purchase from Fire Equipment Capital Reserve Fund**

22 Submitted by Town Councilor Nancy Harrington

23 To request authorization to withdrawal and expend up to \$600,000 from the Fire Equipment
24 Capital Reserve Fund for the purchase of a new fire truck.

25
26 Councilor Harrington spoke of problems experienced with the fire trucks and that purchase of a new
27 truck has been on the Capital Improvement Plan (CIP) and scheduled for purchase for the coming year.
28 The funds are available (\$600,000) in the CIP for the purchase. Understanding the amount of time
29 required for the specifications to be compiled, the order to be placed, and the truck to be built and
30 delivered, she wished to get the process started.

31
32 Captain Shawn Brechtel, Merrimack Fire Department, stated a truck committee was developed a little
33 over a month ago to start looking at the purchase of a new vehicle. A great deal of feedback was
34 sought and received. They met with 8 different vendors in an effort to select the one believed would
35 best meet the needs of the Town and department. Over the last week the search was narrowed down to
36 3 different vendors. They have met with all 3 and narrowed down prices and specifications. A
37 specification sheet is currently being put together. The anticipated cost is between \$500,000 -
38 \$600,000. Delivery time is relative to the vendor chosen and ranges from 6-8 to 18 months. The
39 department believes it to be an urgent need that has been pushed off at least a year if not 2.
40

41 The desire is to standardize the fleet, which is in a bit of disarray with 4 engines ranging from a 1996
42 to a 2013. The first new engine out of Central is Engine 1 (2007). Engine 2 is the newest (2013) and
43 Engine 3 (1996; reserve) is currently run as a 2nd engine out of Central due to engine 1 being out of
44 service again. Engine 4 is a 2005. Depending on who you get information from, fire trucks are
45 supposed to last anywhere between 10-20 years depending on use. We have an aging fleet.
46 Maintenance is a constant issue. The desire is for a new engine this year.
47
48
49

1 There was the potential to purchase two engines depending on the CIP funds being voted on for next
2 year. Several vendors have been spoken to, and there is some significant price movement with the
3 purchase of two engines. Given the circumstances around the election, that discussion can occur at a
4 later date. The department is in need of an engine at this time, and would like to move forward with
5 the bid process.

6
7 Councilor Albert questioned if the trucks are built to specifications or prebuilt, and was informed the
8 department spoke with different vendors for that reason. The department will purchase a basic truck
9 that fits the needs of the community. Custom trucks can be constructed, but we are not interested in
10 that. The end goal is the purchase of two trucks.

11
12 **MOTION made by Councilor Harrington and seconded by Councilor Healey to authorize the**
13 **withdrawal and expenditure of up to Six Hundred Thousand Dollars (\$600,000) from the Fire**
14 **Equipment Capital Reserve Fund for the purchase of a new fire truck**

15
16 **ON THE QUESTION**

17
18 Councilor Albert questioned the significant savings with the purchase of a second truck, and whether
19 that is an action the Council could initiate at this time. Assistant Town Manager/Finance Director
20 Micali stated the intent, with the writing of the bid specification, to include language requesting the
21 price for the purchase of two engines. At this time, the available funding for this type of purchase in
22 the CIP is \$600,000. It will not be known, until after the bids come in, if the article for additional
23 funding is passed. If the article does pass, and there is the possibility of obtaining two engines for the
24 amount of funding available, a request for expenditure of the funds would come before the Council.

25
26 Before a contract is signed, they would come back before the Council with actual cost. The motion
27 would provide the authority for an RFP and purchase order up to \$600,000.

28
29 Chairman Koenig stated he was supportive of moving forward with an RFP, but was not supportive of
30 the purchase prior to the Council being made aware of exactly what is planned.

31
32 **AMENDED MOTION made by Councilor Harrington and seconded by Councilor Healey to**
33 **authorize the withdrawal and expenditure of up to Six Hundred Thousand Dollars (\$600,000)**
34 **from the Fire Equipment Capital Reserve Fund for the purchase of a new fire truck, contingent**
35 **upon the Council being presented with information on the final product prior to purchase**

36
37 *A Roll Call vote was taken, which resulted as follows:*

38
39 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
40 Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd

41 7

42 Nay: 0

43 **MOTION CARRIED**

44
45 **5. Retreat Goals Update**

46 Submitted by Town Manager Eileen Cabanel

47 The Town Council to receive an update on the goals set during the Town Council Retreat / Work
48 Session that was held on June 17, 2019.

1 **MOTION** made by Councilor Harrington and seconded by Councilor Healey to table until the
2 next regularly scheduled meeting

3
4 *A Roll Call vote was taken, which resulted as follows:*

5
6 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
7 Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd

8 7

9 Nay: 0

10 **MOTION CARRIED**

11
12 **6. Introduction and Discussion of Temporary Parking Ordinance at Currier Road**
13 **Neighborhood**

14 Submitted by Town Councilor Peter Albert

15 The Town Council to introduce and discuss enacting a proposed temporary parking ordinance for
16 the Currier Road neighborhood.

17
18 Councilor Albert commented the item stems from the parking congestion issues caused by overflow
19 parking at Wildcat Falls, which is impacting the surrounding neighborhood of Currier Road and the
20 bridges off of Currier Road. It is a quality of life issue for the residents in that area. He received two
21 options from legal counsel on how to approach the issue; one is to change the Ordinance under Chapter
22 183, which would take, after 3 hearings, about 3-4 weeks to complete. The issue is occurring now in
23 relation to the Stay at Home Order. He proposed a temporary parking ban citing an emergency issue.
24 That has to be done by either the Police or Fire Chief citing an issue.

25
26 On some days, with the amount of parking occurring on both sides of the road, there is an inability for
27 a fire engine to travel through the area. He suggested temporary no parking signs be erected
28 throughout the neighborhood to include Currier Rd., Birch St., Souhegan Dr., Fir St., Hemlock St., and
29 Pinehaven Dr. He also suggested a sign be posted at the top of the street announcing the temporary
30 ban and also allowing residents to park in front of their own homes.

31
32 Councilor Rothhaus commented it makes great sense to be able to permit residents to park in front of
33 their residences, but doing so is difficult as it would require law enforcement to be able to identify who
34 the vehicles belong to. If the Police and/or Fire Department believe it to be a safety issue he would
35 rather them inform the Council the parking ban is what should be done for this period of time. Beyond
36 that, he believes the issue should be brought before the Highway Safety Committee for discussion and
37 a recommendation to the Council. He spoke of concern with unintended consequences.

38
39 Councilor Albert agreed the Highway Safety Committee is a good approach. However, he is
40 concerned with the ability for safety equipment to access/travel the roadway. An email received from
41 a resident indicates there is no shoulder of the road to walk on forcing them to walk in the travel lanes
42 of the roadways. He feels there is a second safety issue in the area. For the next couple of weeks, he
43 would like to see the Council take some action.

44
45 Chairman Koenig questioned what action can be taken. He agreed it would be extremely difficult to
46 suggest people cannot park there in general, but residents can if they want to. Unless issuing placards
47 there would be no way of knowing if a vehicle parked on the street belongs to a resident.

1 Councilor Albert reiterated the police can determine if a vehicle belongs in the neighborhood by
2 running a plate.

3
4 Asked to provide an opinion, Chief Roy responded the department has seen the concern; however, they
5 tried putting up temporary no parking signs, but they were not enforceable. People parked on the
6 signs, over the signs, etc. It did not stop the activity. People are parking on the streets and there are
7 times when there is a problem. If we stop them from parking near there it just pushes the problem
8 further down Currier Rd. She does not believe it will be possible to have no parking in the entire
9 neighborhood. If someone parks in front of someone's house and they are at the neighbors' house,
10 officers will have to knock on people's doors. It would be impossible for the department to know who
11 is a friend or a relative permitted to park there.

12
13 She spoke of Sunday having been a difficult day when a lot of phone calls were received. The first call
14 that came in said cars were parked everywhere and there was no way a car could go down the street.
15 When she spoke with the Officer who responded, he said he went from the station to Currier Road (3
16 minutes), drove the entire neighborhood, and there wasn't a single car parked outside of the parking
17 lot. People are calling, and there wasn't even an issue; cars were parked in the parking lot. She does
18 not believe it possible for the department to be able to enforce the difference between people who are
19 there to enjoy the park and people who are parked there visiting relatives and friends.

20
21 Councilor Harrington noted an email received earlier in the day from Interim Chief Duke states:
22 "After reviewing the streets adjacent to Wildcat Falls parking area, I recommend allowing parking on
23 one side only on all of the streets in the neighborhood. I also recommend that parking be prohibited on
24 both sides of the street on the sharp curbs on Hemlock Dr. and Currier Rd. as well as at all of the
25 intersections. This should enable fire apparatus to safely pass through those streets." Addressing the
26 areas cited in the email would address the "emergency" situation. She stated her understanding the
27 only way the Council can take this action at this time is if there is an emergency status. Not being able
28 to get a fire engine down the street she would consider emergency status.

29
30 Chairman Koenig commented that is a valid statement on almost every neighborhood street in
31 Merrimack that has parking on both sides of the street inside of the curbs. Councilor Harrington
32 responded there aren't many streets where people park on both sides.

33 Chief Roy stated that situation has not happened yet. We have not had a situation where we have not
34 been able to get a fire truck down that road. She is not saying it has not happened in the past that two
35 cars parked side by side, but that type of emergency has not happened. We have not been to that area
36 and seen that situation.

37
38 Interim Chief Duke stated the Police Chief's point is very valid. There is no evidence that he is aware
39 of that there have been cars parked on both sides. The statement he made he stands by. If in fact there
40 are cars parked on both sides of the street it would be very difficult, if not impossible, to get a fire
41 apparatus down there. Whether that actually happens or not he does not know.

42
43 Councilor Harrington spoke of unintended consequences commenting if this were to go through one
44 could expect there would be residents seeking restricting parking at other entrances, e.g., Beebe Lane,
45 Lawrence Road.

46
47 Councilor Woods commented he has not yet heard from the Police Chief or Interim Fire Chief that an
48 emergency situation exists.

49

1 Councilor Albert spoke of having visited the area on a Saturday afternoon and witnessed a mess. From
2 his vantagepoint he does not believe there would have been the ability for a fire engine to be able to
3 turn at Currier and Hemlock. Not believing there to be the support needed for passage, he did not
4 intend to move forward with a motion. He did request assurances from the police and fire chiefs that
5 the amount of patrols and visibility in the area increase looking for these type of issues whether it be
6 speeding vehicles or vehicles blocking the roadway. He would like to see the fire department drive
7 through the area over the weekend during the coming weeks to ensure there isn't an issue traversing
8 the area.

9
10 Councilor Rothhaus remarked he does not discount the concerns brought forward, and he would like
11 the police department to check on that regularly as he believes the Highway Safety Committee should
12 be looking at this. The type of issues seen could be reported to that committee, which could then
13 provide any recommendation deemed necessary to the Council.

14
15 Chairman Koenig stated agreement with that approach. He traveled the area prior to the meeting and
16 noted 6-7 cars parked on Hemlock on the side closest to Wildcat Falls, and the parking lot was full. He
17 understands there are issues there. He did not see the neighborhood filled with cars, but this was not a
18 day you would expect that. He understands the problem, but believes if to move forward with this and
19 make any resolution enforceable, there is the need to go through the ordinance process. There is the
20 need to decide if parking should be restricted to one side of the street, which is a solution he does not
21 believe all parties would be pleased with.

22
23 Councilor Harrington suggested, if over the weekend it is seen that parking is occurring on both sides
24 of the street prohibiting a fire engine from traveling around a corner, that would likely constitute an
25 emergency for that area justifying no parking around the corner area.

26
27 Councilor Albert spoke of language that would read: "to authorize the Police Chief to issue temporary
28 parking bans under existing special or extraordinary circumstances or during special events. It shall be
29 a violation of these regulations to stop or park a motor vehicle in a manner that is contrary to the
30 official posted signs indicating temporary parking ban is in effect."

31 Asked, Assistant Town Manager/Finance Director Micali stated that would be new language; however,
32 noted an ordinance relative to special events that was put in place when the outlet mall was
33 constructed. Police Chief Roy stated that to be the case; however, that ordinance is only for special
34 events, which is defined in ordinance as a pre-planned event.

35
36 Assistant Town Manager/Finance Director Micali stated, the ordinance process would have to be
37 undertaken to introduce new language as suggested by Councilor Albert.

38
39 Vice Chairman Boyd stated his hope the Highway Safety Committee would look at Wildcat Falls,
40 Grater Woods and the Horse Hill Nature Preserve to determine whether there is the need to put
41 something in place relative to parking.

42
43 Councilor Albert agreed with the remarks made. He spoke of being the Council Liaison to the
44 Conservation Commission and of a discussion taking place at that level on possible alternatives.
45 Discussion around the access at O'Gara Drive will have to include the School District as well. There
46 is the need for the Town Council, Highway Safety Committee, School District, and the Conservation
47 Commission to all work on this issue together. Chairman Koenig stated agreement specifically noting
48 the need for the Conservation Commission to be involved to understand the issues that Amy Simoneau
49 brought up in the Petition relative to the overall condition at Wildcat Falls.

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Chief Roy stated patrols have been increased in the area. This weekend an officer will be put on a bike to spend some time in the area and monitor the parking. Councilor Healey stated her understanding parking has been an issue in the area for years and is not a situation that has been brought on by the pandemic. If we have the ability, we should charge the committee with reviewing the situation and making a decision for the long term. If there is seen a need to restrict parking to one side of the street then it should be a restriction for everyone whether you live there or not. She requested the charge be made. Councilor Harrington stated that to be part of why the parking lot was enlarged, which was not received well either.

MOTION made by Councilor Healey and seconded by Vice Chairman Boyd to make the request of the Highway Safety Committee and Conservation Commission to review the situation with traffic and parking overflow in the neighborhoods surrounding the entrances to Wildcat Falls, Grater Woods, and the Horse Hill Nature Preserve and report back to the Town Council

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd
7
Nay: 0

MOTION CARRIED

Minutes

March 11, 2020

MOTION made by Councilor Rothhaus and seconded by Vice Chairman Boyd to approve the meeting minutes of the Town Council meeting of March 11, 2020, as presented

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd
7
Nay: 0

MOTION CARRIED

March 12, 2020

The following amendments were offered:

Page 9, Line 7; replace “its” with “our”

MOTION made by Councilor Woods and seconded by Vice Chairman Boyd to approve the meeting minutes of the Town Council meeting of March 12, 2020, as amended

1 *A Roll Call vote was taken, which resulted as follows:*

2
3 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
4 Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd

5 7

6 Nay: 0

7 **MOTION CARRIED**

8
9 March 18, 2020

10
11 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to approve the**
12 **meeting minutes of the Special Town Council meeting of March 18, 2020, as presented**

13
14 *A Roll Call vote was taken, which resulted as follows:*

15
16 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
17 Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd

18 7

19 Nay: 0

20 **MOTION CARRIED**

21
22 **Comments from the Press** – None

23
24 **Comments from the Public**

25
26 Tim Tenhave, 5 Windy Hollow Circle

27
28 Is a member of the Conservation Commission. Stated the need for the Council to allow the
29 Conservation Commission to meet in order to work on the parking lot issue. He requested the
30 assistance of staff in facilitating a meeting of the Commission. Assistant Town Manager/Finance
31 Director Micali stated he would request Tim Thompson, Director, Community Development
32 Department, arrange for a virtual meeting of the Commission.

33
34 **Comments from the Council**

35
36 Vice Chairman Boyd thanked the community for all of the ways in which individuals have supported
37 each other during this time, and expressed wishes for community members to remain safe.

38
39 Councilor Woods echoed the remarks. He commented on having noticed residents following the
40 guidelines around social distancing and wearing of masks. He expressed gratitude for those on the
41 front lines, and wished all well.

42
43 Chairman Koenig expressed his gratitude to everyone for the patience shown during this difficult time,
44 and specifically thanked the staff that has kept Merrimack running very well over the past several
45 weeks and will continue to do so. He pleaded with everyone to continue to be diligent, for as long as
46 this situation continues, with all of the practices that have been put in place.

1 **Adjourn**

2
3 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to adjourn the**
4 **meeting**

5
6 *A Roll Call vote was taken, which resulted as follows:*

7
8 Yea: Councilor Woods, Chairman Koenig, Councilor Albert, Councilor Harrington,
9 Councilor Healey, Councilor Rothhaus, Vice Chairman Boyd

10 7
11 Nay: 0

12 **MOTION CARRIED**

13
14 *The April 23, 2020 meeting of the Town Council was adjourned at 10:23 p.m.*

15
16
17
18 Submitted by Dawn MacMillan

DRAFT