



Town Council Meeting Minutes

Thursday, September 10, 2020 at 7:00 PM, in the Matthew Thornton Room

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Call to Order

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

Present at the meeting were Vice Chairman Bill Boyd, Councilor Nancy Harrington, Councilor Barbara Healey, Councilor Finlay Rothhaus, Councilor Lon Woods, Councilor Peter Albert, Assistant Town Manager/Finance Director Paul Micali (appeared by phone) and Town Manager Eileen Cabanel.

Pledge of Allegiance

Boy Scout Daniel Bartus led in the Pledge of Allegiance.

Announcements

- The Transfer Station Thursday late summer hours ended today, September 10th. The regular hours for the Transfer Station are Tuesday to Saturday, 8:00 AM to 4:00 PM.
- **November elections:**
Absentee ballots: The Town Clerk’s office strongly encourages persons wishing to vote by absentee ballot in November to submit their request for an absentee ballot as soon as possible. An absentee ballot request form can be found on the Town’s website. Ballots are expected to be available around October 1st and will be issued as soon as received from the NH Secretary of State’s office. Due to the number of inquiries being received, we wish to inform voters that the General Election is the same as the Presidential Election. There will be only one ballot in November with all Republican and Democratic candidates. Party affiliation is not a factor in this election.
- Persons who are not registered to vote and wish to register and vote absentee should complete the absentee ballot request form. It serves as both a request for a ballot and voter registration.
- Voter registration: The Town Clerk’s office is open and is accepting voter registration applications in person during our normal hours for those who wish to do so in person. Please monitor the Town website for upcoming evening and weekend registration sessions that will be held by the Supervisors of the Checklist.
- Retirement: The Chief of Police Denise Roy will be retiring on October 15, 2020.

Comments from the Press and Public

Recognitions, Resignations and Retirements

- The Village Eatery Appreciation Plaque Presentation**
Submitted by Town Council Chairman Tom Koenig and Vice Chair Bill Boyd
The Town Council to present a plaque to Vickie Lee, owner of The Village Eatery, for their support of the Merrimack Fire and Police Departments in providing approximately 1,700 lunches and about 600 desserts over a 10-week period of time to the first responders.

1
2 **2. Recognition of Resignation of Employee**

3 *Submitted by Human Resources Coordinator Sharon Marunicz*

4 The Town Council will present a plaque to Ken Conaty in recognition of his service after
5 almost 11 years of full-time service with the Town of Merrimack Public Works Department.
6 Ken resigned effective on March 27, 2020.

7
8 Kyle Fox thanks Ken Conaty for his service to the town of Merrimack and briefly reviews his
9 career.

10
11 Councilor Rothhaus thanks Ken Conaty for his service to the town and also thanks Vickie Lee
12 for her generosity to the first responders.

13
14 Vice Chair Boyd thanks Ken Conaty and wishes him well in his new role with the Town of
15 Hooksett.

16 **Appointments**

17 **1. Annual Review with the Technology Committee**

18 *Submitted by Technology Committee Member John Sauter*

19 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual
20 review with the Technology Committee. This agenda item is to highlight the committee's
21 significant actions, current projects, anticipated actions, and to raise any concerns the Council
22 should know or could act on.

23 John Sauter makes mention that they have been unable to meet as a committee since the death
24 of their chairman due to only having 2 sets out of 5 filled. He would like to try to reinvigorate
25 the committee and is looking for help from the Town Council to accomplish this. He asks any
26 interested town residents to visit the town website for more information.

27 Councilor Healey asks what the future of the committee is and what the purpose of it going
28 forward would be. She goes on to mention that the committee has not met in almost 2 years and
29 inquires if there is still a need for it?

30 Councilor Albert mentions that he liked having another view in addition to our technology
31 department. He feels that the Town Council should help reinvigorate the committee.

32 Town Manager Cabanel feels that they are a useful committee and mentions that the technology
33 coordinator will be retiring soon and the committee could be helpful in finding a replacement.

34
35 Councilor Rothhaus asks what happens if they have trouble filling the 5 positions? Could they
36 drop it down to a minimum of 3?

37 **2. Annual Review with the Highway Safety Committee**

38 *Submitted by Highway Safety Committee Chair/Police Chief Denise Roy*

39 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual
40 review with the Highway Safety Committee. This agenda item is to highlight the committee's
41 significant actions, current projects, anticipated actions, and to raise any concerns the Council
42 should know or could act on.

1 Police Chief Denise Roy briefly explains the duties of the Highway Safety Committee. The
2 committee has done many meeting via zoom due to Covid-19. She mentions that they have
3 been working on the issues with the Currier Rd neighborhood as well as Hadley Rd. They are
4 also working on Church St and a possible closure of it. The committee is made up of various
5 members of the community.

6 Councilor Rothhaus mentions that the Highway Safety Committee is a wonderful committee.
7 They meet sporadically throughout the year based on need and are a great group of people.
8 Thanks Chief Roy for her leadership.

9 **Public Hearing**

10 **1. Public Hearing – Acceptance of Funds through Coronavirus Aid, Relief and Economic** 11 **Security Act & the Election Assistance Commission for Elections**

12 *Submitted by Finance Director Paul T. Micali*

13 The Town Council will hold a public hearing to consider the acceptance and expenditure of a
14 portion of funds in the amount of \$72,851.97 received through the Coronavirus Aid, Relief and
15 Economic Security (CARES) Act and Election Assistance Commission (EAC) made available
16 through the State of New Hampshire Secretary of State, “to improve the administration of
17 federal elections” and to address issues arising from the pandemic, mainly the significant
18 increase in absentee ballots, during the primary election in September 2020 and the general
19 election in November 2020, pursuant to RSA 31:95-b and Charter Article 8-15.

20
21 Assistant Town Manager Micali says this was a fast moving grant. There is a formula that will
22 be used based on how many absentee ballots were requested. We received funding for the two
23 federal elections, the state of NH will cover 80% using Federal money and the Town of
24 Merrimack will cover the rest.

25
26 Town Manager Cabanel asks about different pots of money due to Covid-19 and how much
27 money we have charged against them. Assistant Town Manager Micali did not have all the
28 numbers in front of him at the time. He mentions that they are still applying for some of the
29 funds.

30
31 Vice Chair Boyd asks Assistant Town Manager Micali about the voting data being used? It is
32 explained that the numbers are based on absentee ballots from October/November and
33 referenced attachment C. We have a max of \$72,851 that can be awarded to the town.

34
35 Chairman Koenig asks if the stipulations of the grant are standard. He also asks what the
36 financial cost of applying for the grant would be.

37
38 **Chairman Koenig opens the public hearing at 7:48 pm.**

39 **Chairman Koenig closes the public hearing at 7:49 pm.**

40 **Motion made by Vice Chair Boyd and seconded by Councilor Healey to accept the funds through**
41 **Coronavirus Aid, Relief and Economic Security Act & the Election Assistance Commission for**
42 **Elections. Motion Carried 7-0-0**

1 **Legislative Updates from State Representatives**

2 **Town Manager’s Report**

- 3 • The process for the 2021-2022 Capital Improvements Plan has begun. Memos were sent to
4 departments, the School District, library and MVD to begin the annual process of planning for
5 the next 6 years of capital projects. CIPs will be processed through the Town Council and
6 School Board before review by the Planning Board in either December or January.
7
- 8 • The NHDES will issue a decision regarding Saint Gobain’s variance request today and it will
9 be posted on the NHDES’s OneStop database, which is comprised of environmental
10 information and data comprised by NHDES programs. Please note, that during the public
11 hearing the Air Resources Director extended the public comment period.
- 12 • Old Blood Road reconstruction update – The project is progressing nicely and is expected to be
13 completed by the end of September. The base course of pavement has been placed and the
14 contractor is currently building the new side slopes and installing loam. Final work to be
15 completed includes constructing driveway aprons, relocating a fence, seeding and fertilizing the
16 loamed areas, installing bituminous curbing, paving the top course of pavement and final
17 project cleanup. The waterline under the road has been installed and accepted by the
18 Merrimack Village District.
19
- 20 • Baboosic Lake Road Sewer Update – The new sewer line installation is complete and awaiting
21 final testing which will occur in three weeks. Drainage work will be completed tomorrow and
22 reconstruction of the road base will conclude next week. We expect the base pavement to be
23 placed by Friday, September 18. Remaining work for the coming weeks includes constructing
24 driveway aprons, cleaning up the slopes of the project, loaming, fertilizing and seeding the
25 slope areas, installing the traffic sensor loops near the signalized intersection, and final project
26 cleanup. The dewatering system has been decommissioned and removed from the site. The
27 work on Madeline Bennett Land has been completed and approved by Public Works. We
28 expect the project to be completed by the end of September.
29 Kyle Fox spoke briefly about the project and some of the challenges that they faced during it.
30 He went on to mention that even with the unexpected challenges he believes the project will
31 still come in under budget.

32 **Consent Agenda**

- 33 **1. Consideration of Changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town**
34 **Code [Final Reading]**
35 *Submitted by the Merrimack Town Council*
36 The Town Council to consider the recommended changes to Chapter 183, Vehicles and Traffic,
37 to revise the wording on Hadley Road to prohibit vehicles from parking on Hadley Road during
38 school hours (7:00 AM to 3:00 PM) on school days, pursuant to Charter Article V.
39
40 **Motion made by Vice Chair Boyd and seconded by Councilor Harrington to move the**
41 **Consent Agenda. Motion carried 7-0-0.**

42

1 **Old Business**

2 **1. Consideration of Changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town**
3 **Code [Final Reading] – Tabled at the August 27, 2020 Town Council meeting**

4 *Submitted by the Merrimack Town Council*

5 The Town Council to consider the acceptance of recommended changes to Chapter 183,
6 Vehicles and Traffic, of the Merrimack Town Code, to amend 183-36, Schedule IX: Parking
7 Prohibited at All Times, pursuant to Charter Article V.

8
9 **Motion made by Councilor Healey and seconded by Vice Chair Boyd to remove this items**
10 **from the table. Motion carried 7-0-0.**

11
12 Chairman Koenig recaps the previous conversations. The Town Legal Counsel informed them
13 that it is already illegal to park on both sides of the street making it difficult for emergency
14 vehicles to pass through.

15
16 Councilor Harrington disagrees with Chairman Koenig. She feels that the acknowledgement of
17 it already being illegal doesn't negate the need for it to be illegal to park on one side only. She
18 says the Legal Counsel goes on to say that the RSA will cover them if they choose to do
19 nothing but is not comfortable telling them not to take action if there is an issue with cars
20 impeding emergency vehicles. She personally feels that because they know these streets are an
21 issue as proven by video that they need to act on it.

22
23 Councilor Rothhaus agrees with Chairman Koenig. He feels it is efficient to follow the law that
24 is already in place rather than creating multiple layers of the law. He feels the resident only
25 parking helps alleviate the problem.

26
27 Councilor Peter Albert agrees that a parking problem was identified. He is not necessarily
28 against parking signs in the Hemlock Area loop.

29
30 Councilor Healey mentions that this was originally brought up by the residents of the area and
31 that if people already knew about the RSA then they wouldn't be sitting there discussing it. She
32 feels that they need the signs specifically for the education of out of state visitors.

33
34 Town Manager Cabanel mentions that the residents were looking for her to declare an
35 emergency because of the parking issues due to Wild Cat Falls Conservation Area. The only
36 thing she could think of to use for a reason was emergency vehicles being impeded. She agrees
37 that when you know of a problem you should acknowledge it but to the best of her knowledge
38 parking on both sides of the road was not part of the original complaint. She thinks that it is
39 over kill and that they should try the resident only parking first and what happens when Covid-
40 19 is over.

41
42 Chairman Koenig mentions that many residents in the area are not in favor of this parking ban.

43
44 Vice Chair Boyd explains that he is voting against this because he feels we only need it south
45 of Souhegan Drive and can't amend it to say that.

46
47
48

1 Councilor Albert asks if it is acceptable to make an amendment to it now.

2
3 Councilor Rothhaus feels that they could amend it tonight.

4
5 Chairman Koenig says it can be done tonight but doesn't think it should be.

6
7 **Motion made by Councilor Harrington and seconded by Vice Chair Boyd to implement**
8 **183-36 as presented. Motion failed 2-5-0. Councilors Healey and Harrington in favor.**

9
10 **Motion made by Vice Chair Boyd and seconded by Councilor Albert to amend the motion**
11 **to 183-36 to redact Birch, Pine haven, Souhegan Dr and Tiffany, with Currier Rd being**
12 **amended to south of Souhegan Dr. Motion failed 2-5-0. Councilors Albert and Boyd in**
13 **favor.**

14
15 Councilor Woods states that he has no idea what he is voting on. He is totally against what they
16 are trying to do tonight.

17
18 Chairman Koenig states that he thinks if the width of streets in town is an issue then they need
19 to address all the streets with the issue and not just these streets.

20
21 Councilor Albert refers back to what he witnessed with traffic in this neighborhood this
22 spring/summer.

23
24 Vice Chair Boyd thanks everyone for their time and effort on this topic.

25
26 **2. Watson Park Discussion**

27 *Submitted by Town Councilor Nancy Harrington*

28 The Town Council to discuss and consider establishing a fence border at Watson Park.

29
30 Councilor Harrington says there is two parts a fence and reopening. She acknowledges that this
31 is not an easy discussion and that there is no right or wrong. She says the only difference in
32 being for or against the fence is if you feel the circumstances that led up to the need for the
33 fence are temporary or not. She feels these against the fence feel that things will be better next
34 year when Covid-19 is gone. She disagrees as she claims that these issues were starting to
35 happen the year prior with the park being disrespected. She feels the discussion should be about
36 protecting the park. She mentions that the fence will be ugly, it will prohibit swimming and
37 fishing. She feels the same safety issues will be there next year and that the fence will
38 discourage some of the negative behaviors. She wants anyone to be able to use the park without
39 the disrespectful behaviors. She explains that it cannot be made residents only due to the use of
40 Federal Funds.

41
42 Town Manager Cabanel says the most important thing is safety. Mentions that there was
43 significant unlawful behavior going on with hundreds of people down there and the difficulties
44 encountered by the police. Unlawful people were blocking a resident with a child from entering
45 the park. The area is perfect for illicit behaviors and hiding.

46
47 Councilor Rothhaus states that we can't ban people from going there over \$20,000. He is
48 against the fence and feels it should be looked at again in the spring.

49

1 Councilor Albert mentions the lack of visibility down there. He would like to see the brush and
2 trees trimmed down to create visibility. He thinks some of the concrete structures could use to
3 be cleaned up also. Refers to Chief Roy on the matter.
4

5 Police Chief Roy says she is for the fence. She says that even if the brush was cleared and the
6 visibility was better that it would not have mattered. The night that things got really out of hand
7 the police were outnumbered and surrounded. She agrees that the problems began the year prior
8 and feels that the problems are going to continue this coming spring.
9

10 Kyle Fox says that they can make an effort within DES regulations to clear the brush. He refers
11 to a part of the park that already contains a fence and mentions that a fence is able to done.
12 They can't cut trees but they could trim limbs. He mentions that removing undergrowth would
13 create more paths to the water, but a fence would alleviate that problem.
14

15 Councilor Albert mentions that Watson Park looks nothing like the original plan outlined it to
16 be. He makes a point to say that he doesn't like the idea of a fence but when the Chief of Police
17 says it would help he agrees. He sees the potential for a safety issue and possibly even a riot or
18 something to that end.
19

20 Chairman Koenig asks how long trimming the shrubs will last and who will be responsible to
21 maintain it? He doesn't want to rush into things and doesn't think this will be a problem in the
22 spring.
23

24 Councilor Healey reported issues at the park last year and mentions DPW having to haul the
25 picnic tables back up from the river then.
26

27 Town Manager Cabanel mentions that the fence will have a gate.
28

29 **Motion made by Councilor Harrington and seconded by Vice Chair Boyd to erect a 6 foot**
30 **black fence on the banks of Watson Park, Souhegan River and Baboosic Brook with an**
31 **expected cost of \$26,000 to be installed this fall. Motion carried 5-2-0 with Councilor**
32 **Rothhaus and Chairman Koenig in opposition.**
33

34 Councilor Harrington asks if they need to vote on reopening Watson Park. It is determined that
35 Parks & Rec is responsible for that decision.
36

37 Town Manager Cabanel mentions that Parks & Rec has recommended that Watson Park be
38 reopened. She asks the Town Council to endorse her recommendation to open up Watson Park
39 right now but with the waterfront closed now that the weather is cooler.
40

41 **Motion made by Councilor Rothhaus and seconded by Vice Chair Boyd to open Watson**
42 **Park with the river blocked off. Motion failed 3-4-0 with Councilors Boyd, Koenig and**
43 **Rothhaus in favor.**
44

45 Councilor Albert is against reopening right now, would like to give it another 2 weeks.
46

47 Councilor Healey agrees with Councilor Albert and mentions warm weather to be coming in
48 the upcoming week.
49

1 Councilor Rothhaus looks for clarity on who has the authority to open and close Watson Park.
2 He reiterates that he feels it is time to open the park.
3

4 Kyle Fox thanks the Council for indulging him. He said it was him and Matt Casparius that
5 closed the park. They feel it is important to open it back up because of all it has to offer and the
6 original vision for the park. They would like to open immediately without the fencing or with
7 the fencing moved back preventing access to the water. He says they are confident that the park
8 will be manageable at this point.
9

10 Councilor Albert addresses his concern for a riot or something worse. He mentions that a
11 plastic fence is not keeping anyone out of the water on a hot day and would like to wait it out a
12 little longer.
13

14 Town Manager Cabanel says that procedurally DPW and Parks & Rec can close it and can
15 open it back up but that the Town Council has an ordinance that allows them to also open and
16 close the park. She says she spoke with the Police Chief and Deputy Police Chief and that their
17 opinion is to keep the park closed until it gets colder.
18

19 Councilor Harrington asks if they could make a projected reopening date in the future or should
20 they leave it open ended.
21

22 Councilor Albert would like to leave the closure open ended.
23

24 Town Manager Cabanel would like to see the fence go up quickly.
25

26 Vice Chair Boyd asks if parking barriers could be kept in place to close off the parking lot
27 when it is full.
28

29 Police Chief Roy explains that the barriers can be left there but that there would not be
30 personnel down there to move them when the lot was full.
31

32 Town Manager Cabanel explains that this summer was the only time the Watson Park parking
33 lot was an issue. She hopes that keeping the park closed for now would alleviate the need for 4
34 or 5 people to be down there monitoring the area.
35

36 Councilor Harrington says she walked in wanting to reopen Watson Park but is now going to
37 vote to keep it closed. The next meeting she will be back to pushing for it to be opened back up.
38

39 New Business 40

41 **1. Consideration for Eagle Scout Project at Horse Hill Nature Preserve**

42 *Submitted by Life Scout Daniel Bartus*

43 The Town Council to consider Life Scout Daniel Bartus' proposed Eagle Scout Project to
44 rebuild Bog Bridge in Horse Hill Nature Preserve and seek funding.
45

46 Daniel Bartus of Troop 424 discusses his proposed Eagle Scout Project and provides some
47 background on himself. He would like to replace the Bog Bridge in Horse Hill Nature Preserve.
48 He discusses how he plans on going about fundraising and the process of implementing the
49 new bridge. He shares a power point presentation of his plans with the Town Council. His plans

1 would extend the current bridge by 10 feet on both ends making it 85 feet in length. The old
2 bridge materials will be brought to the transfer station. It provides a dry place to walk when the
3 ground beneath becomes soggy.

4
5 Councilor Woods asks about the removal of the old bridge and how the materials will be
6 removed?

7
8 Chairman Koenig asks what a bog bridge is, what it covers and what it accomplishes.

9
10 Councilor Harrington asks if he will be going to the Conservation Committee or if he has
11 already been? She asks if they are helping him with funding.

12
13 Councilor Rothhaus asks if the segments of the bridge are all going to be attached.

14
15 Vice Chair Boyd tells Daniel Bartus he made a great presentation and mentions that it is legacy
16 building. Mentions that the Council always loves when Boy scouts appear before them. He
17 thanks him for his effort and thanks his Eagle Advisor as well.

18
19 Chairman Koenig asks Daniel Bartus what he needs from the Town Council.

20
21 **Motion made by Vice Chair Boyd and seconded by Councilor Healy to accept Daniel**
22 **Bartus’s proposal. Motion carried 7-0-0.**

23
24 **2. POW/MIA Recognition Day Proclamation**

25 *Submitted by Merrimack VFW Post 8641 President Tracy Kelley and Commander Paul F. Roy*
26 *Jr.*

27 The Town Council to consider a request to issue a proclamation designating the Third Friday in
28 the month of September as POW/MIA Recognition Day in the Town of Merrimack, NH.

29
30 Tracey Kelley provides some background on POW/MIA Recognition Day. The VFW will be
31 holding a ceremony at 12 pm on Saturday, September 19, 2020 at the American Legion on
32 Baboosic Lake Rd in observance of POW/MIA Recognition Day.

33
34 **Motion made by Vice Chair Boyd and seconded by Councilor Healey to accept. Motion**
35 **carried 7-0-0.**

36
37 **3. Harold “Max” Quayle Day Proclamation**

38 *Submitted by Merrimack VFW Post 8641 President Tracy Kelley and Commander Paul F. Roy*
39 *Jr.*

40 The Town Council to consider a request to issue a proclamation designating Saturday,
41 September 19, 2020 as Harold “Max” Quayle Day in the Town of Merrimack, NH.

42
43 Tracey Kelley explains that Max Quayle served as post commander for 16 seasons at various
44 times since 1985. He will be awarded the quilt of Valor on this day.

45
46 **Motion made by Vice Chair Boyd and seconded by Councilor Healey. Motion carried 7-0-**
47 **0.**

1 Jason Kelley thanks the Town Council for their support of the Veterans.
2

3 **3. Acceptance of a Donation for Veterans Park Athletic Field**

4 *Submitted by Finance Director Paul T. Micali*

5 The Town Council to consider the acceptance and expenditure of a donation in the amount of
6 \$8,000 from Sweet Ginger Restaurant to be used for the purchase of a scoreboard to be
7 installed in the Veterans Park athletic field, pursuant to RSA 31:95-b and Charter Article 8-15.
8

9 Assistant Town Manager Micali mentions the need for the scoreboard repairs and that the
10 Sweet Ginger logo will be small and is able to be removed if the need be. The cost would be
11 \$8,000 for the sign and possibly \$10,000 if the electricity is included.
12

13 Councilor Albert inquired about the ownership of the sign and upkeep. The Town of
14 Merrimack would own it and be responsible for the upkeep.
15

16 John Collabro just took over as MYA President for a term of 1 year. He explains that the sign
17 has an advertisement slot where the logo can be placed. He also mentions the issues with the
18 current sign and the need for the new one. The new sign would be wireless. He says that the
19 MYA Football program would help pay for the maintenance of the board if the donation is
20 accepted. The company is not looking for a contract or anything in return.
21

22 Chairman Koenig asks how long Sweet Ginger is looking to be on the board and what the life
23 expectancy is of the new board. He expresses concern over the lack of details on the deal.
24

25 **Motion made by Councilor Harrington and seconded by Vice Chair Boyd to accept the**
26 **donation for the sign and have it included in the contract. Motion carried 7-0-0.**
27

28 Vice Chair Boyd asks that the Town Council send a thank you letter to Sweet Ginger.
29

30 Councilor Albert comments that he feels an \$8,000 donation is worthy of a plaque.
31

32 **1. Merrimack Youth Association Agreement**

33 *Submitted by Town Manager Eileen Cabanel*

34 The Town Council to discuss and consider the renewal and approval of a three year contract
35 with the Merrimack Youth Association.
36

37 **Motion made by Chairman Koenig and seconded by Vice Chair Boyd to table this to**
38 **allow further negotiations to be included such as inclusion of non-residents. Motion**
39 **carried 7-0-0.**
40

41 John Collabro mentions that he has a presentation put together but is not ready to present it
42 tonight. Then he goes on to mention the issue that the Football and Cheer programs have with
43 their enrollment numbers. He is asking the Town Council to allow them to start accepting out
44 of town players for football on a trial basis. The MYA would be looking to do this with three
45 sport divisions (football/cheer, wrestling, lacrosse). This would help keep kids within their
46 appropriate age range.
47

48 Town Manager Cabanel doesn't feel that it is the Town Councils' call to determine if outside
49 youth should be allowed to participate in MYA programs. The Council should be looking at the

1 donations being properly used. She says a financial analysis should have been down prior to
2 this proposal.

3
4 Assistant Town Manager Micali asks for a date to re-visit this. They decide on September 24,
5 2020.

6
7 John Collabro feels that the MYA is ready to present the out of town participants and handle
8 contract negotiations at the next meeting. He asks if he is able to put in an official request to be
9 on the agenda for the next meeting in two weeks.

10
11 Town Manager Cabanel offers to help John Collabro put his presentation together in a manner
12 acceptable by the Town Council and requests that the Council send her what they would like to
13 see so that she may do so.

14 15 **5. “Undedication” of Former Jebb Road Right-of-Way**

16 *Submitted by Attorney Patricia Panciocco*

17 The Town Council to review and consider a proposed motion requesting that the Town of
18 Merrimack release former Jebb Road right of way.

19
20 Town Manager Cabanel apologizes for the confusion and requests that our town employee do
21 the presentation in lieu of our attorney being present. She provides maps to the Town Council.

22
23 Dawn Tuomala shows a map to the Town Council. She explains that there is a chunk of Jebb
24 Rd that never got constructed and is considered a paper street. They are recommending
25 discontinuing the use and give up our rights. This would consist of releasing all of our rights
26 and the property would be added to the lots that are there currently held within three trusts.

27
28 Town Manager Cabanel refers the Town Council to the release form where it explains where
29 the property ownership would go.

30
31 Councilor Rothhaus asks if we have any use for this paper road. The answer is no.

32
33 Chairman Koenig inquired about a lawsuit against the Town of Merrimack over this.

34
35 Patricia Panciocco explains that yes there is a lawsuit and refers to the lots and the various
36 problems the owners have run into because of requirements due to the paper road.

37
38 Town Manager Cabanel states that she feels this could have been handled easier by coming to
39 the Town Council rather than serving them with legal papers. She feels that a lot of money was
40 spent for no reason.

41
42 Dawn Tuomala explains that Patricia Panciocco came in and that they spoke briefly. She
43 mentions MS4 and states that this issue is not worth going to court over. She also says that you
44 can't go into depth about this matter during a 2-3 minute conversation.

45
46 Patricia Panciocco agrees that her conversation with Dawn was very brief.

47
48 Chairman Koenig clarifies that the three trusts are looking for the Town Council to undedicated
49 this right of way to give them access to their property.

1
2 Councilor Harrington mentioned that when they first discussed this they had no issue with it
3 but then they heard there was a lawsuit that was based on an assumption. She feels it was a
4 waste of money and a conflict that wasn't necessary.
5

6 **Motion made by Vice Chair Boyd and seconded by Councilor Healey to allow Town**
7 **Manager Cabanel or her proxy to approve the release of the paper street portion and**
8 **undedication of the former Jebb Rd Right-if-Way. Motion carried 6-0-0 as Councilor**
9 **Woods left at 10:05 pm.**

10
11 **Minutes**

12 Approve the minutes from the following Town Council meeting:

13 ♦ August 27, 2020

14 **Motion made by Vice Chair Boyd and seconded by Councilor Healey to accept the Town Council**
15 **Meeting Minutes for August 27, 2020 with the following corrections. Motion carried 6-0-0 with**
16 **Councilor Woods not in attendance.**

17 Page 1, Line 24 make punctuation consistent (entire document).

18 Page 5, Line 40 into 41 doesn't state who was in opposition.

19 Page 6, Michael Drouin not Swisher.

20 Page 6, Lines 8 & 9 need spacing.

21 Page 1, Line 8 add first names.

22 Page 2 doesn't need first names (and throughout remaining pages).

23 Page 4, Line 46 should be Police Chief Roy, Deputy Chief Brian Levesque.

24 Page 5 can say Chief Roy.

25 Page 6, Line 4 needs last names for Ellen and Amy.

26
27 Town Manager Cabanel mentions that someone new is taking the minutes as the former note
28 taker resigned.

29
30 Councilor Albert asks if it is required by law to have the minutes in writing.
31

32 **Comments from the Press**

33 **Comments from the Public**

34 **Comments from the Council**

35 Councilor Healey would like to remind everyone that tomorrow is 9/11 and to please remember
36 the first responders and innocent people that lost their lives 19 years ago.

37 Councilor Harrington mentions that next year is the 20th anniversary and that they should plan
38 something.

39 Vice Chair Boyd thanks Councilors Healey and Harrington for their eloquence regarding 9/11.
40 He then goes on to thank the poll workers for making the day go as smoothly as it did. He
41 publicly thanks Police Chief Roy for her service. He makes note of her being a tremendous role
42 model in her role as the Town's first female Police Chief.

1 Councilor Albert is wondering when the library is going to open back up.

2 Town Manager Cabanel says she will get an update on the library.

3 Councilor Rothhaus mentions the Veterans' Bike Ride that is taking place on Saturday,
4 September 12, 2020.

5 Chairman Koenig mentions that he feels that the election went very smoothly and that most
6 people wore masks. He urges people continue with Covid-19 precautions and reminds residents
7 to file their census forms.

8

9 **Adjourn**

10 **Motion made by Vice Chair Boyd and seconded by Councilor Healey to adjourn. Motion carried**
11 **6-0-0 with Councilor Woods not in attendance.**

12

13 Minutes Submitted Shannon Saari

DRAFT