



# Town Council Meeting Minutes



Thursday, September 24, 2020, at 7:00 PM, in the Matthew Thornton Room

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

## **Pledge of Allegiance**

Chairman Koenig led in the Pledge of Allegiance.

## **Announcements**

The Merrimack Town Council would like to offer our sincere condolences to the family and friends of Jean Weston, who passed away on Tuesday, September 8<sup>th</sup> at the age of 90. Jean worked as a secretary for the Town of Merrimack for many years as well as the Town Treasurer for 26 years.

The Merrimack Town Council would also like to express our deepest sympathies to the family and friends of Nancy Gagnon who passed away on Wednesday, September 9<sup>th</sup> at 78 years old. Nancy served as a President of the Merrimack Women's Republican Club, was a State Representative and was also elected as the first woman to serve on the Merrimack Board of Selectmen, where she held a term as Chairman of the Board. She and her husband, Arthur "Pete" Gagnon, owned and operated Willow Pond Nursery in Merrimack for many years.

Jean and Nancy will be sorely missed.

The Town of Merrimack mourns the loss of Staff Sergeant Ronald J. Ouellette of the U.S. Air Force. Staff Sgt. Ouellette passed away at the age of 23 in a non-combat related incident while deployed overseas in Kuwait. He was a resident of Merrimack for several years and was raised in Londonderry, NH, where he graduated from Londonderry High School in 2015. He was assigned to the 42<sup>nd</sup> Aerial Port Squadron at Westover Air Reserve Base in western Massachusetts where he received numerous military awards and decorations as an Air Transportation Specialist.

The Town Council observed a moment of silence.

Upcoming Town Council meeting schedule: Thursday, October 8, 2020, 7:00 PM Regular meeting and Thursday, October 22, 2020, 7:00 PM regular meeting

Assistant Town Manager Paul Micali made the following announcements:

**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 will be available beginning September 25<sup>th</sup>.

The Town Clerk's office is currently in the process of issuing ballots to those voters who already have a request on file. Due to the large volume of requests received to date (over 3100), it is estimated that it will take approximately a week to fulfill all the requests.

1 Due to the number of inquiries being received, we wish to inform voters that the General Election is  
2 the same as the Presidential Election. There will be only one ballot in November with all Republican  
3 and Democratic candidates. Party affiliation is not a factor in this election.

4  
5 Persons who are not registered to vote and wish to register and vote absentee should complete the  
6 absentee ballot request form. It serves as both a request for a ballot and voter registration.

7  
8 Voter registration: The Town Clerk's office is open and is accepting voter registration applications in  
9 person during our normal hours for those who wish to do so in person. In addition, the Supervisors of  
10 the Checklist will hold voter registration hours at the Town Hall on the following dates/time:

- 11 • Thursday, October 1, 6:30 to 7:30 PM
- 12 • Thursday, October 8, 6:30 to 7:30 PM
- 13 • Tuesday, October 20, 6:30 to 7:30 PM
- 14 • Tuesday, October 27, 7:00 to 8:00 PM

15  
16 The Parks and Recreation Department has once again teamed up with the American Red Cross to host  
17 a community blood drive at Wasserman Park on Saturday October 10<sup>th</sup> from 9:00 a.m. To 2:00 p.m.  
18 Participants must register with the Parks and Recreation Department prior to the Blood Drive. Contact  
19 the Parks and Recreation Department at 420-1661 or on their website.

20  
21 Stay home. Stay safe. Watch this Friday's game LIVE on Merrimack TV. The Town of Merrimack's  
22 Media Division is committed to LIVE coverage of this Friday's home opener of the MHS Varsity  
23 Football vs. Bishop Guertin beginning at 6:30PM. There's three different ways to watch live:

24 Merrimack TV: Comcast Channel 21

25 Merrimack TV DOT COM

26 Merrimack TV on Facebook

27  
28 Merrimack TV is seeking additional volunteers for potential future events, most importantly play-by-  
29 play announcers. No experience necessary, knowledge of the game required, and basic information  
30 about the team preferred. Please e-mail: [merrimacktv@merrimacknh.gov](mailto:merrimacktv@merrimacknh.gov)

### 31 32 **Comments from the Press and Public**

33 None

### 34 35 **Recognitions, Resignations and Retirements**

#### 36 37 **1. Recognition of Volunteer Service [Tabled at the July 9, 2020 Town Council meeting]**

38 *Submitted by Town Councilor Barbara Healey*

39 Chairman Koenig presented a certificate of appreciation to the Litter Crew, led by Merrimack  
40 resident Brendan DeKemper that coordinates a group who travels to many different areas of the  
41 State to clean up litter, to include Wasserman Park, Watson Park and Wildcat Falls. Brendan  
42 DeKemper stated that volunteers are welcome.

#### 43 44 **2. Recognition of Town Committee Member**

45 *Submitted by Town Council Chairman Thomas P. Koenig and Vice Chair Bill Boyd*

46 Chairman Koenig presented a certificate appreciation to Matthew Caron Chairman of the  
47 Conservation Commission. Councilor Albert and Vice Chairman Boyd spoke of Mr. Caron's  
48 dedication and tremendous dedication.

## Appointments

### **1. Annual Review with the Parks and Recreation Committee**

*Submitted by Parks and Recreation Committee Chair Laura Jaynes*

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

Parks and Recreation Committee Chair Laura Jaynes called into the meeting and provide the Town Council with an update. She advised the Council that the committee is strong with only two members at large seats open. Chair Jaynes spoke about the challenges the committee has faced since the pandemic such the cancellation of Naticook Day Camp, the regulating and closures of parks and the issues at Watson Park. She praised the Parks and Recreation Department for working so hard to provide 27 summer programs despite the current challenges.

Chair Jaynes spoke about committee's future plans such the Wasserman Park 5K obstacle course, a Red Cross Blood drive and an outdoor Halloween event October 24<sup>th</sup> 10:00 a.m.to 3:00 p.m. The Halloween event would be for Merrimack residents only and attendance would be limited to 300 people. She advised the Town Council that a committee has been formed to begin planning for Merrimack's 275<sup>th</sup> anniversary in April 2021.

Chair Jaynes spoke about the improvements made to the function hall and numerous inquiries to rent the function hall. She thanked the Rotary Club for paining the function hall. The Wasserman park beach front improvements should be starting soon to include dredging the waterfront / beach area. The tennis court improvements will be done in the spring. She spoke about the dog park and they are planning a cleanup day. She advised the Town Council that the Boy Scouts will be installing a kiosk at the park.

Chair Jaynes spoke about capital improvement plans for 2021-2022 is to replace the old dock, upgrades to the Parks and Recreation office making it ADA compliant and a roof replacement. There were no new developments regarding the skateboard park. The Merrimack senior citizen club is still closed, and it is uncertain when it will reopen. Chair Jaynes advised the Town Council that MYA is undergoing changes on the MYA Board of Directors. There is one seat open on the MYA Board. Chair Jaynes stated that the Parks and Recreation Committee is very active and involved in the community. She thanked the Town Council for all their support.

Vice Chairman Boyd asked if there are any members of the senior citizen club looking for activities. Laura Jaynes believes that safety concerns relating to age are a factor and people are staying home to be safe. Vice Chairman Boyd asked if a presentation would be to the Council regarding the capital improvement plans. Assistant Town Manager/Finance Director Paul Micali advised the Council that the CIP would be before the Town Council in November. Councilor Harrington spoke about similar concerns that the Senior Center is facing as the senior citizen club is finding ways to keep everyone safe.

Councilor Woods commended Chair Jaynes and the entire Parks and Recreation committee and its members for dedication and their efforts. Councilor Albert inquired about the delay relating to the waterline at the dog park. Chair Jaynes assured the Town Council that the waterline is in progress, but they have run into setbacks. Vice Chairman Boyd asked for information on the proposed Halloween event. Chair Jaynes advised the Council that it would be on the next Town Council agenda. Assistant

1 Town Manager/Finance Director Paul Micali advised the Council that the Parks and Recreation will  
2 follow the state guidelines related to trick or treating.  
3

## 4 **2. Annual Review with the Planning Board**

5 *Submitted by Planning Board Chair Robert Best*

6 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual  
7 review with the Planning Board. This agenda item is to highlight the board's significant  
8 actions, current projects, anticipated actions, and to raise any concerns the Council should  
9 know or could act on.  
10

11 Planning Board Chair Robert Best addressed the Town Council. He began by thanking staff who  
12 supports the Planning Board. Planning Board Chairman Best advised the Town Council  
13 that the Planning Board has held ten meetings in 2020 with hopes of holding four to six more meetings  
14 in 2020. He stated that the pandemic caused the Planning Board to suspend meetings from March 3<sup>rd</sup>  
15 through June 16<sup>th</sup>. The Planning Board has held five remote meetings since June 16<sup>th</sup>. Planning Board  
16 Chairman Best believes there will be new ways to conduct business using technology given all that has  
17 been learned trying to deal with the pandemic.  
18

19 Planning Board Chairman Best addressed the issue of the increase in multi-family residences. He  
20 stated that currently there are 1238 housing units in the planning stage of which 1071 are multi-family  
21 housing units. He explained that in New Hampshire it is projected there will be approximately 10,000  
22 too few housing units for what is needed for the economy. He believes that the larger developments  
23 have already gone through the planning phase and he does expect that will continue. He stated that  
24 with that number of housing units being constructed it could result in 200-300 additional students in  
25 town.  
26

27 Planning Board Chairman Best advised the Town Council that the Planning Board is experiencing their  
28 normal volume maybe slightly higher but nothing drastic. He spoke about the Community  
29 Development Department's desire to split the current regulation that pertains to subdivisions and site  
30 plans into two separate regulations. He informed the Town Council that the regulations have been  
31 separated and it will help the applicant understand what is required of them. He stated that site plan  
32 and subdivision regulations are items that the Planning Board can adopt on their own authority.  
33

34 Planning Board Chairman Best advised the Town Council that the Community Development  
35 Department is conducting a comprehensive update of the zoning ordinance. He stated that the Planning  
36 Board does not have the authority to adopt a new zoning ordinance, but they could prepare a draft and  
37 propose it to the Town Council. Planning Board Chairman Best advised the Council that by  
38 accomplishing those two updates accomplishes quite a few items in their 2013 master plan relating to  
39 the redevelopment of the DW Highway corridor.  
40

41 Chair Best explained that the Planning Board is currently not full. The planning board is short one full  
42 time member and two alternate members. He encouraged any citizen of Merrimack with interest in  
43 serving to sign up.  
44

45 Councilor Albert asked Planning Board Chair Best to explain why the Town Council and the Planning  
46 Board cannot stop development. Planning Board Chairman Best explained that State Law lays out the  
47 requirements that every property owner must meet in order develop their private property. He stated  
48 that State Law does not allow towns to ban development and private property rights dictate that people  
49 are able to do what they want with their property.  
50

1 Chairman Koenig commended the planning board for their hard work. He concurred that the Town  
2 Council, the Planning Board and the Zoning Board are unable to stop development if regulations are  
3 being followed.

4  
5 Councilor Healey acknowledged some community concerns relative to the Flatley property. She  
6 encouraged the Planning Board to reach out to Town Manager Eileen Cabanel to discuss the complex  
7 water and soil issues that will arise as the build out goes forward. Planning Board Chairman Best  
8 assured the Town Council that the Planning Board will continue working in the best interest of the  
9 Town. He indicated that on that development he has recused himself.

10  
11 Chairman Koenig asked what the Planning Board needs from the Town Council in addition to updating  
12 the zoning ordinance. Planning Board Chairman Best asked that the Town Council get the word out to  
13 residents regarding the open seats on the Planning Board. Councilor Healey asked if there is training  
14 for people who want to engage but do not have the background experience like an engineer or  
15 contractor. Planning Board Chairman Best outlined the agencies that do offer training. He stated that  
16 working with the Town staff and hands on participation is a valuable training / educational resource.

### 17 18 **3. Polling Location Discussion**

19 *Submitted by Town Moderator Lynn Christensen*

20 The Town Council to formally select the polling location for the upcoming General Election on  
21 Tuesday, November 3, 2020, to move the polling location from the James Mastricola Upper  
22 Elementary School (JMUES) location to the Merrimack High School, in accordance with RSA  
23 658:10 and Charter Article 3-4.

24  
25 Town Moderator Lynn Christensen addressed the Town Council regarding the November 3, 2020  
26 Presidential Election. She advised the Town Council that presidential elections garner much higher  
27 voter turnout than other elections. She stated that absentee ballots will ease some of the pressure, but  
28 she anticipates 70% of voting public to do so in person.

29  
30 Town Moderator Lynn Christensen stated that given the social distancing protocols and the space  
31 restraints at the upper middle school it is her position that the High School is best option for a polling  
32 location. She explained that the cafeteria will be utilized along with the gymnasium. She stated that  
33 the High School gives them the space that will be needed to adhere to the social distancing guidelines.  
34 Town Moderator Lynn Christensen advised the Town Council that the High School is agreeable to this  
35 proposal and that parking would not be an issue. She assured the Town Council that the transition to  
36 the High School would not affect voters. She will have signage up guiding voters to drive up the street  
37 to the high school.

38  
39 Councilor Rothhaus embraces the idea of relocating the polling location to the High School for the  
40 General Election. He asked if there is a need for a change to the traffic pattern. Town Moderator Lynn  
41 Christensen does not foresee a need to change the traffic pattern. Vice Chair Boyd asked about  
42 handicap accessibility at the High School. Town Moderator Lynn Christensen outlined the plan to  
43 address handicap accessibility which is to designate the last parking lot as handicap parking and direct  
44 those individuals to enter the gymnasium through the back door. Chairman Koenig asked if outside  
45 tents will be set up for those individuals who refuse to wear masks. Town Moderator Lynn  
46 Christensen assured the Council that tents will be utilized for that purpose. She advised the Council  
47 that she is considering using a small tray for voters to place their driver's license on to slide it under  
48 the divider to ensure that check in is touchless. She would like two people per table to improve  
49 communication with the voter during check in.

Councilor Albert asked for clarification on the other two polling locations. Town Moderator Lynn Christensen stressed that the middle school and St. John Neumann Church will operate as usual. She advised the Council that there will be lines and people should be aware of that. She stated that the polls will be open from 7:00 a.m. to 7:00 p.m. Town Moderator Lynn Christensen explained that they will be preprocessing absentee ballots ahead of the election. She explained that if an absentee ballot is rejected for lack of signature preprocessing allows staff to contact the voter to remedy the issue. If absentee ballots were processed only at the polls those ballots would be rejected and the vote would not be counted. Town Moderator Lynn Christensen advised the Town Council that Town Clerk Diane Trippett will begin mailing out the 3000 requested absentee ballots.

**MOTION made by Councilor Albert and seconded by Councilor Healey that the Town Council to formally select the polling location for the upcoming General Election on Tuesday, November 3, 2020, to move the polling location from the James Mastricola Upper Elementary School (JMUES) location to the Merrimack High School, in accordance with RSA 658:10 and Charter Article 3-4. MOTION CARRIES 7-0-0**

**Public Hearing**

None

**Legislative Updates from State Representatives**

None

**Town Manager's Report**

Assistant Town Manager/Finance Director Paul Micali made the following announcements

- The Merrimack Town Hall buildings will soon be converted to LED lights. Public Works held the kickoff meeting with the contractor and expects materials to be delivered toward the end of October with installation following shortly thereafter. All interior and exterior lights around the Town Hall campus will be converted to LEDs including the ambulance garage and Abbie Griffin Park. This budgeted project receives a \$19,000 rebate from Eversource and will lower our electric costs for our buildings.
- The Wastewater Treatment Facility is converting to LED lights in the compost building area that will reduce energy costs and improve safety in the area. The project will save more than 42,000 kWh annually and pay for itself in about 15 months. The project cost is \$32,575 with \$24,431 being offset in the form of a rebate to the contractor from Eversource. The net cost for the facility is \$8,144.
- Baboosic Lake Road sewer reconstruction update: The project is nearly complete with minor cleanup of the project and paving of the top course of pavement remaining. The paving is scheduled for Tuesday, September 29th. Three of the four new sections of sewer have passed all testing requirements – the fourth section will have its final testing performed tomorrow. Once approved, Public Works will send out notices to abutters with the requirement to connect to the public sewer system. The drainage work that was required on the project has also been completed. The project will finish under budget!
- Old Blood Road update: Work is nearly complete with final paving expected on Tuesday, September 29th. Utility work remains to be completed by Consolidated Communications so that the existing utility poles can be removed.

- Public Works is completing the required MS4 annual report that is due to EPA on September 28, 2020. The report outlines the Town's accomplishments towards compliance within the past year for the MS4 program. The report will be posted to the stormwater page of the Public Works website after it is submitted to EPA.

## **Consent Agenda**

None

## **Old Business**

### **1. Merrimack Youth Association (MYA) Discussion / Out-of-Town Participation**

*Submitted by MYA President John Calabro*

MYA Discussion regarding the use of out-of-Town participants to help programs thrive.

Chairman Koenig read a statement:

The Town Council does not oversee the MYA. The town's only role in MYA affairs is to ensure that the annual contribution from Merrimack taxpayer dollars is properly accounted for and used to benefit Merrimack participants. This also includes the taxpayer funds used to groom and care for the town owned athletic fields used by MYA. It is the responsibility of the MYA board to determine through various controlling documents, such as any charter establishing the organization, IRS 501C-3 requirements etc. that allowing out of town participants into the program is legal.

John Calabro responded to the Chairman's statement by advising the Town Council that he has been working with Assistant Town Manager/Finance Director Paul Micali and reviewing the MYA's 501C3 and it does not address who participants are. Mr. Calabro utilized a power presentation.

Mr. Calabro stated that the proposal to allow non-residents to participate will benefit Merrimack participants by allowing for more effective team roster makeup and that will enhance the overall experience of the Merrimack participants. He explained that with the dwindling number of participants it causes a safety issue where kids will be playing in the wrong size and strength level. He spoke about the future impacts of a situation like this has on the players. Their training and skills will be affected and that will affect the Middle school and High School teams.

Mr. Calabro reiterated that non-resident players would be allowed to participate in the following MYA programs on an as needed basis for a trial of 1 year in the following programs: Football/Cheer, Lacrosse and Wrestling. He stated that there would be a non-resident fee of \$50 per player in addition to the MYA registration fee. Assistant Town Manager/Finance Director Paul Micali recapped how the non-resident fee was determined.

Mr. Calabro stated that this proposal would be on an as needed basis and only after Merrimack residents were registered. The fee for non-residents would be \$50 per player. The number of non-resident participants would be limited to 1/3 of team roster. Mr. Calabro stated that each sport would benefit from the funds collected by applying the money to enhancements such as fields, irrigation, lights and lower registration fees. Mr. Calabro advised the Council that the football organization needs approximately 18 kids, lacrosse needs 15-20, wrestling 20-25, cheerleading is not looking for any non-residents participants.

Councilor Harrington appreciates that the MYA took the Town Council's concerns into consideration. She appreciates their due diligence. She supports the 1-year trial of the program and she stated that she is comfortable that the Merrimack tax dollars are sufficient and appropriately separated.

Councilor Albert asked if the MYA would let the families know that this was a MYA proposal to enhance the various programs and not a Town Council decision. Mr. Calabro stated the new policy would be added to the MYA website and he would rely on the program directors to inform participant families of the new policy.

Councilor Woods has several concerns about this proposal. He asked if this proposal would necessitate a change to the MYA bylaws. Mr. Calabro stated that the bylaws are completely silent on this level of detail. Councilor Woods question the need for certain programs if Merrimack children are not interested. He expressed his strongest concerns is that Merrimack kids in the future will be chased off the field. Mr. Calabro advised the Council that the football program is the main spear head of this proposal. The football program director is concerned that the program will fold due to lack of participants and the 77 children who are playing will then be deprived or they will have to travel to an out of town program.

Councilor Rothhaus stated that he does not want the 77 children to miss out and he is in support of the one-year contract. He explained that going forward if this continues to grow; he can see the Town pulling the financial support out of it. Councilor Rothhaus is not in favor of doing that now.

Vice Chairman Boyd echoed Councilor Harrington comments. He appreciates the one-year trial program. He will support the program as proposed.

Councilor Koenig asked for clarification from Assistant Town Manager/Finance Director Paul Micali on the breakdown on how the amount of \$50 per player was derived. Assistant Town Manager/Finance Director Paul Micali stated the fee ensures that the funds and the in-kind funds Merrimack is providing are going to Merrimack residents. He stated that it is a net positive meaning there might be a program that loses a little money but over all those 3 programs would generate more money.

## **2. Merrimack Youth Association Agreement [Tabled at the September 10, 2020, Town Council meeting]**

*Submitted by Town Manager Eileen Cabanel*

The Town Council discussed and considered the renewal and approval of a one-year contract with the Merrimack Youth Association.

**MOTION made by Councilor Harrington and seconded by Vice Chair Boyd to renew and approve a one-year contract with the Merrimack Youth Association as presented and authorize the Town Manager or her designee to sign the contract and other necessary documents.**

**MOTION CARRIES 6-1-0 Councilor Woods voted in the negative**

### *Discussion on the motion*

Assistant Town Manager/Finance Director Paul Micali explained that the contract amendments specifically specify the 3 sports programs that would be permitted to accept out of town participants. He explained the contract amendments relating to payment and the receipt of the MYA audit. Assistant Town Manager/Finance Director Paul Micali advised the Town Council that he is recommending moving to annual payments. He stated that yearly payments will protect the town if the MYA receives an adverse audit. He explained to the Town Council that the MYA audit is due by December 31<sup>st</sup>. The amended contract calls for payment on January 1<sup>st</sup> provided the MYA has furnished their audit by December 31<sup>st</sup>. If the audit is delivered after December 31<sup>st</sup> it will result a 10% reduction per month in funding until the audit is received. If no audit is by June 1<sup>st</sup> the MYA forfeits their town funding. Assistant Town Manager/Finance Director Paul Micali further stated that if the MYA's management



1 letter indicates that there are “Material Weaknesses” as they relate to internal controls the MYA will  
2 not receive town funding. Councilor Healey asked for clarification on the payment schedule, should  
3 the audit be delivered on time, but the audit is not satisfactory. Assistant Town Manager/Finance  
4 Director Paul Micali assured the Town Council that the first thing he would do is review the auditor’s  
5 opinion and the management letter. He advised the Town Council that he is comfortable with the  
6 contract as it protects the town. He believes the MYA has an understanding of the Town Council’s  
7 position.  
8

9 Chairman Koenig asked Mr. Calabro if the MYA is comfortable with the changes. Mr. Calabro  
10 informed the Town Council that the MYA is reluctantly willing to agree to the contract. He stated that  
11 he does not necessarily agree with the philosophy behind the terms of the agreement. He discussed the  
12 challenges the MYA faces putting an audit together. Mr. Calabro would like the opportunity to  
13 renegotiate next year for a 3-year contract. Chairman Koenig appreciated Mr. Calabro’s candor.  
14 Assistant Town Manager/Finance Director Paul Micali advised the Town Council that the MYA has a  
15 bookkeeper now. Mr. Calabro stated that the bookkeeper and the auditor from last year have left. He  
16 explained that the football program has gone through a complete overhaul but assured the Town  
17 Council that the MYA will strive to meet the deadlines. Mr. Calabro expressed that he fears the  
18 programs will have to run in the negative for six months or run the risk of running in the negative for  
19 the whole year if the MYA loses the Town’s funding.  
20

21 Chairman Koenig moved to item #4  
22

### 23 **3. Fire Truck Purchase**

24 *Submitted by Finance Director Paul T. Micali and Acting Fire Chief Matt Duke*

25 The Town Council considered the purchase of a new fire truck as discussed during the April  
26 23, 2020, Town Council meeting as well as the potential purchase of an additional truck.  
27 Finance Director Paul T. Micali and Acting Fire Chief Matt Duke utilized a power-point  
28 presentation.  
29

30 Assistant Town Manager/Finance Director Paul Micali explained that since April 23<sup>rd</sup> items have come  
31 to light initiating discussions with the vendor to purchase two pumper trucks. He stated that looking at  
32 the age and condition of the current fleet it warrants a discussion regarding the purchase of an  
33 additional pumper truck. He advised the Town Council of the mechanical issues the current fleet is  
34 experiencing.  
35

36 Assistant Town Manager/Finance Director Paul Micali advised the Town Council that the Town  
37 Manager Eileen Cabanel supports the purchase of two trucks. They have increased the capital reserve  
38 from \$325,000 to \$400,000.  
39

40 Acting Fire Chief Duke explained that the goal is to modernize and standardize the fleet. He explained  
41 that the fleet life cycle needs to be reduced from 20 years to 15 years given the increase in calls for  
42 service each year and complexity of repairing the trucks.  
43

44 Acting Fire Chief Duke stated that a committee was formed to investigate the selection of a vendor.  
45 The committee meet with several vendors and selected Pierce to manufacture the truck. Pierce is a  
46 well-established vendor in the area and is sold through Allegiance Fire & Rescue located in Walpole  
47 Massachusetts approximately 1 hour away which is a significant resource for maintenance. He stated  
48 that Nashua, Salem, Londonderry, Derry and Concord all running Pierce apparatuses. Acting Fire  
49 Chief Duke explained the vehicles will be purchased through H-GAC (Houston-Galveston Area  
50 Council). H-GAC is large buying consortium in Texas serving municipalities for over 40 years. He  
51 advised the Town Council that the bidding process is extremely time consuming and H-GAC solicits

1 and reviews all bids. He outlined some other benefits of H-GAC such as having the lowest base price  
2 and option pricing. He stated that there is consortium savings of 1% off base and option prices.

3  
4 Acting Fire Chief Duke reviewed the costs for two pumper trucks \$1,037,418. He explained that the  
5 extrication tools will be purchased through a local vendor. Assistant Town Manager/Finance Director  
6 Paul Micali advised the Town Council that they are looking into an extended warranty which could  
7 change the price. Acting Fire Chief Duke informed the Town Council that the extended warranty  
8 would be for 5 years 100,000 miles and would bring the cost to \$1,043,672.

9  
10 Acting Fire Chief Duke reviewed the 10 year vehicle replacement schedule:

11 Year 2021: 2 Pumper Trucks	Years 2022-23: Tower Ladder truck
12 Years 2023-24: Forestry Truck & Command Car	Years 2024-25: Engine
13 Years 2025-26: Pickup Truck	Years 2026-27: Command
14 Car	
15 Years 2027-28: Engine	Years 2029-30: Heavy Rescue &
16 Command Car Years 2031-32: Engine	

17  
18 Councilor Albert asked why the 1996 International and the 2005 LaFrance trucks are not being taken  
19 out of service. Acting Fire Chief Duke advised the Town Council that if they did that they would not  
20 be meeting the needs of current operational plan for the department. Councilor Rothhaus expressed  
21 concern for the year 2031-32 replacement of one the two pumpers being discussed now. He stated that  
22 would be shortening the life span by 5 years and that would have a significant impact on capital  
23 reserve. Acting Fire Chief Duke appreciates Councilor Rothhaus' concern and the department shares  
24 his concerns. He stated that in 10 years there could be more flexibility.

25  
26 Assistant Town Manager/Finance Director Paul Micali explained that the Town is able to purchase 2  
27 pumpers trucks by utilizing the funds in the CRF and other department savings. Councilor Albert  
28 stated that he is in support of this purchase because the department needs them and the town continues  
29 to grow. He assured the Merrimack residents that the Town Council does not take lightly spending a  
30 million dollars. Assistant Town Manager/Finance Director Paul Micali stressed that the town has  
31 saved for this purchase and tax bills will not increase because of this purchase.

32  
33 **MOTION made by Councilor Albert and seconded by Councilor Harrington to authorize the**  
34 **expenditure of \$1,043,672 from the Fire Equipment Capital Reserve for the purchase two new**  
35 **fire engines as presented. MOTION CARRIES 7-0-0**

36  
37 *Councilor Woods was excused at 10:16 pm*

#### 38 39 **4. Opening of Town Parks Discussion**

40 *Submitted by Town Councilor Finlay Rothhaus & Town Councilor Barbara Healey*

41 The Town Council considered opening Wildcat Falls Conservation Area and Watson Park.  
42 Councilor Rothhaus stated that he would like to open the parks. He believes the reasons for  
43 concern have passed.

44  
45 **MOTION made by Councilor Healey and seconded by Vice Chair Boyd to reopen Wildcat Falls**  
46 **Conservation Area and Watson Park effective immediately.**

47 **MOTION CARRIES 5-0-1** Councilor Albert abstained  
48  
49  
50  
51

1 *Discussion on the motion*

2  
3 Councilor Albert stated he is in favor of opening Wildcat Falls but given the warm weather forecasted  
4 for the weekend he would like to open Watson Park on October 1<sup>st</sup>. He explained that he is concerned  
5 the warm weather will result in the same issues that occurred over the summer. Assistant Town  
6 Manager/Finance Director Paul Micali suggested opening the Park on Monday and moving a snow  
7 fence to the rivers edge with signage “no trespassing beyond this point”. Councilor Harrington,  
8 Chairman Koenig, Councilor Healey and Vice Chair Boyd all stated they would like the parks open  
9 immediately.

10  
11 **New Business**

12  
13 **1. MS-434 Discussion Submitted by Finance Director Paul T. Micali**

14 The Town Council was presented with the details of the MS-434 (Revised estimate of the  
15 2020-2021 revenues). Assistant Town Manager/Finance Director Paul Micali utilized a power  
16 point presentation. He explained that the MS-434 is a revenue report that is submitted to the  
17 State in order to set Merrimack’s tax rate. It gives the Town Council the opportunity to review  
18 the revenues and make necessary adjustments. Assistant Town Manager/Finance Director Paul  
19 Micali informed the Town Council that the town recently completed its annual audit. He  
20 provided the following review of the 2019-20 Year End Review.  
21

Undesignated fund balance		\$10,135,337
Fund balance increase excess revenue	-226,276	
Fund balance increase due to unexpended appropriations	-391,723	
Use of fund balance	(1,066,588)	(448,589)
Estimated fund balance 6/30/20		\$9,686,748
Use to reduce taxes (2020-21)		(1,550,000)
Projected fund balance Dec 2020		\$8,136,748

22  
23 Assistant Town Manager/Finance Director Paul Micali advised the Town Council that there are major  
24 expenses coming up next year; retirement \$500,000, 4 Fire Fighters \$500,000 and a 53rd week payroll  
25 \$250,000 resulting in \$900,000 to 1.2 Million additional expenditures from this year’s budget.  
26

27 Assistant Town Manager/Finance Director Paul Micali reviewed the 2020-21 Revenue  
28

	Projected 2020-2021	Revenue	
Interest	775,000	450,000	(325,000)
Block Grant	617,053	580,815	(36,238)
Room & Meals	1,530,230	1,308,111	(222,119)
Current Use	75,000	90,000	15,000
Insurance Rebate	7,500	163,883	156,383
Total	3,404,783	2,592,809	(411,974)

29  
30 Assistant Town Manager/Finance Director Paul Micali advised the Town Council that there is good  
31 news. He had estimated property value increase of \$11-12 million, but property values actually

increased by \$90 million. He explained that the \$411,974 loss of revenue is \$.12 increase to the tax rate but the \$90 million increase in property values is a \$.12 decrease to the tax rate; a net zero gain from what he proposed in the budget. The town's portion of the tax rate remains at \$5.06 as proposed. Assistant Town Manager/Finance Director Paul Micali asked if it is still the Town Council's intention to use the \$1,550,000 for tax relief.

Councilor Albert expressed concern about the year the tax relief stops. Assistant Town Manager/Finance Director Paul Micali pointed to the off set of capital projects. He assured the Town Council that this is a responsible way to deal with the undesignated fund balance and provide tax relief. Vice Chair Boyd asked if the Town Council could adjust the \$1,550,000. Assistant Town Manager/Finance Director Paul Micali concurred. Assistant Town Manager/Finance Director Paul Micali asked the Town Council for a consensus regarding the \$1,550,000 to be used for tax relief. There was a consensus from the Town Council that they are planning to use the \$1,550,000 for tax relief with the understanding that they could adjust the amount at a later date.

### **Minutes**

Approve the minutes from the following Town Council meeting: September 10, 2020

### **MOTION made by Vice Chair Boyd and seconded by Councilor Healey to approve the minutes from September 10, 2020 Town Council meeting as amended. MOTION CARRIES 6-0-0**

Vice Chair Boyd made the following amendments

- Page 6 line 11 strike Pine Haven to Pinehaven
- Page 10 line 16 and through out document correct spelling of Calabro
- Page 10 line 48 correct placement of apostrophe from l's to s'
- Page 12 vote on the motion should be 6-0-0 make notation that Councilor Woods left at 10:05 p.m. where appropriate

Chairman Koenig made the following amendment

- Page 12 line 15 strike Councilor Woods was not in attendance

Councilor Healey made the following amendments

- Page 2 line 24 strike sets insert seats
- Page 7 line 11 insert the word "be" to read *to be done*
- Page 9 line 21 correct spelling from Healy to Healey
- Page 9 line 44 strike quilts insert Quilts
- Page 13 line 12 insert time of adjournment 10:42 p.m.

Assistant Town Manager/Finance Director Paul Micali made the following amendment

- Page 3 line 42 insert authorize the Town Manager or her designee to sign

### **Comments from the Press**

None

### **Comments from the Public**

None

### **Comments from the Council**

*Councilor Albert* announced that a long time Merrimack resident and family friend, Beverly Soucy passed away recently. He stated that she was a wonderful person and will be missed a great deal.

*Vice Chair Boyd* stated that he and his family will miss their neighbor and friend Nancy Gagnon who recently passed away. He praised her dedication to the Town and her service should not be forgotten.

1 *Chairman Koenig* encouraged everyone to vote in upcoming General Election November 3<sup>rd</sup>. He  
2 asked everyone to be patient as the staff will be doing their very best to make things run smoothly.  
3 Chairman Koenig encouraged anyone considering voting by absentee ballot to do so sooner rather than  
4 later. He reminded residents that those who normally vote at James Mastricola Upper Elementary  
5 School that they will be voting up the street at the High School.

6  
7 **Adjourn**

8  
9 **MOTION** was made by Vice Chair Boyd and seconded by Councilor Healey to adjourn the  
10 **meeting. MOTION CARRIES 6-0-0**

11  
12 The meeting adjourned at 11:00 p.m.

13  
14  
15  
16 Submitted by Tracy Doherty