



Town Council Meeting Minutes

Thursday, April 28, 2022, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Vice Chair Rothhaus called the meeting to order at 7:10 pm. Present at the meeting were Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Chairman Koenig was excused.

Pledge of Allegiance

Vice Chair Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, May 5, 2022, 7:00 PM Regular meeting
- Thursday, May 26, 2022, 7:00 PM Regular meeting
- Thursday, June 9, 2022, 7:00 PM Regular meeting
- Thursday, June 23, 2022, 7:00 PM Regular meeting

The Town of Merrimack, working with NH Department of Public Health and their partners, is hosting a COVID Vaccination Clinic on Thursday, 5/5/22 at the John O'Leary Adult Community Center at 4 Church St., Merrimack. COVID 1st and 2nd boosters along with new primary shots are available for all three types of vaccines. Call the Merrimack Town Hall at 603 420-1440 or email welfare@merrimacknh.gov to schedule an appointment.

The Parks & Recreation is seeking to hire additional staff for this upcoming summer. Open positions include Camp Counselors, Lifeguards, Waterfront Director, Camp Office Secretary, Maintenance and Weekend Park Attendants. For questions contact the Parks & Recreation Department at 603-882-1046. To download an application, visit www.merrimacknh.gov/jobs.

The DEA National Prescription Drug Take Back will be held this Saturday, April 30th from 10am- 2pm. You can drop off your unused/expired prescription drugs in the designated bin located in the lobby of the Police Department. As always, NO NEEDLES OR LIQUIDS.

A Firearm safety class (adult class) will be held at the Merrimack Police Department on Saturday, May 21st from 9:00-11:30 AM. To register, please contact Community Services Officer William Vandersyde 603-420-1842

The Next Household Hazardous Waste Collection Day is Saturday May 7th from 8 AM to 12 Pm in Milford at the Public Works Building (289 South Street, Milford).

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

1. Annual Review with the Parks and Recreation Committee

Submitted by Parks and Recreation Committee Chair Tracy McGraw

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 Tracy McGraw was present to discuss the annual review. First, she reiterated that they are in need of camp counselors and need the extra help before camp season begins. She also shared that the Wasserman Beach Project is coming along, with the beach half of it being completed and the docks being recently pulled out. They are currently pricing out a few things, such as new wood for a fishing dock. They also have plans to put in an ADA accessible area to get to the dock as an alternative to stairs. Ms. McGraw then shared that there is a waitlist for camp this season, and the cost this year went up \$15 per week, which compares to other camps increasing their prices by \$40-\$60 per week, which she believes is the cost for their spots filling up so soon. She then stated that they have begun thinking about increasing the costs again for the next year in order to be able to get staff in sooner. She then shared that Mr. Casparius recently held a job fair, but unfortunately many individuals backed out or did not apply for many positions.

Ms. McGraw then shared some other updates, such as "movie in the park" which will be starting up in June and will be held at Wasserman Park, as well as the concert series at the gazebo. Ms. McGraw then discussed the community gardens, sharing that DPW is going to be tilling the area, and that this year they have changed the rules regarding plots, sharing that you can now sign up for as many plots as you want instead of having to wait. Additionally, they have added in some parking spots, with one being ADA compliant. She then shared that they are still working on ideas for the farmer's market, stating that they are going to pass on it this year in order to focus on what they will do for next year. Next, Ms. McGraw discussed the skate park area, stating that the school owns the property, but they want to either fix the area or pick a new location for it. Ms. McGraw then discussed the Wasserman dog park area, sharing that there have been issues in the area due to the new parking lot and the rocks shifting. They are aware of this and are working on a solution to fix this while keeping the dog park open.

Ms. McGraw then shared that MYA is in full swing with their programs (baseball, softball, soccer, and lacrosse), with about 850 children signed up for these various sports. She then stated that they need to figure out expanding their fields to see what is available to help create more space for these programs. Ms. McGraw lastly stated that they have been working on changes to 142 Town Code, highlighting that they have been able to agree to a few things such as a 5mph speed limit in every town park area, and reducing household waste in park dumpsters.

Public Hearing

1. Public Hearing – NH Office of Highway Safety Grant Acceptance for the Merrimack Police Department

Submitted by Police Captain Eric Marquis

The Town Council will hold a public hearing to consider the acceptance of an equipment reimbursement grant in the amount of \$11,715.33, made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department to be used towards transitioning to a new records management system, pursuant to RSA 31:95-b and Charter Article 8-15.

Police Captain Eric Marquis was present to discuss the RMS system, sharing that this new system gives officers the ability to scan licenses, registrations, and other information directly into the computer, which then populates electronically into templates for warnings, summonses, motor vehicle accident paperwork, etc. and can be then printed directly into the car, reducing the need for handwritten documents. Additionally, this will be sent to the state immediately instead of office staff needing to manually mail in paperwork. The department will need to purchase 11 printers (along with mounting kits and adapter plates) to be installed into the cruisers, which is approximately \$10,215 and is covered by this grant, minus installation fee which the department will pay for out of pocket. He then shared that this grant also covers the purchase of one MDT (mobile data terminal) computer to be installed in their canine officer's vehicle, which is \$3,499.48 and includes the MDT, mounting equipment, and installation.

The public hearing was opened at 7:36pm and closed at 7:37pm.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the equipment reimbursement grant in the amount of \$11,715.33, made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department to be used towards transitioning to a new records management system, pursuant to RSA 31:95-b and Charter Article 8-15, and to provide authority to the Town Manager to sign any necessary documents.

MOTION CARRIES 6-0-0

2. Public Hearing – Acceptance of Donation for the Merrimack Police Department

Submitted by Police Chief Brian Levesque

The Town Council will hold a public hearing to consider the acceptance and expenditure of an anonymous donation in the amount of \$10,200 to the Merrimack Police Department to be used towards a Comfort Dog Program, pursuant to RSA 31:95-b and Charter Article 8-15.

Police Chief Brian Levesque was present to discuss purchasing a comfort dog with the donation money received. Town Manager Paul Micali shared that during the search for Elijah "Eli" Lewis, the department saw how beneficial it was for everyone to have the comfort dog available. Chief Levesque then shared that this program is near and dear to his heart after seeing the effects of having comfort dogs available during emotionally difficult times and crises as they help reduce anxiety and are overall great for the community. Councilor Healey asked what would happen if someone needs to be put in the back of the patrol car, in which Chief Levesque replied that the dog is in a kennel that is divided in the back, so there is room for the dog and anyone who may be transported. Vice Chair Rothhaus asked if a specific officer will be in charge of this dog, in which Chief Levesque replied that Officer Grimes will be the primary handler, but comfort dogs can roam around the station and interact with all officers. Additionally, because comfort dogs are not k9 dogs, there is less training required.

The public hearing was opened at 7:45pm and closed at 7:46pm.

MOTION made by Councilor Murphy and seconded by Councilor Healey to accept and expend the anonymous donation in the amount of \$10,200 to the Merrimack Police Department to be used towards a Comfort Dog Program, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 6-0-0

3. Public Hearing – COSSAP Grant Acceptance for the Merrimack Police Department

Submitted by Police Chief Brian Levesque

The Town Council will hold a public hearing to consider the acceptance of a Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) grant in the amount of up to \$335,537.34 made

available through the U.S. Department of Justice Bureau of Justice Assistance to the Merrimack Police Department to be used to form a Prevention, Enforcement, and Treatment (PET) Program, pursuant to RSA 31:95-b and Charter Article 8-15.

Police Chief Brian Levesque, along with Detective Eric Adams from Laconia PD via phone, then discussed the plans for this grant, stating that in 2019 they were approached by the Department of Justice regarding a collaborative grant with other communities (Belmont, Berlin, Claremont, Londonderry, and Manchester) to implement a PET (Prevention Enforcement Treatment) program. This would include a three-year salary for a patrol officer in town to dedicate to this program. Detective Adams then shared that they started their PET program back in 2014 with the intent to try and work with their most critical individuals dealing with substance use and mental health issues that they interacted with on a regular basis. He then went over their typical process, which includes meeting with the individuals for an intake, discussing where the individual is at and what resources are available, and how the department can provide support for them and their families to promote long-term success, as well as providing outreach services and community events.

Councilor Healey asked how this would merge with the current drug enforcement task force, and if this is a full time or part-time position, and how this will be fit into the budget when the grant runs out in three years. Chief Levesque stated that police work has merged into social services work over the years, so they are confident this program will integrate well with their department. As for the longevity of the program, he is hopeful that they can keep the position on once they have the data to back up how important this position is for the community. He then shared that due to staffing shortages, they are hoping to focus more on the education and community pieces of this program so they don't have to pull an officer away from their duties for this program, but once they get more individuals recruited and trained, this will be a more dedicated role. Councilor Murphy thinks this is a wonderful proactive idea for the community and can greatly benefit Merrimack.

The public hearing was opened at 8:10pm.

Ben Niles of 11 Fernwood Drive spoke in support of this program, stating that the nation has a serious fentanyl problem, especially with younger individuals, and this program needs to be implemented through school safety officers as well to get the message across to protect and save the younger generation.

The public hearing was then closed at 8:13pm.

MOTION made by Councilor Murphy and seconded by Councilor Healey to accept the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) grant in the amount of up to \$335,537.34 made available through the U.S. Department of Justice Bureau of Justice Assistance to the Merrimack Police Department to be used to form a Prevention, Enforcement, and Treatment (PET) Program, pursuant to RSA 31:95-b and Charter Article 8-15, and allow the Town Manager to sign any necessary documents.

MOTION CARRIES 6-0-0

Legislative Updates from State Representatives

Greetings!

1. A special thank you to the Senate Transportation Committee for unanimously ADOPTING [an amendment](#) to REMOVE section 2 from [HB 2022](#). Section 2 would have transferred ownership of Continental Blvd to Merrimack. This is good news so far! Next step is the full Senate, and a possible House and Senate Committee of Conference after that. More to come.

Approved: May 26, 2022

Posted: May 27, 2022

2. [HB 1547](#) (AN ACT relative to perfluorinated chemical remediation in soil and procedures for certain hazardous waste generators) was given an Ought to Pass recommendation from the Senate Energy and Natural Resources Committee. Next it goes to the full Senate. This bill is the product of exceptional collaboration among town activists, state legislators and the New Hampshire Department of Environmental Services.

Thank you for all you do.

Respectfully submitted,
Rep. Maureen Mooney

Town Manager's Report

- Pavement program for the year has been progressing quickly. All base or shim paving has been completed. On Friday, April 29th the crews will be in to raise all of the sewer, water and drainage structures. Once all of the structures have been raised, Continental Paving will be back to place the final pavement on the roads.

Consent Agenda

1. Consideration of Changes to Chapter A198 of the Merrimack Town Code [Final Reading]

Submitted by Town Manager Paul T. Micali

The Town Council to consider the acceptance of recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION CARRIES 6-0-0

Old Business

None.

New Business

1. Permitting Requirements for Craft Fairs

Submitted by Jody Donohue

Requesting definitions and possible exemption for upcoming Craft Fair to be held at Merrimack Premium Outlets on Saturday, May 7, 2022.

Ms. Jody Donahue was present to speak with the Council about the upcoming Craft Fair. She shared that she is a part of the Great New England Craft and Artisan Shows and she travels around New England hosting various events. This year will mark the 5th year of craft fairs at the Merrimack Outlets, and she recently received an email from the Outlets stating that all vendors will need to complete a Merrimack town permit for a hawker's permit and pay \$50. Because of this, she has had several vendors back out, any many are alarmed about this sudden requirement. She then stated that typically, as the renter she handles all the liability, permits, and insurance for these events, and she has never had a town or city ask for this before hosting a craft fair. Ms. Donahue then shared that these artists do not make much profit from this, and this is mostly a hobby or part time job for these individuals, so \$50 can be a lot of money for some artists. She is hoping the Council can help figure this out so she does not have to cancel the event.

Mr. Micali shared that this falls under Ordinance 180, intent vendors, and many surrounding towns also charge a daily or yearly fee. He then reviewed the fee exemptions, which are for any non-profit or any brick-and-mortar retail location in NH. The Council put this ordinance in place due to Rib Fest and the unsolicited vendors at that event, so now individuals are required to apply for a permit and complete a background check. He then shared that the Outlets were not aware of this policy until an individual who sells at Anheuser-Busch mentioned they were also going to be at the Craft Fair. The Council discussed possible exceptions, as the consensus was that this is a different type of event than Rib Fest and understand that this event does not yield much profit for the artists. Mr. Micali stated that the Council has to be careful as this could set a precedence for individuals that sell at multiple vendor locations. Councilor Murphy agreed with Mr. Micali, stating that she is concerned that allowing exceptions could lead to problems down the line with other vendors looking for exceptions, including those out-of-state, and the ordinance serves as a protection for the town. Councilor Healey shared her stance, stating that she thinks this ordinance should be re-worked and an exception should be made since the artists may not sell anything or turn any profit from this event, and \$50 can be a lot for some individuals. Councilor Hunter is also in agreement with making a one-time exception, with Councilor Harrington agreeing, stating that the exception should be made since Ms. Donahue was just made aware of this recently and she was unaware of the ordinance. Mr. Micali asked the Council if they would be in agreement to grant the one-time exception, and he can re-work the ordinance and present an updated version to the Council in a few weeks for review.

MOTION made by Councilor Harrington and seconded by Councilor Healey to allow a one-time exemption for the upcoming Great New England Craft & Artisan Show being held at Merrimack Premium Outlets on Saturday, May 7, 2022, and for the promoter to provide insurance information and pay a fee of \$160 to cover the cost of the Fire Inspector, and to allow the Town Manager or his proxy to sign and execute all of the necessary paperwork.

MOTION CARRIES 6-0-0

2. Acceptance of Donation to the Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$510.00 from the Trustees of Trust Funds to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Woods and seconded by Councilor Healey to accept and expend the donation in the amount of \$510.00 from the Trustees of Trust Funds to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 6-0-0

3. Acceptance of Donation for the Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$510.00 from the Merrimack Lions Club to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept and expend the donation in the amount of \$510.00 from the Merrimack Lions Club to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 6-0-0

Regarding item number 2, after voting, Mr. Micali stated that the Trustee of the Trust Funds cannot give a donation, rather the Council has to request the money from the Trustees of Trust Funds to pay for \$510 from the Bear Christensen Fund. He is requesting that this motion be reconsidered to reflect this.

MOTION made by Councilor Hunter and seconded by Councilor Harrington to reconsider item Number 2 under New Business.

MOTION CARRIES 6-0-0

MOTION made by Councilor Woods and seconded by Councilor Healey to request \$510 from the Trustees of Trust Funds from the Bear Christensen Fund to pay for camp scholarships at Naticook Summer Day Camp, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 6-0-0

4. Town Council Retreat / Goal Session

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

Town Council to decide when and where their Retreat / Goal Session will be held.

Town Manager Paul Micali started by asking to have the retreat in June, and to pick any day except Mondays due to cleaning staff not being available. The Council went back and forth with possible dates, ultimately deciding on June 8th. Mr. Micali then asked the Council to brainstorm some topics and shared that he will send out last year's agenda by the 13th.

5. Trustees of Trust Funds Alternate Member Position(s)

Submitted by Vice Chairman Finlay Rothhaus

Town Council to request the Trustee of Trust Funds to begin the process of filling the alternate member position(s).

MOTION made by Councilor Hunter and seconded by Councilor Harrington to request the Trustees of Trust Funds to fill the alternate member positions effective July 1st, utilizing the town's policy for appointments to committees.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ April 14, 2022

MOTION made by Councilor Healey and seconded by Councilor Hunter to approve the minutes from April 14, 2022 as amended.

MOTION CARRIES 5-0-1 with Councilor Harrington abstaining

Amendments:

Page 3 Line 38: "is in agreement" not "is agreement"

Page 6 Line 5: Reconsideration should not be underlined

Comments from the Press

None.

Approved: May 26, 2022

Posted: May 27, 2022

Comments from the Public

Ben Niles of 11 Fernwood Dr. was present to discuss Article 3, funding for drainage road repairs in Woodland Park. He shared that he was disappointed to see that there was no support from the Council regarding this issue and asked why they were indifferent to this proposal. Vice Chair Rothhaus stated that he personally feels that they have an organized plan, including a CRF and capital improvement program that is working on advancing the community with the least impact to the tax rate. Mr. Niles shared that there are many cracks in the road, which further deteriorates the roads as he has not seen the cracks filled to help protect the road from needing major repairs or paving. He is especially concerned that his driveway is sinking each year and there is a sewer drain at the end of his driveway. Additionally, there are two drains down the road that are clogged with leaves and need to be addressed, as in the winter they freeze over and become dangerous and icy. Mr. Micali asked Mr. Niles to send him his concerns so he can ensure that his concerns get addressed to the proper people.

Comments from the Council

None.

Adjourn

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

MOTION CARRIES 6-0-0

The meeting adjourned at 9:30 pm.

Respectfully submitted by Jennifer Steagald