



Town Council Meeting Minutes



Thursday, May 26, 2022, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Vice Chair Harrington called the meeting to order at 7:00 pm. Present at the meeting were Vice Chair Harrington, Councilor Hunter, Councilor Murphy, and Town Manager Paul Micali. Chairman Rothhaus, Councilor Koenig, and Councilor Woods were excused. Councilor Healey was present via telephone.

Pledge of Allegiance

Vice Chair Harrington led the Pledge of Allegiance.

Announcements

The Town offices will be closed on Monday, May 30th for the observance of Memorial Day. Thank you to the brave men and women who have courageously made the ultimate sacrifice for their country.

Upcoming Town Council Meetings:

- Wednesday, June 8, 2022, 9:00 – 4:00 PM Town Council Retreat / Work Session; Buckley’s Great Steaks at 438 Daniel Webster Highway
- Thursday, June 9, 2022, 7:00 PM Regular meeting
- Thursday, June 23, 2022, 7:00 PM Regular meeting

June 2nd is the next Household Hazardous Waste Collection. This one is a little different. It is on a Thursday night from 3PM to 7PM at 25 Crown Street in Nashua. As always, for \$15.00, Merrimack residents can bring up to 10 gallons or 20 pounds of household hazardous waste per vehicle. Additional charges of \$1.00 per gallon above 10 gallons apply. They accept cash or checks made payable to Nashua Regional Solid Waste District (NRSWD).

Rain barrels (\$72.00) and compost bins (\$68.00) are now available for purchase at the Transfer Station. These items are sold at our cost with no profit.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Recognition of Retirement of Town Employee

Submitted by Human Resources Director Sharon Marunicz

The Town Council will present a recognition award to Dean R. Stearns in recognition of his retirement from the Merrimack Public Works Department after more than 21 years of full time service to the Highway Division: April 30, 2001 – May 31, 2022. Employees with at least 10 years of service receive a Plaque with Town Seal upon retirement.

Appointments

1. Annual Review with the Planning Board

Submitted by Planning Board Chair Robert Best

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

1 Planning Board Chair Robert Best was present to share some updates with the Council. He began by stating
2 that since July 1st, the Planning Board has taken action on 45 applications, including but not limited to minor
3 subdivisions, lot line adjustments, home occupations, and waivers of full site plan review. Some noteworthy
4 among them relates to 57 and 59 DW Highway, which was a site plan for a 100,000 square foot warehouse
5 building with 66,000 square foot manufacturing addition. At the Gilbert Crossing site owned by the Flatley
6 Company, there was approval for a 120,000 square foot high bay warehouse and 96 additional residential
7 units. At 50 Robert Milligan Parkway, they reviewed a site plan for a 323,750 square foot warehouse and
8 distribution center. The former Brookstone building was proposed to convert to 90 apartments and was
9 reviewed by the Planning Board.

10
11 Mr. Best then shared some membership changes, stating that Jaimie von Schoen and Brian Dano joined the
12 board as full members, and Maureen Tracey joined as an alternate member. There is currently one alternate
13 vacancy that remains. For terms, he shared that Jamie, Nelson, and his terms are all up for renewal this year.
14 The Council then discussed with Mr. Best the growing community and the need for more affordable housing
15 options for both the younger and older generations.

16 **Public Hearing**

17 None.

18 **Legislative Updates from State Representatives**

19 **Legislative Update for May 26, 2022**

20 **By: Rep. Maureen Mooney**

21 Greetings:

- 22 1.) Last week, the House and Senate Committee of Conference *AGREED* to leave the transfer of
23 Continental Blvd to Merrimack *OUT* of [HB 2022](#) the 10-year Transportation Plan. Today, the full House
24 approved the Committee of Conference report. This is excellent news for Merrimack!
- 25 2.) The House and Senate Committee of Conference *AGREED* to a Senate amendment to [HB 1547](#) (AN
26 ACT relative to perfluorinated chemical remediation in soil and procedures for certain hazardous waste
27 generators) which does three things:
28 a.) amends the PFAS Remediation Loan Fund grants section in [RSA 485-H:11](#);
29 b.) allows the DES to establish rebate programs to assist impacted private well users with water treatment or
30 connection to public water systems in [RSA 485-H:3](#);
31 c.) adds a whopping **\$25 million** to the PFAS Remediation Loan Fund in [RSA 485-H:10](#).
- 32 3.) The filing period to run for State Representative is June 1-10, 2022.

33 Respectfully submitted,
34 Rep. Maureen Mooney (R-Merrimack)

35 **Legislative Update – May 26, 2022**

36 **(Representative Bill Boyd): Release: House Approves Aid to Municipalities**

37 House Approves Aid to Municipalities

38
39 Concord, NH- Rep. Terry Roy (R-Deerfield) released the following statement after the NH House passed
40 SB401, making appropriations to the department of transportation for local highway aid and to the body-

1 worn and dashboard camera fund, and permitting the department of transportation to operate dash cameras,
2 on a voice vote.

3
4 “SB401 is further evidence that Republicans in the legislature are living up to campaign promises. By
5 sending our municipalities over \$60 million dollars, towns can address much needed road and bridge
6 construction while delivering much needed property tax relief to our constituents. State revenues have been
7 coming in higher than anticipated as a result of responsible policies from the legislature, and the passage of
8 this bill allows us to send some of those funds back to the taxpayer.”

9 10 **Town Manager’s Report**

- 11 • The annual Town wide street sweeping is complete – the program swept all the Town’s 446 paved
12 roads and all municipal and park parking lots.
- 13
14 • Do you want an excuse to get outside and get some light exercise? Do you want to help keep
15 Merrimack clean? The Town’s Adopt A Road program may be for you! If you are interested in
16 sponsoring an Adopt-A-Road please contact the Highway Division at 423-8551 to get more
17 information.
- 18
19 • The paving portion of our summer roadwork plan is complete – remaining work includes placing the
20 gravel shoulders adjacent to the new pavements, and striping the roads. Work is expected to be
21 completed over the next two weeks.
- 22
23 • Merrimack Public Works recently hosted students from The Founders Academy at the Highway
24 Facility to discuss Public Works, Leadership, and challenges faced. The program was well received
25 and included a student leadership activity to protect their egg from a 35 foot fall from the bucket
26 truck.
- 27
28 • This week and next, the Highway Division of Public Works is hosting Merrimack’s first grade
29 classes from the three elementary schools for a tour of the facility and fun activities. Highlights of
30 the field trips include the students finding their homes on our large scale maps and making painted
31 hand prints on our wing plows so they can ‘wave’ to their families as we plow this winter.
- 32
33 • Merrimack TV will premiere the High School's Spring Concert this Friday May 27th at 7PM watch
34 on xfinity CH 21 and HD 1071, merrimacktv.com, and streaming devices. The program includes
35 performances from the Concert Band, Jazz Band, and Chorus.
- 36
37 • The Police Department and Merrimack TV have produced a short PSA about mindful driving,
38 specifically paying attention to school buses, and the safety of students. The PSA will be made
39 available on the Town's Facebook page and will show on our cable channels. We kindly ask residents
40 to share the video to help spread the word about being a mindful driver and avoiding a ticket or
41 causing an injury.

42 43 **Consent Agenda**

44 **1. Consideration of Changes to Chapter 158, Sewer Use, of the Merrimack Town Code [Final 45 Reading]**

46 *Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington*

47 The Town Council to consider the acceptance of recommended changes to Chapter 158, Sewer Use,
48 of the Merrimack Town Code, pursuant to Charter Article V.

1 **MOTION made by Councilor Murphy and seconded by Councilor Hunter to accept the recommended**
2 **changes to Chapter 158, Sewer Use, of the Merrimack Town Code, pursuant to Charter Article V.**

3
4 ***Roll call vote:***

5 Councilor Murphy: Yes

6 Councilor Hunter: Yes

7 Councilor Healey: Yes

8 Vice Chair Harrington: Yes

9 **MOTION CARRIES 4-0-0**

10
11 **2. Town Council Committee Assignments (Follow-up Discussion)**

12 *Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington*

13 The Town Council will finalize committee assignments for the current year.

14
15 Vice Chair Harrington reviewed the previously agreed upon committee assignments to the Council.

16
17 **MOTION made by Councilor Hunter and seconded by Councilor Murphy to accept the finalized**
18 **committee assignments for the current year.**

19
20 ***Roll call vote:***

21 Councilor Murphy: Yes

22 Councilor Hunter: Yes

23 Councilor Healey: Yes

24 Vice Chair Harrington: Yes

25 **MOTION CARRIES 4-0-0**

26
27 **Old Business**

28 **1. Purchase and Sale of Tax Map Parcel 6E-1, Lot 15-1 (Old Pump House on 109 Front Street)**

29 *Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala*

30 The Town Council to consider entering into a Purchase and Sale Agreement to convey the landlocked
31 parcel at Tax Map 6E-1, Lot 15-1 (109 Front Street), known as the Old Pump House to resident and
32 abutter Gary Bailey for the purchase price of \$1.00.

33
34 Deputy Public Works Director / Town Engineer Dawn Tuomala was present to discuss the potential for a
35 Purchase and Sale Agreement for the landlocked parcel known as the “Old Pump House”. Before she began,
36 Mr. Micali stated that it makes sense for the town to sell these parcels since they are landlocked and cannot
37 do anything with them. Ms. Tuomala then presented a map to the Council highlighting that the parcel is in
38 the middle of Mr. Bailey’s property, and there is no easement so there is no way to get to the property. She
39 has reviewed this with the town attorney, who presented language needed if the Council were to approve this
40 sale and would like the Council to approve the sale of these two parcels to Mr. Bailey for \$1.00 each.

41
42 **MOTION made by Councilor Hunter and seconded by Councilor Murphy to convey the two parcels**
43 **that make up the tax parcel 6e-1-15-1 as is whereas to Gary Bailey by quick claim deed for the**
44 **surrounding parcel and by deed without covenants for the inner parcel known collectively as “The Old**
45 **Pump House” for \$2 total on the basis that the parcels are collectively .078 acres are landlocked, are**
46 **contained within the Bailey’s parcel consists of the town’s former pump house which is no longer in**
47 **use, and for these reasons has no value to the town or anyone else other than Mr. Bailey, and to**
48 **authorize Town Manager Paul Micali to execute all documents necessary to affect this and convey the**
49 **parcels.**

1 **Roll call vote:**

2 Councilor Murphy: Yes

3 Councilor Hunter: Yes

4 Councilor Healey: Yes

5 Vice Chair Harrington: Yes

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

7
8 **New Business**

9 **1. Appointment of Trustee of Trust Funds Alternate Member**

10 *Submitted by Trustees of Trust Funds Member Chris Christensen*

11 The Town Council to consider the Trustees of Trust Funds' nomination and recommendation to
12 appoint Liz Petrides as an alternate member to the Trustees of Trust Funds, in accordance with RSA
13 31:22 and Charter Article 6-2 (A).

14
15 Trustees of Trust Funds Chairman Chris Christensen was present to discuss this recommendation, stating that
16 he would prefer to make the appointment now as they do not meet in July, but this will fall into the same
17 cycle. Town Manager Paul Micali stated that doing this now would ensure that there is less chance this gets
18 looked over before the July deadline.

19
20 **MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the Trustees of**
21 **Trust Funds' nomination and recommendation to appoint Liz Petrides as an alternate member to the**
22 **Trustees of Trust Funds, in accordance with RSA 31:22 and Charter Article 6-2 (A), effective July**
23 **2022.**

24
25 **Roll call vote:**

26 Councilor Murphy: Yes

27 Councilor Hunter: Yes

28 Councilor Healey: Yes

29 Vice Chair Harrington: Yes

30 **MOTION CARRIES 4-0-0**

31
32 After voting, Ms. Petrides was sworn into her position as alternate member for the Trustees of Trust Funds.

33
34 *Before discussion began on the following agenda items, Vice Chair Harrington requested to consolidate #2*
35 *and #4, as they are both dealing with Baboosic Bridge information. Number 4 was moved up to number 3 to*
36 *discuss these items simultaneously.*

37
38 **2. Request to Withdraw from Road Infrastructure Capital Reserve Fund / Consideration of**
39 **Combining the Wire Road Intersection Project with the US 3 Bridge Project**

40 *Submitted by Public Works Director Kyle Fox*

41
42 The Town of Merrimack has been offered the opportunity to combine two capital projects along the
43 US Route 3 corridor into one project. The projects are in the NHDOT Ten Year Transportation Plan
44 for construction two years apart (2025, 2027). The combination project proposes to construct the
45 adjacent projects together in 2025.

46
47 Town Manager Paul Micali began by stating that this bridge, which is by the MYA building, has been in the
48 works for as long as he has been with the town, over 15 years. Additionally, the Wire Road project has been
49 on the list for several years as well, so these are being combined so they can be completed during the same

1 timeframe. Public Works Director Kyle Fox then took over, sharing a PowerPoint Presentation on these two
2 projects. He shared that these are both in the DOT's 10-year plan, highlighting the following:

- 3
- 4 • The US 3 Bridge replaces existing 30-foot span concrete arch bridge built in 1972, currently on
- 5 NHDOT Red List
- 6 • Proposed structure is approximately 120-foot span
- 7 ○ Steel I Beam with concrete deck
- 8 ○ Sidewalks and shoulders on both sides of bridge
- 9
- 10 • The Wire Road Intersection is a safety improvement project
- 11 • Expected to include sidewalks to the library and Twin Bridge Road
- 12 • Project alternatives:
- 13 ○ Stop sign with improved geometry
- 14 ○ Traffic signal
- 15 ○ Roundabout
- 16 ○ Add 4th leg into MYA facility
- 17 ○ Determine status of Church Street
- 18

19 US 3 Bridge background:

- 20 • SBA program- Design (80% / 20%)
- 21 ○ 2024
- 22 • MOBIL- Construction (80% / 20%)
- 23 ○ 2025
- 24 • Feasibility study completed October 2020
- 25 ○ PIM held on August 4, 2020
- 26 • TC approved FEMA BRIC study 4/22/21- \$59,235
- 27 ○ PO closed with balance of \$20,496 remaining
- 28 • Currently seeking FEMA HMGP Grant- NHDOT participating
- 29

30 Wire Road Intersection background:

- 31 • HSIP funded project (80% / 20%)
- 32 ○ 2027
- 33

34 Mr. Fox then shared a slide showing the projects funding, which provided the following:

- 35 • US 3 Bridge
- 36 ○ Previous funding: \$0
- 37 ○ Current TYP funding: \$6,503,273
- 38 ○ Future funding required: \$0
- 39 ○ Total project cost: \$6,503,273
- 40
- 41 • Wire Road Intersection
- 42 ○ Previous funding: \$0
- 43 ○ Current TYP funding: \$1,114,374
- 44 ○ Future funding required: \$0
- 45 ○ Total project cost: \$1,114,374
- 46

47 Benefits to combining projects:

- 48 • Requested by town to GACIT in October 2019
- 49 • Cost savings

- Eliminates reconstructing bridge approach for Wire Road work
- Better balances road work with bridge work
- One contract to administer in construction phase
- Reduced aggravation to users of the corridor
 - Wire Road currently scheduled to construct as bridge project concludes

After his presentation, Mr. Fox opened the discussion to the Council. He discussed the funding gap in more detail, stating that the state has agreed to cover their 80% portion regardless of if they receive the HMGP grant funds or not. The Council then discussed the amount that needs to be taken out of the capital reserve fund, clarifying with Mr. Fox and Mr. Micali that the majority will be paid for, but they still need to withdraw \$650,000.

Councilor Healey asked Mr. Fox about land acquisition, in which Mr. Fox stated that for many of the bridge projects, they end up acquiring easements for the properties, and in this case, they will need a significant easement as well as a temporary easement for the detour bridge that is proposed to run on the east side of DW highway baring two lanes of traffic.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to appropriate and expend from the Road Infrastructure Capital Reserve Fund the withdrawal of \$650,000 for the consideration of combining the Wire Road Intersection project with the US 3 Bridge project, and to authorize the Town Manager to sign any and all necessary documentation.

Roll call vote:

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

MOTION CARRIES 4-0-0

3. Consideration of Accelerating the Souhegan River Trail Project to Federal FY22 / Request to Withdraw from Road Infrastructure Capital Reserve Fund

Submitted by Public Works Director Kyle Fox

The Souhegan River Trail project is nearing the final design stage. Permitting requirements for the project have increased the anticipated construction cost of the project resulting in a gap in funding available for the project in FY23. Accelerating the design of the project to FY22 will allow NHDOT to cover the State portion of the cost increase. Town Council will be asked to consider a withdrawal from the Road Infrastructure Capital Reserve Fund to cover the Town portion of the cost increase.

Town Manager Paul Micali began by stating that this is another project that has been delayed for several years. Public Works Director Kyle Fox then shared a PowerPoint Presentation, showing the Council where this location is and sharing the following background information:

- Project initiated in 2014/15 TAP grant with 80% state funding
- Originally designated a multi-use path, redesignated as a pedestrian trail for Natural Resource permitting and ADA compliance
- Repurposes extant historical remnants of former Merrimack Village Dam
- Engineering study completed March 2018
- Combination of funding from 2014 & 2016 TAP projects
- Original NHDES Wetland Permit application February 2020
- NHDES requested a portion of trail be constructed as a boardwalk

- Extensive historical coordination, studies, and eligibility determination
- Preliminary design completed March 2022, NEPA approved May 2022
- Proposed advertisement scheduled for September 2022- allows NHDOT to fund their portion of project cost increase (currently scheduled FY23, construction FY24)

Mr. Fox then presented a trail layout, highlighting all proposed changes and how the completed project is anticipated to look. Additionally, he shared the following project cost:

- Planning and Engineering: \$298,000
- Right of Way: \$0
- Construction Engineering: \$191,000
- Construction: \$1,274,000
- Project total: \$1,763,000
- Town approved FY17: \$586,000
- Town Approved FY18: \$105,000
- TC Request for withdrawal from Road Infrastructure CRF: \$1,072,000

Councilor Healey asked what the cost would be to just fix the bridge as this is a more urgent priority, in which Mr. Micali stated this would also be used for drainage, sidewalks, bridges, and major road reconstruction- not just to be putting an overlay on a road. Further, there is no breakdown of individual costs to include only the bridge, it is currently grouped to include sidewalks and the bridge repair, which would cost about \$264,000 out of the total \$358,000. The Council then discussed the importance of fixing both the road and the bridge, with some reservations over the cost and fixing the roads instead of just the bridge.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to appropriate and expend \$1,072,000 from the Road Infrastructure Capital Reserve Fund for the Souhegan River Trail project, and to authorize the Town Manager to authorize any and all necessary documents.

Roll call vote:

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: No

Vice Chair Harrington: Yes

MOTION CARRIES 3-1-0 with Councilor Healey in opposition

4. US Route 3 over Baboosic Brook Bridge Replacement Project Letter of Support

Submitted by Public Works Director Kyle Fox

The Town Council to consider writing a letter of support/concern for the US 3 over Baboosic Brook bridge project. Quantum Construction Consultants, LLC (QCC) is in the process of preparing environmental documentation for the project. In an effort to ensure that all issues / resources associated with the project are appropriately evaluated, the Town Council is being asked to review project information and provide comment to assist in the preparation of the environmental document.

Town Manager Paul Micali began by stating that they are asking for a letter of support from the Council to state that they back the two projects previously voted on (Wire Road Intersection project and US 3 Bridge project), as the more support they can get, the better this will look when they present to the state. Mr. Fox highlighted that the purpose of this is because there are federal funds involved in this, and there are rules to follow put in place by the National Environmental Policy Act (NEPA). One of the major steps to complete before moving from the preliminary design stage to the final design stage is to get approval on this document, and this will all be considered before approving the project. Vice Chair Harrington then read the letter to the Council before a vote was taken on approving the letter of support. **(Insert letter?)**

1
2 **MOTION made by Councilor Murphy and seconded by Councilor Healey to approve writing a letter**
3 **of support/concern for the Wire Road Intersection and US 3 Bridge project.**
4

5 **Roll call vote:**

6 Councilor Murphy: Yes

7 Councilor Hunter: Yes

8 Councilor Healey: Yes

9 Vice Chair Harrington: Yes

10 **MOTION CARRIES 4-0-0**
11

12 **5. Fire Equipment Capital Reserve Fund Withdrawal Request**

13 *Submitted by Fire Chief Mark DiFronzo*

14 The Town Council to consider Merrimack Fire Rescue's request to withdrawal and expend \$108,975
15 from the Fire Equipment Capital Reserve Fund for the purchase of a replacement of the breathing air
16 compressor system.
17

18 Fire Chief DiFronzo was present to discuss the purchase of a replacement breathing air compressor system,
19 beginning by stating that the department received a grant to replace their SCBA (self-contained breathing
20 apparatus) and showing the Council what this looks like and how it works. Their current breathing air
21 compressor system needs to be repaired and will require a few thousand dollars to do so. Additionally, this
22 current compressor is over 25 years old and was originally supposed to be replaced last fall, but things came
23 up and this did not get done. If the Council agrees to the purchase of a new one, it will take several weeks to
24 arrive and will cost about \$107,000, with an additional \$1,975 for electrical work. Councilor Hunter asked
25 what the plan was for the old compressor system, in which Chief DiFronzo stated it is not usable and would
26 not be worth anything, and Mr. Micali stated they will most likely scrap it or auction it off as a non-
27 repairable system. Councilor Healey asked if they could utilize funds from the George Carroll and Shed
28 Harris Reeds Ferry trust funds to save some of the budget and use a third of the funds to go towards the
29 purchase of the new system. Mr. Micali stated that they could seek reimbursement from this, and he will look
30 into it at the next Trustee of Trust Funds meeting.
31

32 **MOTION made by Councilor Healey and seconded by Councilor Murphy to appropriate and expend**
33 **\$108,975 from the Fire Equipment Capital Reserve Fund with the fire department/Town Manager to**
34 **try to get reimbursement from the Shed Harris fund to reduce the amount of money taken out of the**
35 **Capital Reserve Fund.**
36

37 **Roll call vote:**

38 Councilor Murphy: Yes

39 Councilor Hunter: Yes

40 Councilor Healey: Yes

41 Vice Chair Harrington: Yes

42 **MOTION CARRIES 4-0-0**
43

44 **6. Consideration of Changes to Chapter 111, Conservation Areas, of the Merrimack Town Code**
45 **[First Reading]**

46 *Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington*

47 The Town Council to consider the acceptance of recommended changes to Chapter 111,
48 Conservation Areas, of the Merrimack Town Code, pursuant to Charter Article V.
49

1 Town Manager Paul Micali began by presenting a map of the town to the Council with all the areas that
2 represent Chapter 111. Tim Tenhave was then present to share a PowerPoint highlighting the recommended
3 changes, stating the following:
4

- 5 • Chapter 111 covers 6 parcels of land since 1995
- 6 • All 6 parcels have the same restrictions, and there is a penalty for violation in accordance with RSA
7 31:39, III
- 8 • Restrictions include:
 - 9 ○ Cannot remain or stay from ½ hour after sunset to ½ hour before sunrise
 - 10 ○ No fires unless approved by MCC and fire warden
 - 11 ○ No glass
 - 12 ○ No throwing or leaving trash
 - 13 ○ No alcohol or unlawful drugs
 - 14 ○ No parking except where designated
 - 15 ○ No OHRVs except for as defined by RSA 215-A:1, fire, police, ambulance, emergency
 - 16 ○ No domesticated animals unless on a leash or caged
 - 17 ○ No discharge of an air powered or spring-powered gun, any type of bow, or firearm
 - 18 ○ No defacing of a building, equipment, tree, shrub, or flower
- 19 • Proposed Update
 - 20 ○ 64 parcels in total vs 6 parcels in the current Chapter
 - 21 ○ Same base set of penalties on all 64 parcels
 - 22 ○ 3 categories of parcels
 - 23 ▪ All- base set of restrictions for all 64 parcels. Allows Town Council or designee to
24 waive after receiving a recommendation of the MCC
 - 25 ▪ Hours restricted- Adds a dawn to dusk restriction where you cannot stay or linger for 2
26 of the 64 parcels. Allows Town Council or designee to waive after receiving a
27 recommendation of the MCC
 - 28 ▪ Completely passive- Extends no motorized to also include all bikes and snowmobiles,
29 does not permit any discharge of a firearm or the “taking” (hunting) of wildlife.
30 Applies to 13 of the 64 parcels
 - 31 ▪ Violation uses a tiered fine structure based on number of offenses
 - 32 ▪ Mr. Tenhave provided a side-by side comparison of the current Chapter 111 with the
33 proposed changes to highlight what was changing and what was remaining the same
34

35 After the presentation, the Council debated how “unlawful drugs” and “removal of trash” both have an
36 option to be waived, as they cannot see why these would ever be waived. Mr. Tenhave stated that this is
37 more of a universal language as this was how it was originally written, and Mr. Micali suggested adding a
38 stipulation or removing “unlawful drugs” altogether, ultimately deciding to talk to the police chief for input
39 on whether it should be removed or remain. Councilor Hunter asked if there would be any conservation area
40 that would allow ATVs, in which Mr. Tenhave stated that there are places in Merrimack that allow ATV use,
41 such as Greater Woods and Horse Hill. The main issue with ATVs is that the areas were not being properly
42 cleaned after, so it was proposed that they would not be allowed unless a group comes together to provide
43 maintenance. After some discussion, Mr. Tenhave shared some similar rules with the Council, such as not
44 allowing motorized e-bikes, and updating the “no discharge” portion to include target shooting. He further
45 stated that this is because target shooting has become a problem and the decision was made to add this to the
46 restrictions. He wanted to state that this does not preclude someone from carrying their firearm or protecting
47 themselves on the property, this strictly applies to target shooting.
48
49

1 **MOTION** made by Councilor Murphy and seconded by Councilor Hunter to move this to a Public
2 **Hearing.**

3
4 ***Roll call vote:***

5 Councilor Murphy: Yes

6 Councilor Hunter: Yes

7 Councilor Healey: Yes

8 Vice Chair Harrington: Yes

9 **MOTION CARRIES 4-0-0**

10
11 **Minutes**

12 Approve the minutes from the following Town Council meetings:

13 ♦ April 28, 2022

14 **MOTION** made by Councilor Hunter and seconded by Councilor Murphy to approve the minutes
15 **from April 28, 2022 as written.**

16
17 ***Roll call vote:***

18 Councilor Murphy: Yes

19 Councilor Hunter: Yes

20 Councilor Healey: Yes

21 Vice Chair Harrington: Yes

22 **MOTION CARRIES 4-0-0**

23
24 ♦ May 5, 2022

25 **MOTION** made by Councilor Hunter and seconded by Councilor Murphy to approve the minutes
26 **from May 5, 2022 as written.**

27
28 ***Roll call vote:***

29 Councilor Murphy: Yes

30 Councilor Hunter: Yes

31 Councilor Healey: Yes

32 Vice Chair Harrington: Yes

33 **MOTION CARRIES 4-0-0**

34
35 **Comments from the Press**

36 None.

37 **Comments from the Public**

38 None.

39 **Comments from the Council**

40 Councilor Murphy wanted to remind everyone that the Hot Dogs for Alzheimer's event is coming up on June
41 30th from 11am-7pm at the Our Lady of Mercy parking lot and will include a drive-through option this year.

42
43 **Adjourn**

44 **MOTION** made by Councilor Healey and seconded by Councilor Murphy to adjourn the meeting.

45
46 ***Roll call vote:***

47 Councilor Murphy: Yes

48 Councilor Hunter: Yes

49 Councilor Healey: Yes

50 Vice Chair Harrington: Yes

- 1 **MOTION CARRIES 4-0-0**
- 2
- 3 The meeting adjourned at 10:18pm.
- 4

DRAFT