

Approved: November 15, 2018

Posted: November 19, 2018



Town Council Meeting Minutes

Thursday November 1, 2018 at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

TJ Vadney, Boy Scout, Troop 424, led in the Pledge of Allegiance.

Announcements

The General Election will be held Tuesday, November 6th from 7:00 a.m. - 7:00 p.m. The 3 polling locations are the James Mastricola Upper Elementary School, Merrimack Middle School, and the Saint John Neumann Church. Residents looking to identify their specific polling location can visit the New Hampshire Secretary of State's [website](#) or call the Town Clerk's Office at 424-3651.

Town Offices and Merrimack Transfer Station will be closed on Monday, November 12th in observance of Veterans Day.

Regular meetings of the Town Council will be conducted on Thursday, November 15th and December 6th and 20th at 7:00 p.m. in the Matthew Thornton Room.

Highway Garage Project Update

Substantial progress continues to be made on the new facility; rough plumbing and electrical has been installed, insulation has been placed on the walls and drywall hung. Over the next two weeks the installation of the overhead garage bay doors will be complete, the drywall will be mudded, taped and sanded, interior and exterior doors will be installed, walls will be painted, acoustical tiles will be installed, and the administration portion of the building will be sided. The expectation remains that we will be able to transition into the new building at the end of November.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. General Election Update

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

Town Moderator Lynn Christensen will present the details of the upcoming General Election being held on Tuesday, November 6, 2018.

Lynn Christensen, Town Moderator, remarked voter participation is anticipated to be higher than a typical mid-term. The number of absentee ballots is much higher.

When asked to explain what will be required in terms of voter registration, Ms. Christensen stated the process will remain the same as in the past; when coming to the polls, a photo I.D. will be requested, e.g., Driver License, Passport. There have not been any changes to the voter I.D. requirements. If a voter does not have the requested identification, he/she will be directed to an area where a non-photo I.D. Affidavit can be completed, and a photo taken.

When asked about recent newsprint around SB3, Ms. Christensen stated for an individual looking to register to vote, if having proof of domicile, the standard A form is utilized. For individuals not having proof of domicile, a second form is required to be completed. The form indicates the responsibility for the individual, within 10 days, to bring such proof to the Town Hall. When asked what would occur were an individual to not follow through, e.g., would their vote count, Ms. Christensen responded New Hampshire does not do provisional ballots; if an individual is given a ballot, their ballot is counted. Unless fraud could be proven, in which case that Statute comes into play, whether an individual follows up with the required proof or not the ballot is counted.

The hours for voting are 7:00 a.m. - 7:00 p.m. At 7:00 p.m., an individual is placed at the end of the line. The polls stay open until the last person, who was in line at 7:00 p.m., votes.

When asked about a traffic mitigation plan at the Merrimack Middle School, noting school will be in session, Ms. Christensen indicated, with the exception of 1 instance, school has been in session for every election. They have the supports needed, which have proven to work.

Councilor Harrington noted she asked Diane Trippett, Town Clerk/Tax Collector, about the number of ballots ordered, and was told the Town Clerk does not order the ballots. The amount is determined by the State. She stated her recollection the amount was approx. 14,000.

Councilor Albert commented on a publication following the 2016 Presidential Election, and questioned if Merrimack had any cases of voter fraud. Ms. Christensen stated there were none she is aware of.

2. Merrimack Public Library Update

Submitted by Library Board of Trustees Chair Lora Philp and Library Director Yvette Couser

The Town Council will be presented with a Library update of the year's past activities.

Yvette Couser, Director, Merrimack Library, commented 2018 marked the library's 125th birthday. She spoke of celebrations that have taken place throughout the year, many of which were funded through a grant from the Digital Credit Union (DCU).

September was the big birthday party. Hours were extended on Sunday the 23rd. WSMN 1590 was invited to broadcast live from the library. The keynote speaker, New Hampshire State Librarian Michael York, stayed onsite for a few hours; checked out the 3D printer, toured the building. A live local band was on hand and refreshments were provided. Tours were provided of all areas of the library.

The Turkey Shoot (raffles) is scheduled for 6:00 p.m. on November 15th at the Merrimack High School cafeteria, and is intended to raise funds towards hosting a New England author series in 2019.

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An application has been submitted for a commemorative postmark that would be used at the library in the week leading up to Christmas. Mail can be brought to the library and stamped with the stamps.

There were no staff changes over the past year. Four department heads attended the New England Library Association (NELA) Conference. Each state has a state organization. The NELA conference is a regional event. The theme was diversity and how to make libraries more diverse. A good many ideas were brought back that can be incorporated into the next strategic plan.

The Teen Squads initiative continued this summer with 20 teen participants that worked on special projects. It is hoped this becomes a first work experience for the participants. They come in to a nametag, t-shirt identifying them as a member of the Library Teen Squad, are required to fill out a timecard, are evaluated, are interviewed, work on group projects culminating in a presentation.

New banners have been installed on the sides of the 1979 addition. They include the logo and tagline. The exterior book drop was installed at the end of the summer with the assistance of the Public Works Department (PWD) and was partially purchased with funds raised from last year's Turkey Shoot.

The Library experienced another flood over the summer. A more permanent solution is being sought.

Stibler Associates, LLC, which is a design firm located in Bedford, NH was hired to conduct a space study. Having interviewed all vested parties, they have created a plan that rearranges the departments to optimize efficiency within the existing space. The study will be presented to staff in the coming weeks and to the Trustees at their November meeting.

The Library has applied, and two staff members are training, to become a passport acceptance facility. It is a service several other libraries in the area are offering.

The collection is being evaluated and overhauled in light of the space study and the kinds of electronic materials being added to the collection. Circulating video consoles have been added. The partnership with the Chamber of Commerce continues. Director Couser noted she hosts a monthly business book group and is also a member of the Chamber Board.

Director Couser commented, the following day, she would be attending a NHLA conference on diversity.

Lora Philp, Chair, Merrimack Library Board of Trustees, stated the Board allows for three alternates. The positions are open, and individuals appointed would serve for one year. Applications are made to the Town Council. An orientation manual is being created.

The staff evaluation process is being improved through the inclusion of a 360 process whereby peers can evaluate each other to gain a greater feeling for how staff are performing. The Board will collaborate with the Director on a marketing plan and the next strategic plan.

Councilor Boyd questioned if the Council could expect to see information relative to a permanent solution for the flooding issue, within the proposed FY20 budget. Director Couser was uncertain indicating she would need to speak with the Assistant Town Manager/Finance Director.

Councilor Albert questioned how the collaboration is going with Meals on Wheels. Director Couser stated they would love to get more clients. The system is in place and works well. She indicated the desire to expand the availability, e.g., those having a temporary illness who could benefit from home services. The aspect that would have to be identified is transportation.

Chairman Rothhaus commented he is not certain he is excited about the new electronic sign. Director Couser noted a sign was installed that had not been turned on. The electrician was called in to connect it, after which staff was uncertain how to turn it off. Training occurred after the sign was turned on.

Public Hearing

1. Public Hearing – STEP Grant Acceptance for the Merrimack Police Department

Submitted by Captain Michael Dudash

The Town Council will hold a public hearing to consider the acceptance and expenditure of a Sustained Traffic Enforcement Patrols (STEP) grant in the amount of \$12,523 made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to address the safety of our roads with the goal to reduce accidents, pursuant to RSA 31:95-b and Charter Article 8-15.

Michael Dudash, Captain, Merrimack Police Department, stated the public grant for the STEP patrol is in the amount of \$12,523 to sustain patrols for the main purpose of reducing motor vehicle accidents. The amount of grant funding available is decreasing. Merrimack continues to receive this level of funding because of the amount of traffic in the area and the number of car accidents. Sustained patrols are discretionary; basically, hit the high-traffic areas, those which have a high rate of accidents, back roads for which complaints are received, etc.

When asked, Captain Dudash stated the intent to be traffic enforcement through either warnings or summonses. The Highway Safety Agency has been indicating they want summonses to be increased. The Highway Safety Committee met with each department, reviewed the numbers, and indicated the need to increase summonses. Although enforcement can be educational, the whole purpose is punitive. Monies come from the Federal Government and are funneled through the States. One hundred percent of revenue resulting from summonses goes to the State

Chairman Rothhaus remarked last year he had numerous questions as the grant write-up spoke to summonses being more of a focus. He has always been impressed by the percentage of warnings versus tickets being roughly 68%. He has found that to be reasonable. If the primary goal of this grant is punitive, he has difficulty with accepting it.

Captain Dudash stated it is likely coming from the Federal Government to be more punitive with summonses. The Merrimack Police Department has always stood behind warnings sometimes are just as good as a summonses. That practice continues in town. The bottom line is the goal of the grant is to reduce the number of accidents/fatalities. The grant provides the opportunity to have a car on the roads for four hours concentrating 100% on the motoring public.

Councilor Albert stated his support of acceptance of the grant funds. He commented the busier the officers get handling the calls coming in, the less time they have for such a dedicated effort. The grant

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funds allow for specific targeting of problem areas. This also puts another officer on the street; increased visibility.

Councilor Boyd noted the information provided indicates the grant funds would fund 65 four-hour patrols between the hours of 7:00 a.m. - 11:00 a.m. and 3:00 p.m. - 7:00 p.m. Understanding shifts switch at 7:00 a.m. and 3:00 p.m., he questioned if an additional patrol officer would be dedicated specifically for the grant program. Captain Dudash stated grant funds could not be utilized for anyone on patrol. It is overtime only.

It was noted one of the requirements of the grant is keeping a record of all stops.

Chairman Rothhaus declared the Public Hearing open at 7:54 p.m.

No public comment was offered.

Chairman Rothhaus declared the Public Hearing closed at 7:55 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance and expenditure of a Sustained Traffic Enforcement Patrols (STEP) grant in the amount of Twelve Thousand Five Hundred Twenty Three Dollars (\$12,523) made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to address the safety of our roads with the goal to reduce accidents, pursuant to RSA 31:95-b and Charter Article 8-15 and furthermore that the Town Manager or her proxy be authorized to sign documents necessary to accept and expend said monies. MOTION CARRIED 6-1-0

Councilor Rothhaus voted in opposition

Legislative Updates from State Representative - None

Town Manager's Report - None

Consent Agenda - None

New Business

1. Eagle Scout Project Proposal – Archery Equipment Storage Shed for Wasserman Park

Submitted by Parks and Recreation Director Matthew Casparius

Boy Scout TJ Vadney from Troop 424 is proposing to build an archery equipment storage shed at Wasserman Park adjacent to the existing archery range for his Eagle Scout Project.

Life Scout, TJ Vadney stated his Eagle Scout project is an archery shed for Camp Naticook. He met with Director Casparius to discuss potential projects, and the idea of an archery shed was suggested. Director Casparius indicated the building where the equipment is currently stored will be repurposed in the next year. Life Scout Vadney spoke of the opportunities the shed would assist with, e.g., youth development, providing outdoor opportunities for kids.

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Fundraising will be in the December timeframe; bake sale, etc. Most of the construction will be done indoors over the winter months, and the shed transported to Wasserman Park to be assembled and painted in the spring. Estimated delivery date is June 2019 (before the start of camp).

Life Scout Vadney spoke of the proposed location for the shed. The project budget is approx. \$2,200. A model was depicted on a video and another present for viewing. Shelving will be available on the lower level and a loft for larger storage.

Vice Chairman Koenig questioned the aesthetics from Naticook Road, and was informed passersby will see the back of the shed. The entrance will be towards the archery platform. Paint will match the other buildings onsite (brown). Vice Chairman Koenig suggested considering painting something on the back of the shed that could be entertaining for people driving by such as a scout logo, etc.

Life Scout Vadney noted the shed foundation will be dug 4' into the ground and will be done with sonotubes.

MOTION by Councilor Boyd and seconded by Councilor Healey to endorse and support Life Scout TJ Vadney's Eagle Scout project of an archery equipment storage shed to be built at Wasserman Park adjacent to the existing archery range and furthermore that the Chairman or Town Manager be authorized to sign any documents necessary to approve the project with the Boy Scout Eagle Board. MOTION CARRIED 7-0-0

2. DWI Patrols Grant Acceptance for the Merrimack Police Department

Submitted by Captain Michael Dudash

The Town Council to consider the acceptance and expenditure of a Merrimack DWI Patrols grant in the amount of \$7,970 made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to fund 41-four hour patrols between the hours of 9 p.m. and 3 a.m., pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Dudash stated the grant to be for DWI patrols. In previous years patrols were six hours in length. They have been reduced to four-hour patrols between the target hours of 9:00 p.m. and 3:00 a.m. These Federal funds are distributed through the States and intended to get impaired drivers off the road.

When asked if the department has a drug recognition expert, Captain Dudash stated it does. Councilor Albert spoke of the importance of that training and suggested there may be grant opportunities to provide such training for a second officer. He spoke of the increased frequency of impaired driving.

Vice Chairman Koenig asked if the patrols are specifically targeted to alcohol, and was informed the purpose is to get the impaired driver off the road.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the acceptance and expenditure of a Merrimack DWI Patrols grant in the amount of Seven Thousand Nine Hundred Seventy Dollars (\$7,970) made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to fund 41 four-hour patrols between the hours of 9 p.m. and 3 a.m., pursuant to RSA 31:95-b and Charter Article 8-

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15 and furthermore that the Town Manager or her proxy be authorized to sign any documents necessary to accept and expend said grant monies

ON THE QUESTION

Vice Chairman Koenig questioned if the \$7,970 is earmarked specifically for patrols or if some amount is earmarked for data management, etc. Captain Dudash stated the department has to provide a soft match of 25%, e.g., gas, use of vehicle, time spent preparing reports, etc. The total \$7,970 is earmarked specifically for the patrols.

MOTION CARRIED 7-0-0

3. Distracted Driving Patrols Grant Acceptance for the Merrimack Police Department

Submitted by Captain Michael Dudash

The Town Council to consider the acceptance and expenditure of a Merrimack Distracted Driving Patrols grant in the amount of \$5,665 made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to fund 29-four hour patrols to deter distracted and negligent driving, pursuant to RSA 31:95-b and Charter Article 8-15.

The grant is intended to focus on enforcement of the distracted driver. When asked to provide additional clarity, Captain Dudash indicated, in accordance with State Statute, the focus is on motorists utilizing a mobile device while driving.

MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance and expenditure of a Merrimack Distracted Driving Patrols grant in the amount of Five Thousand Six Hundred Sixty Five Dollars (\$5,665) made available through the State of New Hampshire Office of Highway Safety to the Merrimack Police Department to fund 29 four-hour patrols to deter distracted and negligent driving, pursuant to RSA 31:95-b and Charter Article 8-15 and furthermore that the Town Manager or her proxy be authorized to sign documents necessary to accept and expend said monies. MOTION CARRIED 5-2-0

Councilors Koenig and Rothhaus voted in opposition

4. Acceptance of Donation of Services for Parks and Recreation

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance of a donation of services from Light up the Night Productions to the Parks and Recreation Department to provide Holiday lighting outlining the band stand at Abbie Griffin Park at no cost to the Town, pursuant to RSA 31:95-e and Charter Article 8-15.

MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance of a donation of services from Light up the Night Productions to the Parks and Recreation Department to provide Holiday lighting outlining the band stand at Abbie Griffin Park at no cost to the Town, pursuant to RSA 31:95-e and Charter Article 8-15

ON THE QUESTION

Town Manager Cabanel stated the monetary value of the services to be approx. \$800.

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Councilor Thornton stated his desire for the lighting to be placed at Watson Park noting the other amenities that are placed at the Abie Griffin Park, e.g., tree, wreaths.

Councilor Boyd questioned what the lighting could be attached to at Watson Park that would be visible.

Light up the Night Productions is a local business. Councilor Albert stated his appreciation for Mr. Letourneau's donation. Chairman Rothhaus remarked if that is where they want to place it, he is more inclined to leave it there.

Councilor Albert stated appreciation for the idea of placing the lights on the gazebo at Watson Park. If Mr. Letourneau is amenable. It was noted the gazebo at Watson Park is a larger structure. Councilor Thornton suggested it could be placed along the guardrails or another structure. He is appreciative of the donation and would like it to be as visible as possible.

Councilor Boyd commented, if traveling northbound, the grandstand at the Abbie Griffin Park is very visible. He believes the lights would be more visible in that location.

Chairman Rothhaus suggested it be left up to Mr. Letourneau. Councilor Boyd commented it is a great idea whether at the Abbie Griffin Park or Watson Park. He spoke of being grateful for the donation.

Town Manager Cabanel stated she questioned Director Casparius who indicated it was he who suggested the location.

Vice Chairman Koenig echoed the sentiment it is a great opportunity and stated his appreciation of the donation.

Councilor Albert suggested the Town could add lighting to the second location.

AMENDED MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance of a donation of services from Light up the Night Productions to the Parks and Recreation Department to provide Holiday lighting at a location suitable to the Parks and Recreation Department and Light up the Night Productions, at no cost to the Town, pursuant to RSA 31:95-e and Charter Article 8-15. MOTION CARRIED 7-0-0

Minutes - None

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd thanked the administrators and faculty at Merrimack High School, the Police Department, and all who were involved with the lock down that occurred earlier in the day. What could have potentially been a very serious situation turned out to be a false alarm. He extended thoughts and prayers to those involved.

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Councilor Albert stated he and members of the Conservation Commission will be attending the annual meeting of the New Hampshire Association of Conservation Commissions in Pembroke, NH on Saturday. The event offers a great deal of training opportunities.

Councilor Thornton noted the Merrimack High School Football team has their quarter final game against Nashua North at 1:00 p.m. on Saturday.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the meeting. MOTION CARRIED 7-0-0

The November 1, 2018 meeting of the Town Council was adjourned at 8:26 p.m.

Submitted by Dawn MacMillan