



# Town Council Meeting Minutes



Thursday, October 14, 2021, at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting to order at 7:05 pm. Present at the meeting were Chairman Koenig, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Vice Chair Rothhaus was excused.

## Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

## Announcements

### **Upcoming Town Council Meetings:**

- Thursday, October 28, 2021, 7:00 PM Regular meeting

**The Town Council meets on the first and third Thursdays in the months of November & December.**

- Thursday, November 4, 2021, 7:00 PM Regular meeting
- Thursday, November 18, 2021, 7:00 PM Regular meeting

Woodbury Street Sidewalk Project is beginning today, Thursday Oct 14<sup>th</sup>.

- Woodbury Street will be closed from Daniel Webster Highway to McElwain Street from 8:30 AM to 2:00 PM
- One Way traffic from DW Highway to McElwain from 7:00 AM to 8:30 AM
- One Way traffic from McElwain to DW Highway after 2:00 PM
- Please seek alternate route when possible

The last Household Hazardous Waste Collection for the year will be on Saturday, November 6<sup>th</sup> from 8:00 AM to 12:00 PM in Nashua at 25 Crown Street. (The old Park & Ride). They will resume again in April of 2022.

## Comments from the Press and Public

None.

## Recognitions, Resignations and Retirements

### **1. Recognition of Full-Time Years of Service of Town Employees**

*Submitted by Human Resources Director Sharon Marunicz*

The Town Council will present recognition awards to the following Town Employees:

Fire & Rescue Department: Asst. Chief Shawn Brechtel – 20-year plaque (DOH: 10/29/2001); Fire Lieutenant Scott Bannister – 20-year plaque (DOH: 3/19/2001); Master Firefighter Shawn Kimball – 20-year plaque (DOH: 3/19/2001); Fire Captain Jason Marsella – 25-year smart watch (DOH: 8/11/1996);

Public Works Department: Highway Division: Dean Stearns, Equipment Operator I – 20-year plaque (DOH: 4/30/2001); Robert Burley, Equipment Operator I – 35-year lamp (DOH: 9/2/1986); Jeffrey Strong, Construction & Highway Foreman – 35-year lamp (DOH: 4/14/1986);

Police Department: Sergeant Dennis Foley – 35-year lamp (DOH: 7/6/1986).

1       **2. Recognition of Retirement of Employee**

2       *Submitted by Human Resources Director Sharon Marunicz*

3       The Town Council will present an award to Fire Lieutenant Scott Bannister in recognition of his  
4       retirement after almost 20 years of full-time service with the Town of Merrimack Fire & Rescue  
5       Department. Scott retired on October 2, 2021. He will be awarded with a plaque.

6  
7       **Appointments**

8       **1. Annual Review with the Conservation Commission**

9       *Submitted by Conservation Commission Chair Steve Perkins*

10       Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with  
11       the Conservation Commission. This agenda item is to highlight the commission’s significant actions,  
12       current projects, anticipated actions, and to raise any concerns the Council should know or could act  
13       on.

14       Conservation Commission Chair Steve Perkins was present to share some brief updates on the commission.  
15       He started by stating that there have been some changes to commission members, such as a few members  
16       stepping away and the addition of new members. He then shared some accomplishments of the commission  
17       over the past year, such as trail maintenance, the formation of a seven-member Sklar Waterfront Park  
18       subcommittee, the 21<sup>st</sup> annual Seedling Give-Away, the Grater Woods Stick Bridge replacement project,  
19       creation of the Merrimack Hike Club, and the maintenance and replacement of the wood duck boxes. He  
20       then briefly went over the finances, saying that overall, the commission did not spend a lot of money in the  
21       last year. He then shared some goals for 2022 and future plans for some parcels and conservation properties,  
22       as well as future educational opportunities, plans to reinvigorate the subcommittees, and bettering their  
23       documentation of processes and procedures.

24  
25       Councilor Murphy wanted to commend Mike Drouin on the photos and directions he’s shared for the various  
26       parks, stating that she went to Sklar Park last week because of the photos posted. She wanted to thank Mr.  
27       Perkins and the volunteers for the work the commission does for the parks.

28  
29       Town Manager Paul Micali wanted to ask Mr. Perkins about the beavers, stating that there have been issues  
30       with beavers in the past and there was a beaver management plan created to counteract the issues the beavers  
31       cause. Conservation Commission Vice Chair Michael Boisvert shared that they recently renewed their  
32       contract with the Beaver Deceivers but the commission does not have any particular updates regarding the  
33       status of beavers this season. Mr. Micali then stated that he recently went to Sklar Park and noticed that there  
34       were orange flags along the trail. He is curious if the commission put those out and why they are there. Mr.  
35       Drouin shared that the commission did put the flags out, stating that the subcommittee is working on the fall  
36       plan for Sklar Park and the flags mark dead and dangerous trees that they are looking at getting removed for  
37       safety.

38       Councilor Harrington asked how the issue with ATVs at Sklar Park is going, in which Mr. Boisvert shared  
39       that it’s getting much better, with the area much quieter than it used to be.

40  
41       **Public Hearing**

42       None.

43  
44       **Legislative Updates from State Representatives**

45       None.

46  
47       **Town Manager’s Report**

- 48       • The Merrimack Police Department is participating in Beards for Bucks which is a fundraiser during  
49       the month of October for the Child Advocacy Center who assists child victims of physical and sexual

1 abuse and their families. We rely on the center for their high-quality and specialized services for  
2 abused children. Please check out our Facebook page if you would like to learn more.

- 3 • Roundabout last stages of construction:
  - 4 ○ NEW TRAFFIC PATTERN BEGINNING Thursday October 14<sup>th</sup>, will begin driving in the
  - 5 appropriate lanes through the roundabout (not all the way around)
  - 6 ○ \*\*\* DETOUR \*\*\* on Baboosic Lake Road – All Traffic traveling easterly (towards the High
  - 7 School) will be detoured right onto Joppa and then left onto Turkey Hill Road
  - 8 ○ Expect DETOUR from 8:30 to 2:00 PM on Thursday October 14<sup>th</sup>, Friday October 15<sup>th</sup> and
  - 9 two days next week.
- 10
- 11 • The Public Works Department would like to thank the following groups for volunteering their time to
- 12 “Adopt a Road” and help keep Merrimack clean. Recently, Merrimack Friends & Families picked
- 13 Lawrence Road, Rotary Club of Merrimack picked stretch of Baboosic Lake Road, American Legion
- 14 Auxiliary Unit picked 98 Church Street, Hillside Terrace, and McGaw Bridge Road, and the
- 15 Merrimack Lioness Club picked a stretch of McQuestion Road. Together, these groups collected 37
- 16 bags worth of trash from Merrimack’s roadways. Thank you for your service to the Town!
- 17
- 18 • The Wastewater Division of Public Works had the wrong kind of excitement last week – a
- 19 contractor’s dump truck took out the power lines to the facility, causing the facility generators to turn
- 20 on. The 51 year old generators started but the transfer switch gear did not work so the facility was
- 21 without power for a couple of hours. Kudos to our staff that notified industrial customers and worked
- 22 to divert flows until power was restored resulting in no untreated flow to the Merrimack River.
- 23 Thank you to Anheuser Bush for diverting their flows during the incident to save our storage for
- 24 domestic flows and thank you to Custom Electric for working quickly to get the switch gear working
- 25 to allow the generator to power the facility. The generators will be replaced as part of the Phase III
- 26 upgrade – sometime next year.
- 27

## 28 Consent Agenda

### 29 **1. Chapter 193, Updated Welfare Guidelines [Final Reading]**

30 *Submitted by Welfare Administrator Patricia Murphy*

31 The Town Council to consider the recommended proposed amendments to Chapter 193, Welfare  
32 Guidelines, of the Merrimack Town Code, pursuant to Charter Article V.

33

34 **MOTION made by Councilor Woods and seconded by Councilor Harrington to move the proposed**  
35 **amendments to Chapter 193, Welfare Guidelines, of the Merrimack Town Code, pursuant to Charter**  
36 **Article V, to a final reading.**

37 **MOTION CARRIES 6-0-0**

## 38 Old Business

39 None.

## 40 New Business

### 41 **1. Committee Appointments**

42 *Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus*

43 The Town Council to consider appointing the following individuals to Town committees, pursuant to  
44 Charter Article 4-8:

- 45 ➤ **John Frechette** – Heritage Commission (*Full member*)
- 46 ➤ **Karen Contos** – Town Center Committee (*Full member*)
- 47
- 48
- 49
- 50

1 **MOTION made by Councilor Harrington and seconded by Councilor Healey to appoint John**  
2 **Frechette as a full member of the Heritage Commission and Karen Contos as a full member of the**  
3 **Town Center Committee.**

4 **MOTION CARRIES 6-0-0**

5  
6 After voting, Mr. Frechette and Ms. Contos were sworn into their respective positions.

7  
8 **2. Acceptance of Donation for the Merrimack Police Department**

9 *Submitted by Deputy Chief Matthew Tarleton*

10 The Town Council to consider the acceptance and expenditure of a donation in the amount of  
11 \$7,273.99 from Merrimack Crimeline to the Merrimack Police Department for the purpose of  
12 purchasing a new drone, pursuant to RSA 31:95-b and Charter Article 8-15.

13  
14 Town Manager Paul Micali wanted to thank Merrimack Crimeline for their continued support of the  
15 Merrimack Police Department and shared that the golf tournament earlier this year was a great success.  
16 Detective Bill Vandersyde wanted to thank the Council and Mr. Micali for allowing them to present tonight.  
17 He shared that the department would like to take the funds from the donation and purchase a new drone.  
18 Their current drone, which was gifted to them last year, has been very helpful to the department and has been  
19 used several times for search and rescues. He then shared that this current drone does not have any collision  
20 prevention, meaning that there is nothing to stop it from crashing into a building or large tree, so they would  
21 like to purchase a drone that has that additional feature. Further, the newer drone has night lighting available  
22 as well as a better thermal and HD camera. Mr. Micali asked Detective Vandersyde to explain the licensing  
23 portion of owning a drone, in which Detective Vandersyde stated that per the FAA, you have to have a  
24 license to operate a drone, so a second officer will get their operating license with the anticipated new drone  
25 joining the department.

26  
27 Chairman Koenig noted that on the list Detective Vandersyde provided of times the current drone was used,  
28 50% of the time was for the Town of Merrimack or for police training, and there were only two instances in  
29 which the drone was used for search and rescue, in which Detective Vandersyde stated that the current drone  
30 has a lack of coverage during the night as there is no night vision features, which limits their ability to utilize  
31 the drone from dusk and on. He then shared that with the night lighting and thermal imaging equipped on the  
32 new drone, they will be able to conduct more search and rescues that occur after dusk and see through more  
33 tree growth. Chairman Koenig then asked if it was a requirement to have a visual observer when operating a  
34 drone, in which Detective Vandersyde stated that yes, there is always a pair of binoculars kept with the drone  
35 to keep an eye on it while it's in the air as it gets harder to see from a distance.

36  
37 Councilor Harrington asked if there are any restrictions about drones going over private residences, in which  
38 Detective Vandersyde replied that there isn't, but there is a difference between flying over private property  
39 vs standing and taking pictures of somebody with a drone. Chairman Koenig then asked if there are any  
40 provisions in place to ensure that drone owners are behaving ethically and morally at all times. Detective  
41 Vandersyde stated that the department would get a warrant if they had to use the drone to search property,  
42 but the main use is to utilize the drone to observe areas to prevent ambushes or locate missing individuals.  
43 Councilor Woods shared his confidence in the police department, stating that he is comfortable with this idea  
44 based on the information Detective Vandersyde shared with the Council. Councilor Hunter then stated the  
45 Council was given a print-out that includes a log of all the times the current drone has been used, who was  
46 the pilot and observer, which department it was being used for, and a description of the mission.

1 **MOTION made by Councilor Woods and seconded by Councilor Hunter to accept and expend a**  
2 **donation in the amount of \$7,273.99 from Merrimack Crimeline to the Merrimack Police Department**  
3 **for the purpose of purchasing a new drone, pursuant to RSA 31:95-b and Charter Article 8-15.**  
4 **MOTION CARRIES 6-0-0**  
5

6 **2. “Driving Under the Influence Patrols” Grant Acceptance for the Merrimack Police**  
7 **Department**

8 *Submitted by Captain Eric Marquis*

9 The Town Council to consider the acceptance and expenditure of a grant in the amount of \$3,357  
10 made available through the New Hampshire Office of Highway Safety for the Merrimack Police  
11 Department for “Driving Under the Influence Patrols”, pursuant to RSA 31:95-b and Charter Article  
12 8-15.  
13

14 Captain Marquis stated that this donation would fund 12 four-hour patrols between 9pm and 3am, which  
15 would focus on detecting DWIs predominantly from Thursday-Saturday nights and some holidays as well.  
16 He then shared that this past year, the department conducted 10 patrols which stopped 118 vehicles and  
17 resulted in 5 arrests, 113 warnings for various offenses, and 5 summonses. Mr. Micali clarified that the  
18 officers on these patrols are specifically looking for DWI traffic enforcement; they are not conducting safety  
19 checks or any other patrolling.  
20

21 Councilor Murphy asked to clarify if those 118 vehicles were stopped for suspicion of DWI or they were all  
22 DWI related offenses, in which Captain Marquis stated that although the goal is DWI offenses, this number  
23 can also include issues such as headlights being out, speeding, running stop signs or red lights, etc. in an  
24 effort to get to locating potential drunk drivers.  
25

26 Councilor Healey asked to clarify about the rotations, specifically if there are any strings attached if they are  
27 not able to find officers to cover the shifts, in which Captain Marquis stated that they will not be penalized if  
28 they cannot fill all the patrol shifts, but the grant may look at the numbers and give them less details to fill,  
29 which may result in a smaller dollar amount.  
30

31 **MOTION made by Councilor Murphy and seconded by Councilor Healey to accept and expend a**  
32 **grant in the amount of \$3,357 made available through the New Hampshire Office of Highway Safety**  
33 **for the Merrimack Police Department for “Driving Under the Influence Patrols”, pursuant to RSA**  
34 **31:95-b and Charter Article 8-15.**

35 **MOTION CARRIES 6-0-0**  
36

37 **4. “Distracted Driving Patrols” Grant Acceptance for the Merrimack Police Department**

38 *Submitted by Captain Eric Marquis*

39 The Town Council to consider the acceptance and expenditure of a grant in the amount of \$2,494  
40 made available through the New Hampshire Office of Highway Safety for the Merrimack Police  
41 Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.  
42

43 Captain Marquis shared that this grant would cover funding for 9 four-hour patrols between the hours of  
44 7am-11am and 3pm-7pm, with the focus on addressing distracted and negligent driving which may be  
45 caused from using a handheld electronic device, other distractions in the car, failing to clear snow from the  
46 vehicle, etc. He then stated that this past year, the department conducted 9 patrols in which officers stopped  
47 105 vehicles and issued 95 warnings for various offenses, as well as 5 summonses.  
48  
49

1 **MOTION** made by Councilor Hunter and seconded by Councilor Murphy to accept and expend a  
2 grant in the amount of \$2,494 made available through the New Hampshire Office of Highway Safety  
3 for the Merrimack Police Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and  
4 Charter Article 8-15.

5 **MOTION CARRIES 6-0-0**

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7  
8 **5. “High Visibility Mobilization Patrols” Grant Acceptance for the Merrimack Police Department**

9 *Submitted by Captain Eric Marquis*

10 The Town Council to consider the acceptance and expenditure of a grant in the amount of \$3,400  
11 made available through the New Hampshire Office of Highway Safety for the Merrimack Police  
12 Department for “High Visibility Mobilization Patrols”, pursuant to RSA 31:95-b and Charter Article  
13 8-15.

14  
15 Captain Marquis stated that this grant would fund 12 four-hour patrols consisting of “join the click”, “drive  
16 sober or get pulled over”, and “you drive, you text, you pay” mobilizations. These high visibility  
17 mobilizations are statewide coordinated events that are conducted on specific dates and times to enforce  
18 specific issues. He then shared that this past year, the department conducted 9 patrols which resulted in 4  
19 arrests. Officers stopped 109 vehicles during the patrols and issued 104 warnings for various offenses, as  
20 well as 13 summonses.

21  
22 **MOTION** made by Councilor Woods and seconded by Councilor Healey to accept and expend a grant  
23 in the amount of \$3,400 made available through the New Hampshire Office of Highway Safety for the  
24 Merrimack Police Department for “High Visibility Mobilization Patrols”, pursuant to RSA 31:95-b  
25 and Charter Article 8-15.

26 **MOTION CARRIES 6-0-0**

27  
28 Town Manager Paul Micali would like it on record that it was implied that he or his designee can sign any  
29 and all necessary documents for each of the three previous motions.

30  
31 **6. Acceptance of Donation for Parks and Recreation Department**

32 *Submitted by Parks and Recreation Director Matthew Casparius*

33 The Town Council to consider the acceptance and expenditure of a donation in the amount of \$400  
34 from Consolidated Communications to the Parks and Recreation Department to be used towards the  
35 Town of Merrimack’s Halloween party/275<sup>th</sup> Anniversary event to sponsor the entertainment  
36 stage/evening concert and to cover the cost of the band, pursuant to RSA 31:95-b and Charter Article  
37 8-15.

38  
39 Town Manager Paul Micali shared that the 275<sup>th</sup> Anniversary event will be taking place in Wasserman Park  
40 on October 30<sup>th</sup>, which falls on the same day as the Parks and Recreation’s annual Halloween trick-or-treat  
41 event, which takes place in the morning. He also shared that in the evening there will be a band and  
42 fireworks to commemorate the 275<sup>th</sup> Anniversary birthday party for the town. Chairman Koenig asked where  
43 in Wasserman Park the fireworks will take place, in which Mr. Micali stated that the fire inspector and Atlas  
44 fireworks will be shooting them off at the old ball field past the Parks and Rec area, before the tennis courts.  
45 He also shared that he does not anticipate parking to be an issue as there are several areas and parking lots in  
46 the area to accommodate vehicles.

1 **MOTION** made by Councilor Harrington and seconded by Councilor Hunter to accept and expend a  
2 donation in the amount of \$400 from Consolidated Communications to the Parks and Recreation  
3 Department to be used towards the Town of Merrimack's Halloween party/275<sup>th</sup> Anniversary event to  
4 sponsor the entertainment stage/evening concert and to cover the cost of the band, pursuant to RSA  
5 31:95-b and Charter Article 8-15.

6 **MOTION CARRIES 6-0-0**

7  
8 The Council thanks Consolidated Communications for their donation.

9  
10 **Minutes**

11 Approve the minutes from the following Town Council meeting:

12 ♦ September 23, 2021

13  
14 **MOTION** made by Councilor Harrington and seconded by Councilor Woods to approve the minutes  
15 of September 23, 2021, as written.

16 **MOTION CARRIES 4-0-2** *Chairman Koenig and Councilor Healey abstained*

17  
18 Amendment:

19 Chairman Koenig questioned the wording of Page 5, line 10. Changes were then made to the Motion adding  
20 wording to reflect that the Motion should say "11 members minimum staffing per shift as budget allows".

21  
22 **Comments from the Press**

23 None.

24  
25 **Comments from the Public**

26 Margaret O'Neill from 60 Island Drive was present to address a noise problem that developed during Covid  
27 and has progressively gotten worse. She shared that there is a contractor, CSSI, who has an operation on the  
28 Patterson and New England Pole property across the railroad tracks across the Island Drive neighborhood  
29 that starts work at 8am and goes until after 5pm Monday through Saturday. She shared that those that have  
30 waterfront or water access property are putting up with them having road graters running to move dirt and  
31 loom around constantly, 6 days a week. They also appear to be operating on holidays as they recently  
32 worked on Columbus Day. She then shared that this has degraded the property values and resident's lives  
33 because they cannot enjoy the waterfront or their yards due to the constant noise. She has spoken to the  
34 Town Manager and Community development, who claim they do not know who CSSI is and have not  
35 responded to her complaints. She does not know what is going on at the property as she cannot find anything  
36 listed stating what their project is. She would like to bring forth a noise ordinance for this as she pays over  
37 \$12,000 in taxes and cannot enjoy her property. Mr. Micali shared that this area is the old Footer Pole and he  
38 believes that individuals are subletting on this site and they are allowed through grandfathering to have these  
39 kinds of operations on this site because some of the site plan regulations predate some of the newer  
40 regulations and unless the companies cease and desist operations for a year, there's nothing the town can do  
41 at the present time, but they can try to work with the vendor. He then shared that he was able to get CSSI to  
42 stop working on Sundays and start at 8am and not 7am on Saturday mornings. Although this is a permanent  
43 operation, he anticipates it quieting down during the wintertime. Mr. Micali also shared that CSSI is located  
44 on private property, so the town does not have any say on what is conducted on the property.

1 Wayne Johnson from 79 Island Drive also spoke, stating that he is in agreement with Ms. O'Neill and  
2 supports her argument. Further, he states that about a year ago, he was out walking on Island Drive and was  
3 approached by someone asking what he thought about the property and if it was a quiet area. After sharing  
4 how quiet the area is, the person he spoke with moved in and he feels guilty recommending the  
5 neighborhood now with the increase in noise.  
6

7 Ms. O'Neill then spoke again, sharing that she was researching excavation laws and apparently there is an  
8 excavation law in Merrimack and the state stating that there needs to be a permit to excavate, which she  
9 believes CSSI is doing despite their claims they are sifting loam. She then read the Council the law, stating  
10 that excavation will not create a nuisance or create health or safety hazards. Chairman Koenig wanted to  
11 clarify that he believes excavation means removing dirt and leaving a hole behind, not having a pile of dirt  
12 and moving it around, which is what CSSI is doing, but he is happy to take Ms. O'Neill's copy of the law for  
13 the Council to read.  
14

### 15 **Comments from the Council**

16 Councilor Murphy wanted to share that Jennifer DeFelice is coordinating an effort to place wreaths at Last  
17 Rest cemetery on December 18<sup>th</sup> as part of the Wreaths across America project. Right now, there is a goal of  
18 250 sponsored wreaths by October 17<sup>th</sup>, so they are looking for donations as each wreath is \$15. If anybody  
19 is willing to contribute or make a donation, any amount will be greatly appreciated.

20 The second announcement Councilor Murphy wanted to share was an opportunity to contribute to a diaper  
21 drive that will be held this Saturday, October 16<sup>th</sup> from 9am-2pm at the Wheeler Memorial Chapel on DW  
22 Highway. She shared that diaper insecurity affects 1 in 3 American families and last year Merrimack  
23 contributed around 7,000 diapers and wipes to the Nashua Soup Kitchen and Shelter, which has a central  
24 distribution center and distributes between 32,000- 40,000 diapers per year. She also wanted to share that  
25 Cindy Parente is the coordinator for this event and is available if anybody has any questions or would like to  
26 donate.

### 27 **Adjourn**

28  
29 **MOTION made by Councilor Woods and seconded by Councilor Healey to adjourn the meeting.**

30 **MOTION CARRIES 6-0-0**

31  
32 The meeting adjourned at 9:00 pm.  
33

34  
35 Respectfully submitted by Jennifer Steagald