

Approved: July 9, 2020

Posted: July 14, 2020



Town Council Meeting Minutes

Thursday, June 11, 2020 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting of the Town Council to order at 7:00 p.m.

Due to the COVID-19/Coronavirus crisis, and in accordance with Governor Sununu's [Emergency Order #12](#) pursuant to Executive Order 2020-04, this Council is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV Channel 20 and the Merrimack TV Facebook Live page (<http://www.facebook.com/merrimacktv>). Telephone access was available for members of the public wishing to speak during the Public Hearing or provide public comment; (929) 205 6099 US (301) 715 8592 US - Meeting ID: 967 2676 3813. Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to TCPublicComments@MerrimackNH.Gov.

Members of the Town Council and Administration were participating via Zoom. In accordance with [RSA 91-A:2 III](#), each member of the Council was asked to state, for the record, where they were, why their attendance in person was not reasonably practical, who, if anyone, was with them, and whether or not they were able to hear the proceedings.

Chairman Koenig

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was with family, but alone in the room he was in, and could hear the proceedings.

Councilor Woods

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Councilor Harrington

Stated she was participating electronically from Rhode Island, attendance in person was not reasonably practical due to COVID-19, she was alone in the room she was in, and could hear the proceedings.

Councilor Rothhaus

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was at home with family, but alone in the room he was in, and could hear the proceedings.

Councilor Albert

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was at home with family members, and could hear the proceedings.

Councilor Healey

Stated she was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, she was at home with family, but alone in the room she was in, and could hear the proceedings.

Town Manager Eileen Cabanel and Assistant Town Manager/Finance Director Paul Micali were in attendance.

It was acknowledged all members participating electronically could be heard. The Council was reminded all votes would be taken by Roll Call.

Pledge of Allegiance

Chairman Koenig led in the Pledge of Allegiance.

Vice Chairman Boyd

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was at home with family, and could hear the proceedings.

Announcements

The Rotary Club of Merrimack, in conjunction with the Common Man and maskupnh.com, will be issuing masks to anyone interested on Friday, June 19th between the hours of 3:00 and 7:00 p.m. and Saturday June 20th from 9:00 a.m. to 1:00 p.m. at 526 D.W. Highway, a.k.a. Volt Motor Storage. Masks are free, but donations are greatly appreciated. For additional information please visit maskupnh.com.

The Official Ballot Vote will be held on Tuesday, June 23, 2020.

Regular meetings of the Town Council will be conducted on Thursday June 25th, July 16th, and August 20th at 7:00 p.m. in the Matthew Thornton Room.

Property tax bills were mailed on June 5th and are due by July 6th. Property owners who have not received their bill should contact the Tax Collector's office for a duplicate bill.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. Discussion with Merrimack Police Chief Denise Roy

Submitted by Police Chief Denise Roy

Chief Roy to address the Council regarding the Merrimack Police Department's commitment to community policing, ongoing review of Use-of-Force policies, and discussion of evolving practices for fair and impartial bias training.

Denise Roy, Chief, Merrimack Police Department, expressed gratitude for being invited to address the Council and community members who may have questions regarding the Merrimack Police Department's policies and procedures related to "use of force", and made the following statement:

"I want to start by telling you how deeply disturbed I am by the events leading to George Floyd's death on Monday, May 31st. The four officers involved do not represent all members of law enforcement. In fact, they are the exact opposite of what each and every officer in Merrimack prides themselves in, which is integrity. The Merrimack Police Department has always been on the forefront of community engagement. We currently have over 30 programs, which unite us with the citizens in our Town. Programs, such as Coffee With a Cop, are designed to bring members of the community and police officers together with the only agenda being open and honest dialogue. There is no better way to build relationships than coffee and conversation.

The Merrimack Police Department believes that building a strong relationship should begin with our youth. Three days a week, during the school year, uniformed patrol officers go to each of the elementary schools where they read books chosen by the students and answer questions they might have. It is our hope that children begin to feel a sense of safety while in the presence of the officers. As the students move into the upper elementary school, they take a class with our Community Services Officer in the Police and Children Together (PACT) Program. This is where they get a better understanding for not only the police department's role in society, but what their role in society will be too.

Additionally, we have a School Resource Officers in both the middle school and the high school. The presence of these officers is to provide the students with sense of security and to begin to mentor positive behavior in relationships for the future. Building these relationships with the youth in Merrimack is an important part of shaping the community partnerships that we currently have.

The Police Department is also committed to hiring the most professional and empathetic officers. Our hiring process is designed to recruit officers who will help us achieve our mission and foster good relationships with the Merrimack residents. We pride ourselves in never settling for an officer just to fill our roster.

The Police Department provides the most up-to-date training for each of our officers. From the moment they are hired to the most veteran officer, they are constantly trained in all areas of law enforcement. We conduct yearly "use of force" trainings, which includes firearms, simunitions, and defensive tactics. Our yearly curriculum also consists of a verbal review of our deadly and non-deadly "use of force" policies along with the force continuum, which is taught from the day an officer is hired.

The Police Department takes pride in the fair treatment of all of its citizens. Each officer has also been trained in our fair and impartial policing policy. The purpose of this policy is to prevent bias policing and other discriminatory practices in any law enforcement related activity involving an officer of the Merrimack Police Department. Our officers are also trained in de-escalation techniques and yearly mental health training in order to better serve those in need during times of crisis.

The Merrimack Police Department has developed a culture of togetherness. We believe to be successful, we must partner with the community, but we cannot do it alone. I urge everyone, whether you live, work, or visit Merrimack, to become a partner with us too. Join us in conversations, if you feel as though we

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could do something better let us know, if you think we are doing something right, let us know. It cannot be just the police department who makes this Town feel welcoming for everyone; it has to be you too.

I stand behind each member of the Merrimack Police Department. I could not be more proud to lead the group of women and men that we have. I look forward to keeping our dialogue open with both you the Council and the community and hope that you will too. Thank you."

Chief Roy turned the microphone over to Brian Levesque, Deputy Chief, Merrimack Police Department, to address some of the procedures that are followed related to complaints on police officers and ""use of force"" reviews.

Deputy Chief Levesque stated the department has several practices in place to deal with complaints on police officers and "use of force" reviews. Community members can come to the station to file a formal complaint on a police officer. That complaint is then investigated and dealt with in the appropriate manner. Over the last 5 years the department has only received 8 formal complaints (handle nearly 30,000 calls for service each year), which is a true testament of the work the employees and officers are doing.

Any time there is "use of force" whether deadly or non-deadly, a vehicle pursuit, or if an animal is destroyed by a handgun, or in any instance where a weapon is drawn if pointed at a subject, officers are required to do a "use of force" review. The report is completed and reviewed and commented on by the supervisor. The review then goes to the Patrol Captain and is ultimately reviewed by the Deputy Chief. This is believed a good means of checks and balances and allows for the opportunity to address immediately anything that is noticed to be abnormal. Most of the "use of force" reviews are for putting animals down that are sick or have rabies.

Councilor Albert stated it to have been his experience that these matters are handled thoroughly and seriously. He thanked the Chief for coming forward and touching upon the subject.

Councilor Harrington commented having been on the Council for a number of years and in the Town for 40 some odd years, she is well aware and very proud of the police department. She is particularly proud of the community policing focus that has been in place for many years.

Councilor Healey questioned the number of School Resource Officers (SROs) and how they are doing during the time when school is in session.

Chief Roy responded there are 3 officers that go into the schools. One is a Community Service Officer. There is an SRO in the middle school and another in the high school. During this time that students have been at home, they have continued to do their job through maintaining contact with students and going back and forth with the schools to ensure they have everything they need during the lunch programs. They have been heavily involved with every aspect of the school, e.g., graduation parade. During the summer months they have various projects including going to the daycares and having that contact/presence.

Vice Chairman Boyd expressed gratitude to everyone at the police department who patrol the streets on a daily basis to keep our people and property safe. He spoke of how his daughter benefitted from having a good rapport with the SROs.

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He commented on a website, Alarms.org, which has ranked Merrimack 3rd in the State with the lowest percentage of crime. It is a testament to the community policing component and a credit to the training, and level of alertness that our officers have on a daily basis.

He questioned how infrequent the complaints are that come in regarding how something was handled at the police department. Deputy Chief Levesque responded the fact that we have had only 8 over the last 5 years with 30,000 calls each year is pretty impressive. A lot of times people might come into the station to file a complaint and it is simply a matter of they did not understand why something was done, and are fine with the explanation provided by the supervisor.

Councilor Woods expressed his gratitude and respect for the Merrimack Police Department.

Chairman Koenig commented when he first moved to Town in '91, he was impressed with what he saw with the police department. He commented on the ongoing efforts, such as the Citizens' Police Academy, to keep the citizenry informed of the day-to-day operations of the department.

Vice Chairman Boyd added, the yearly open house also provides an opportunity for residents to become familiar with the work of the department.

Town Manager Cabanel stated during her tenure, she has been thoroughly impressed by the Merrimack Police Department. She spoke of their professionalism, hiring practices, and community focus, and expressed her gratitude.

Chairman Koenig opened the floor to allow for public comment.

Samantha Searles, 6 Monadnock Lane

She is the Merrimack resident organizing the peaceful vigil for black lives in Abbie Griffin Park. She spoke of being grateful to the police department for all of the work they have done to help her make the event safe.

Chairman Koenig commented the Town remains under the COVID-19 Emergency Orders; social distancing and masks are heavily urged. Anything that can be done to try to keep those attending as safe as possible would be appreciated.

Ms. Searles noted masks will be handed out, tables will be placed to allow for social distancing, etc.

Chief Roy met with Ms. Searles earlier in the day. She referred to her as a breath of fresh air, commenting she is cooperative and understands the department has a job to do, and they want her to be able to have a successful event. They appreciate her level of maturity and understanding of the department's views. She expressed gratitude for her cooperation and working in conjunction with the department.

Public Hearing - None

Legislative Updates from State Representatives – None

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Town Manager's Report

The Bedford Road Bridge project is nearing completion with a scheduled opening on Tuesday, June 16. There will continue to be daily lane closures through the summer months as the utility companies move their poles and lines back to the new roadway. Traffic will be controlled daily through the work area by flaggers working for the utility companies.

Beginning June 16, residents will be able to obtain the 2020 Transfer Station resident decals at the Transfer Station and at the Public Works Administration office, which is located in the lower level of the Town Hall. An outside table near the Transfer Station office will facilitate the distribution of the 2020 decals. Residents are encouraged to fill out a decal request form prior to arrival to save time, but copies will also be available at the two sites. Residents will need to show proof of residency to obtain the decal, which is free for Town residents. The decal request form can be found on the Public Works' Solid Waste webpage on the Town website.

This weekend, the Media Division will record Merrimack High School's graduation. The production will include pre-recorded speeches from staff, students, and a musical performance. The class of 2020 graduation will be made available sometime next week on Merrimack TV channel 21 and on our YouTube page. This will be the 16th consecutive year that the Media Division covers the ceremony. The production is an all-day, 7 - 9 hour event, that Media edits into a 2-hour presentation.

The Library building is closed to the public and staff continues to combine telework and onsite work, with an increase in onsite work. The book drops, located in the library parking lot and at the Naticook Road South Fire Station, are open to accept returned material. Fines continue to be waived. The library is planning to begin contactless curbside pick-up of requested materials on Monday, 6/15, which represents the initial stage of the gradual resumption of library services to increase access to the community. Details can be found on the library website and Facebook page.

Consent Agenda - None

Old Business

1. Upcoming Election/Voting Discussion

Submitted by Town Council Chairman Tom Koenig

The Town Council to discuss the upcoming Town Election scheduled for Tuesday, June 23, 2020.

Chairman Koenig noted the ban on gatherings larger than 10 will be lifted on June 15th. Plans remain in place to require masks, hand washing, plexiglass shields for ballot checkers, gloves for those in need, etc. COVID-19 is still a concern. Over 1,500 residents have applied for absentee ballots.

Many have determined they do not wish to work the polls this year due to age and susceptibility. The Council is responsible for the vote, and is expected to be present or have an appointee present at each of the precincts as a Council Official.

Town Manager Cabanel noted 3 Town Hall employees will be at the polling places to provide assistance.

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Chairman Koenig questioned if it is believed there is a sufficient number of staff to conduct the necessary tasks. Town Manager Cabanel indicated she has spoken with the Moderator, and they discussed having employees of the Public Works Department help with set-up and tear down. When asked how many additional volunteers are needed, the Moderator indicate the need for one additional person at each location.

The Council discussed which members would be at the different polling locations:

Saint John Neumann; Chairman Koenig and Councilor Woods
James Mastricola Upper Elementary School (JMUES); Councilor Albert and Councilor Rothhaus
Merrimack Middle School; Councilor Healey and/or Bob Healey

Councilor Harrington and Vice Chairman Boyd indicated a willingness to serve at either or both JMUES and the Middle School. They will work to ensure there are two members/appointees present at each location at all times.

2. The TEARS Foundation – “Angel of Hope” Monument Follow-up Discussion

Submitted by The TEARS Foundation Co-Chapter Leaders Kim Badessa and Darcie Champagne
The Town Council to have a follow-up discussion about the location for bringing an “Angel of Hope” monument to Merrimack. This monument is a symbol of hope and serves as a place for families to gather to remember and honor their baby who has passed away.

Darcie Champagne, Co-Chapter Leader, TEARS Foundation, remarked she, Ms. Badessa and Jillian Pouliot were able to visit the different potential locations for placement of the monument, and have submitted a formal request for the monument to be able to be placed at the Abbie Griffin Park. It is believed the perfect location; highly visible on the main path, but tucked up and away. The benches that are part of the monument would tie in nicely with existing granite benches. A lot of consideration was given to the fact that there is not a playground present there. It is believed those that are earlier in their loss could be easily triggered by children playing on a playground. They also like that it is a family gathering place.

Assistant Town Manager/Finance Director Micali stated the proposed location to be in the back corner against the fence line (near the courthouse) near the tree line going down towards D.W. Highway.

MOTION made by Councilor Harrington and seconded by Vice Chairman Boyd to approve placement of the TEARS Foundation Angel of Hope Monument at the proposed location within the Abbie Griffin Park

ON THE QUESTION

Vice Chairman Boyd spoke of a conversation with residents who expressed excitement to learn of the opportunity for a location in Town where they could go, as a family, to have a quiet moment of reflection regarding their son.

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A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Vice Chairman Boyd, Councilor Healey

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Nay:

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MOTION CARRIED

3. Discussion of Town Emergency Order

Submitted by Town Manager Eileen Cabanel

Town Council to discuss the Town Emergency Order that is currently in place for the following items:

Town Manager Cabanel stated the Governor has ended the Stay-at-Home Order. It will go until sunset and there will be no replacement for the 10-person maximum or the Order.

Through the Town's Emergency Ordinance, the Council has acted in large part to Town facilities. There are other issues such as recreational and quality of life type events that require discussion.

She recommended the Council rescind the Emergency Ordinance. The Action Items in the Ordinance are:

- A) Town of Merrimack ordains that effective immediately upon adoption of this Ordinance, the designated Town facilities and operations will be closed to the public in order to prevent/reduce the spread of COVID-19 and to comply with the CDC guidelines that gatherings be limited to 10 people or less.*
- B) Feasible and practical accommodations will be made to allow the public online access to Town resources and to transact Town business, as may be determined by the Town Council and the Town Manager."*

Town Manager Cabanel recommended the Ordinance be rescinded as the Town will be re-opening its facilities on June 15th.

MOTION made by Vice Chairman Boyd and seconded by Councilor Harrington to rescind Emergency Ordinance #1 (EO1), effective June 15, 2020

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

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Nay:

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MOTION CARRIED

Farmers Market

Town Manager Cabanel noted the Chairman of the Agricultural Committee was asked to put together a plan keeping in mind social distancing and PPE. The information was provided with the [agenda](#). Noted was that the agenda and associated documentation was written prior to the Governor's latest Order.

Town Manager Cabanel went over the procedures that will be implemented at the Merrimack Farmers' Market (detailed in the documentation provided with the agenda). She spoke of the Town's ability to acquire a few hundred surgical masks as well as gallons of hand sanitizer, which can be made available. She stated her belief it is reasonable to allow the Farmer's Market to continue, and commented on the amount of thought that has gone into the procedures.

A request is made of the Town to provide the materials required (anticipated cost of \$2,500) to permit the Farmers' Market to open safely on June 10th. Noted was that the majority of the supplies listed are readily available, and that, at most, the cost would be \$500. The Town would be reimbursed for the expenses.

Councilor Albert stated his support for continuing with the Farmers' Market. Councilor Healey suggested removing the requirements for limiting the number of people in the market to a maximum of 10 and the stipulation that one person per household will be allowed to shop. Those are obsolete. Chairman Koenig and Councilor Harrington stated agreement. Vice Chairman Boyd commented those involved in the Farmers' Market participated in the UNH Cooperative Extension webinar - Best Management Practices for Farmers Markets: Thinking through Operations during a Pandemic and Beyond. He stated his comfort level with the market opening.

4th of July Fireworks

Town Manager Cabanel remarked, given the prior decision not to hold a parade, monies that would have been expended there could instead be utilized to increase the level of fireworks. The City of Nashua has cancelled their fireworks display, which could result in an increase in attendance.

Chairman Koenig stated his belief it is okay to move ahead with the fireworks display. He encouraged people to continue to be careful, e.g., social distance as much as possible, wear masks, etc.

When asked by a reporter, Governor Sununu had commented that most celebrations had been cancelled, and it would be a smart move to postpone them until fall. Many communities are looking at Labor Day as an option.

Councilor Albert noted Nashua, Manchester, and Amherst have all cancelled their displays. He stated concern that Merrimack could be the only community with fireworks, and there could be a large crowd.

Councilor Healey echoed concern over the potential of being inundated if the only community with a display. She suggested postponing until Labor Day weekend when an Old Town Weekend or similar type event could be held.

Vice Chairman Boyd agreed with the concern regarding the potential for increased participation and the increased load on police and fire as well as safety concerns for emergency vehicles maneuvering through traffic.

Councilor Woods spoke of understanding the concerns expressed as well as the disappointment of other events being cancelled. Although Labor Day may be a bit early, he agrees with an event such as an Old Home Days/Fall Festival. He is more comfortable with moving towards postponing the fireworks display than he would be with cancelling altogether.

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Assistant Town Manager/Finance Director remarked the Rotary Club is looking to put on an event this fall. They are also looking at moving the Ribfest into the fall. The Town could work with the Rotary to incorporate a fireworks display into one of their fall events.

Councilor Harrington agreed with postponing the display until the fall commenting it will still draw people into Town, but hopefully the circumstances will be different at that point. She is pleased the Rotary is considering an Old Home Days, which is an event the Town could partner with them on.

Councilor Rothhaus commented he is not concerned with safety equipment maneuvering as traffic would be heavy coming into Town one way, and traffic can get out of the way in most areas. The crowd draw is likely even in the fall. The Old Home Days is a nice idea; however, he would not want that to take away from future Independence Day Celebrations. He is okay with postponing, but does not have major concerns with holding them on the 4th either.

Chairman Koenig believes the Town could handle the event on the 4th, and does not believe there would be a problem for emergency vehicles. He is uncertain how many people would come from other towns. He does not believe we would find people shoulder to shoulder watching fireworks. He commented on how people have been stuck in their homes for months, and that it would be a good thing to provide this opportunity.

The consensus of the Council was to postpone the fireworks display with the understanding the desire is for an event in the fall.

Lake Naticook Beach

Town Manager Cabanel noted the information provided by Matthew Casparius, Director, Parks and Recreation, commenting what provides her comfort in opening the beach is that the Town has a seasonal park attendant who has been working weekends since June 6th and will continue through Labor Day (weather permitting). The attendant is there to help enforce Merrimack residency, and assist with frequent cleaning of the Porta Potty located near the beach and the picnic tables near the waterfront as well as keeping the area clean of trash. She has a police department portable radio so that the police could be contacted quickly should a problem develop.

The Governor's guidance addresses inland beaches and recommends limiting occupancy to deal with social distancing, that picnic tables be spread out 10' apart, and identifies permitted activities provided social distancing is maintained. The recommendations have not been modified since the group of 10 orders were lifted.

Councilor Albert stated support for opening of the beach. He questioned if use of grant funding could be used to have an attendant onsite during the week as well. Director Casparius responded if camp runs there would be a presence there on weekdays. We do not tend to see many people (usually families with small children) on weekdays because camp is running. This past weekend we had 150 on Saturday (over the course of 8 hours) and on Sunday about 110, which is slightly higher than in past summers. Asked, he indicated the groups that are coming together are staying together and remaining separate from other groups.

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State beaches are now open, which should limit the concern relative to residents of surrounding communities looking for areas to swim if their communities have not opened their pools.

Asked about the planned improvements to the beach area, Town Manager Cabanel stated the work will proceed in the fall. The complicated wetlands permit has just been completed. The funding is budgeted, and can be carried into the following fiscal year.

Councilor Harrington stated support for opening the beach as did Chairman Koenig and Vice Chairman Boyd.

Town Parks - Athletic Fields - Basketball Courts - Volleyball Court - Tennis Courts - Skate Park - Playgrounds

Director Casparius stated the new guidance states outdoor team sporting events and games can occur, but only for low physical contact sports. What a low contact sport is, is not defined. Guidance does mention baseball and softball. The question comes on sports like soccer, lacrosse, field hockey, and basketball. Guidance still talks of maintaining 6' of social distance as much as possible through these activities.

Director Casparius remarked, at this point, he believes baseball and softball could proceed, but the others would remain on hold. Practice sessions could be allowed for the other sports. There is a restriction that states that only teams from New Hampshire, Maine, and Vermont are allowed. He commented on the adult softball leagues that have teams that come in from all over for tournaments. Parents and players have to wear face coverings when they cannot be socially distant. If the MYA was allowed to do a summer softball league, they would have to conduct temperature checks on athletes and coaches upon arrival, etc. Director Casparius stated his opinion it could be allowed with the understanding there are extensive guidelines to follow.

Councilor Albert questioned the action of other communities, and was informed a few have started to move in the direction of allowing these activities. Town Manager Cabanel reiterated until today at 3:00 p.m. none of this was recommended by the Governor. We cannot know what others will do.

Councilor Healey asked for clarification of the statement made by the Governor, and was informed the sports specifically outlined in the guidance document (referenced several times) were softball and baseball; "low physical contact sports". Director Casparius remarked he is on the fence in regard to soccer, field hockey, and lacrosse. He believes basketball and football would be off limits as they are all about physical contact. Councilor Healey commented on not all players in baseball and softball being able to remain 6' apart. Director Casparius noted it would be brief periods that players would be in close proximity and those that would, would be forward facing.

Councilor Albert stated agreement with opening of the fields for baseball and softball. He is inclined to agree with opening for soccer and lacrosse as well. Vice Chairman Boyd agreed with opening the fields for soccer, lacrosse, and field hockey in addition to baseball and softball. Basketball and football should remain closed at this time. Councilor Harrington stated agreement with opening up the fields, and with the idea of allowing for practices for soccer, lacrosse, and field hockey.

Councilor Rothhaus spoke of personal responsibility, and questioned at what point the Town picks up liability when the sports organizations let it go. He would rather generally open up the field, and ensure

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people understand where the Town stands in regard to the need to be careful, that signs be posted, e.g., if conducting games may be conflicting with State guidance, etc.

Councilor Albert stated his belief organized sports are preparing to deal with this in their own way to cover themselves as well. Chairman Koenig stated agreement with the remarks of Councilor Rothhaus that the fields be opened, and signage be placed recommending the Governor's guidance be followed.

MOTION made by Councilor Albert and seconded by Councilor Healey that the Town open all ball fields, with guidance signage in place, excluding basketball and football activities at this time

ON THE QUESTION

Councilor Rothhaus stated he would support the motion, and reiterated the programs themselves have liability and should be addressing issues related to guidance. He would like to reaffirm the need for signage to be erected to ensure all users are aware, when organizing to utilize those fields, where the Town stands.

Town Manager Cabanel questioned the will of the Council relative to Director Casparius requiring organized sports be provided with a copy of the Governor's guidance/orders and required to signoff indicating they have been read.

Councilor Healey questioned the frequency with which baseball/softball teams play against teams from other states. Assistant Town Manager/Finance Director Micali stated it varies. Councilor Healey was agreeable to teams from other states being provided with a copy of the Governor's orders.

Director Casparius stated the fields are booked mostly by local groups that are organizing, e.g., men's softball tournament. He has already begun sending the update of the latest guidance to them with the understanding he would be following up with what the Council decides.

Current orders state there can be up to 50 people on a field, no sharing of equipment, low-contact sports, promoting social distancing as much as possible, spectators wear masks if cannot be socially distant, teams only from Maine, New Hampshire, and Vermont.

Chairman Koenig remarked it appears we could open all fields stating no contact sports, follow the Governor's guidelines. Councilor Albert stated he would like his motion to continue to state a desire to open all fields to the sports mentioned excluding basketball and football.

AMENDED MOTION made by Councilor Albert and seconded by Councilor Healey that the Town open ball fields to the sports of baseball, softball, soccer, lacrosse, and field hockey, with guidance signage in place, and that teams be limited to those from New Hampshire, Maine, and Vermont as per the Governor's Guidance

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

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Nay: 0

MOTION CARRIED

Chairman Koenig stated his opinion basketball should be opened to non-contact opportunities, e.g., pick-up games. Signs could be posted encouraging avoiding physical contact, social distancing, etc.

Councilor Albert commented he is inclined to open the courts up.

MOTION made by Vice Chairman Boyd and seconded by Councilor Harrington to allow the basketball courts to be open for practice/play with guidance signage in place

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

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Nay: 0

MOTION CARRIED

Chairman Koenig questioned if there was guidance from the Governor relative to volleyball, and was informed there is not.

MOTION made by Councilor Albert and seconded by Councilor Woods to open the volleyball courts with guidance signage in place

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

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Nay: 0

MOTION CARRIED

MOTION made by Councilor Healey and seconded by Councilor Harrington to open the skatepark with guidance signage in place

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

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Nay: 0

MOTION CARRIED

Town Manager Cabanel noted the Governor continues to recommend that playgrounds remain closed. Her recommendation is that they remain closed.

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Chairman Koenig commented on the inability to keep the structures sanitized/cleaned, and stated agreement with the recommendation for the facilities to remain closed.

The consensus of the Council was for playgrounds to remain closed.

Town Hall Complex

Town Manager Cabanel noted the Human Resource Director has put together a comprehensive plan to address the re-opening. She provided an overview of what can be expected when visiting Town Hall, e.g., masks will be required, social distance markings. Masks and hand sanitizer will be available.

Residents are encouraged, if able, to continue to utilize online services.

When asked, Town Manager Cabanel stated all departments that are normally accessible to the public will be open. She has not yet had the opportunity to speak with the Library. She understands they are looking at a phased approach to opening; however, a specific date for opening has not yet been indicated. When the plan is received a copy will be provided to the Council.

Naticook Day Camp

Vice Chairman Boyd stated the need to recuse himself from the discussion noting his daughter is a camp counselor, and it would be inappropriate for him to take part.

Town Manager Cabanel stated, strictly from a health perspective, her recommendation is that the Council does not open the Naticook Day Camp.

Given the limited amount of information that remains available on COVID-19 and how it is transmitted, it would not be unreasonable to say let's sit this summer out. The idea of kids wearing masks is impractical. She spoke of the tasks involved; hiring of staff (40 staff members) looking to the list of interested participants to recoup the numbers to offset those who have already indicated they will not be attending, getting the camp ready to open under the guidelines, e.g., groups of 10 or fewer to limit exposure, ordering of food and supplies, procedures in place for taking of temperatures, etc., and the concern that after all of the efforts that could be put forth, a child could come down with COVID-19. She noted Director Casparius is of a different opinion.

Director Casparius spoke of a 44% drop in registrations in May, which reduced the number of campers to about 65-70/week. Based on the guidelines, we need 80 to break even in regard to costs. For the past two months, they have planned and put procedures in place to ensure a safe summer season. He holds roles on the executive boards for the New Hampshire Camp Directors Association and the New Hampshire Recreation and Park Association, and was one of the people writing the draft guidelines that went to the Task Force.

If looking at the statistics here in New Hampshire campers and the high school and college age staff are far less likely to develop symptoms of COVID-19. While there is no 100% guarantee, they believe they have accounted for every precaution to allow for camp to run and meet all of the Governor's guidelines. Campers would be assigned to a small cohort of 10 (8 campers and 2 staff), and would be isolated from every other group throughout the course of the entire day.

A drive in/drop-off procedure has been used for several years; a car pulls up and the healthcare supervisor would go through the screening questions, a temperature check would be conducted on the campers. If anyone in the household has signs of symptoms or has been exposed, they would not be allowed to drop off. Staff would go through the same process.

Activities would occur outdoors as much as possible. In instances of bad weather, there are places where campers could go indoors. Guidance recommends staff wear masks when in close quarters with children or any time they have to go inside where social distancing cannot be observed. They have prepared for that. Each of the cohorts would be assigned a cabin as the place to dump backpacks, have one designated bathroom, each group gets its own set of arts and crafts supplies and sports equipment, and the buildings are cleaned multiple times throughout the day.

There are two hurdles; guidance says older children who are able to be compliant with cloth face coverings should be asked to wear a mask over their mouth and nose when they are in close proximity to other staff and children and when social distancing is not possible. However, the guidance language does not say what an older child is. The State has left it up to us to decide what age is appropriate. Some camps are setting ages as young as 6, some at 12 or 13 and some are leaving it optional up to the individual family members. Director Casparius suggested the oldest campers; 12 or 13. Camp Sargent is making it entirely optional. They are not requiring any campers or staff to wear masks.

The other hurdle is a potential financial one. The day camp program is entirely funded by participant registration fees. Guidance from the State says no more than 10 people in a group, campers and counselors combined. In a normal year we would have 150 campers with 40 staff members. To meet the guidelines, we are looking at the same number of staff, but can only take about 80-90 campers. In early May, we had turned off registration concerned we would have 150 people signed up, and be faced with the challenge of who do we not allow in camp if unable to staff properly. There have been a number of cancellations. In the last few weeks as people have called, they have been placed on the waitlist. Theoretically, unless they have found another option, most of them should be looking to come to camp if we open.

Based on enrollment numbers and assuming most of the waitlisted campers would join us, we are around 70-75 campers/week. Based on the budget, we need 80 campers a week to hit the breakeven point. At 70 campers/week, we are looking at about a \$13,000 loss in direct cost of running camp.

Town Manager Cabanel remarked whether we are open or closed, we lose at least \$50,000. There are expenses that each fund that is not the general fund has got to pay over to the general fund for payroll, some of the Director's salary, administrative costs, etc. For this particular fund, it is approximately \$50,000 for the summer camp. When it is stated there is the potential to lose \$13,000, that is in addition to the \$50,000 versus closing and losing \$50,000.

Director Casparius stated Camp Sargent is planning on opening on June 22nd, which is the first date camps are opening. They are planning on taking 225 kids/week. According to their Camp Director, they are almost full for the entire summer. If we are able to open, it will take us about a month to ramp up. We would be tentatively looking at a July 13th opening date, which would give us 6 weeks of summer instead of 9.

Approved: July 9, 2020

Posted: July 14, 2020

With Camp Sargent opening on the 22nd, we get to see what happens. If they open up and run those 3 weeks without any significant issues, we can feel pretty good about our decision. If they open up with 225 campers and find problems right away, we can revisit that issue.

At this point, if we close camp, it is 130 Merrimack families that will now have no childcare for the summer. Businesses are re-opening. The Governor said today, by the end of this month, pretty much most industries will be re-opened. If we are closed and Camp Sargent is full, where will these families go? He reiterated he feels the Town can meet the guidelines set forth by the Governor.

Town Manager Cabanel commended Director Casparius for the significant amount of work he has done, and stated her appreciation for all he has done to make this happen. She questioned what happens if a camper comes down with COVID-19 on week 2. Director Casparius responded, in his opinion, if we got into week 2 and had a positive case at camp, we would shut down.

Councilor Harrington stated her opinion the benefits outweigh the risk. She is of the opinion camp should open. Chairman Koenig stated agreement.

Councilor Healey remarked even if opening camp it will be with a shortfall. She questioned if any of the funding from the CARES Act would be able to assist with the shortfall, and was told municipalities could not utilize COVID-19 funding to supplement lost revenues. Expenses associated with PPE could be covered, but are not counted in the revenue loss cited. Councilor Healey commented at the onset it sounded like even though this is a virus it was breaking all the rules, and as time has gone on we have learned it really isn't breaking all the rules; it is really an average virus much like any of the other viruses that people can get. It does not have an extremely long lifespan on surfaces that they have been able to prove. The only difference is that you do begin to share viruses two days or thereabout before you actually start to be symptomatic. Even though you take people's temperatures it is too late. Then again, the infection rate has not been anywhere near what was predicted.

Councilor Albert stated his belief it would be burdensome to continue with the procedures for six weeks. Anything we have to think this long and hard, and worry about is not a good idea. He is not in favor of opening the camp.

Councilor Woods stated his biggest concern is with the young children. He has read, listened to, and spoken with many about what we thought we knew months ago and do not think we know now. There has been much that has changed and nothing that has convinced him that we should not be taking care of the youngest people. The campers are our youngest people. They like to be close to and interact with one another. He is not in favor of opening the camp.

Councilor Rothhaus commented on how adamant the Town Manager is and how that has meant something to him. A great deal of work went into Director Casparius' presentation, and he is appreciative of that, but he is leaning against opening the camp. He relies a great deal on the recommendation of the Town Manager.

Approved: July 9, 2020

Posted: July 14, 2020

Town Manager Cabanel spoke of her respect for the work Director Casparius has done, and remarked she respects everyone's point of view, and does not believe there is a cut and dry answer. What she expressed was her personal opinion. Councilor Rothhaus commented she typically gives a lot more latitude when making presentations, and this one was concrete. He remains of the same opinion when it comes to people using their best judgment and being responsible for themselves and their families. He would support opening the camp and allowing people to decide for themselves whether or not to participate.

Chairman Koenig stated his support of opening the camp believing the majority of the people there are the least susceptible to the vast problems from COVID-19. He spoke of the number of cases in Merrimack at perhaps 60 out of 27,000 people who have come down sick, and we are in the vicinity of Nashua and Manchester that have had larger numbers. He does not feel there is a huge risk factor that we will end up with a lot of concern at Wasserman Park. If we allow people to be responsible and follow the careful guidelines that Director Casparius has set up, we run a good risk of having a good summer. The Council has received several emails from counselors and parents pleading with us to open the camp. When you think about the fact that the virus is susceptible to UV, being out in the open air and outdoors is good for children. The biggest concern would be a rainy day when they are stuck indoors, and then we are still in small groups. He believes it to be reasonable to go forward with the onus of responsibility on parents.

Councilor Healey commented regardless of whether or not we open the camp, from a budgetary standpoint we are in the negative, and questioned how the revenue loss would be made up. Town Manager Cabanel stated it is not made up, it would be a revenue loss. The Council could decide to reduce the general fund budget by \$50,000. The \$13,000 Director Casparius discussed could be absorbed by the fund, which has a balance of approx. \$26,000. Chairman Koenig remarked, at worst, it would come out as \$50,000 less in revenue at the end of the day. Seven million is expected to be in the general fund at year end.

MOTION made by Councilor Harrington and seconded by Chairman Koenig to open up the Naticook Day Camp beginning the week of July 13, 2020, ensuring all State and CDC recommendations as well as all criteria presented to the Council is adopted

A Roll Call vote was taken, which resulted as follows:

Yea: Chairman Koenig, Councilor Harrington, Councilor Rothhaus

3

Nay: Councilor Woods, Councilor Albert, Councilor Healey

3

MOTION FAILED

Chairman Koenig questioned the will of the Council relative to summer concerts and movies in the park.

Director Casparius remarked given the 10 person minimum has expired, it is believed there is a path forward. What is being looked at for concerts is the use of line striping paint to mark out 8 x 8 squares throughout Abie Griffin Park (washable paint) so that people could be socially distanced. The movies could work the same way. The plan is for them to be done at Wasserman Park, which can accommodate even more spaces.

Approved: July 9, 2020

Posted: July 14, 2020

Chairman Koenig stated his belief the 8' x 8' areas with 6' isles between all of those areas is overkill particularly given the latest guidance from the Governor. Town Manager Cabanel recommended moving forward and allow the Director to put the appropriate venues together to provide for the best social distancing options, etc.

Councilor Albert stated support for the events. He does not believe there is the need for outlining the areas. Councilor Healey supports the events.

MOTION made by Councilor Woods and seconded by Vice Chairman Boyd to allow summer concerts and movies to be conducted

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

7

Nay:

0

MOTION CARRIED

Director Casparius questioned the will of the Council relative to the July 3rd concert. Councilor Albert suggested the event be moved to Watson Park. Chairman Koenig added it will be left up to the group that puts it on as to whether or not they are looking to move forward with that.

New Business

1. Withdrawal Request from Solid Waste Disposal Capital Reserve Fund

Submitted by Public Works Director Kyle Fox

The Town Council to consider Public Works request to withdraw \$20,821 from the Solid Waste Capital Reserve Fund for the purchase of a replacement fork lift for the Transfer Station.

Kyle Fox, Director, Public Works Department (PWD), stated the current forklift is a 2003, and stopped working in March. It was determined repairs would be more expensive than it is worth. A unit has been rented since March. Because there is not yet an approved budget, a request is being made for an expenditure from the Capital Reserve Fund at this time. Bid specifications were put together for new or used units. Five bids were received for new units and 1 for a used unit. The used one was the lowest bid; however, a 2013 model year with about 1,500 miles and less than \$2,000 less expensive than the desired model. The next lowest bids were from the same company (2 different machines; \$237 difference between them). The sales representative recommended the Mitsubishi model. Online reviews the Solid Waste Foreman conducted indicated the Mitsubishi was likely a better choice. The department's recommendation is for the Mitsubishi unit.

MOTION made by Councilor Albert and seconded by Councilor Woods to approve the request of the Public Works Department to withdraw Twenty Thousand Eight Hundred Twenty One Dollars (\$20,821) from the Solid Waste Capital Reserve Fund for the purchase of a replacement fork lift for the Transfer Station

Approved: July 9, 2020

Posted: July 14, 2020

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Rothhaus,
Councilor Albert, Councilor Healey, Vice Chairman Boyd

7

Nay:

0

MOTION CARRIED

Minutes

The following amendment was offered:

Page 8, Line 45; replace “judiciary” with “fiduciary”

Page 17, Line 17; replace “Chairman Albert” with “Councilor Albert”

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the minutes of the Town Council meeting of May 28, 2020, as amended

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Harrington, Councilor Albert,
Vice Chairman Boyd, Councilor Healey

6

Nay:

0

Councilor Rothhaus Abstained

MOTION CARRIED

Comments from the Press - None

Comments from the Public

Representative Rosemarie Rung

Stated the NH House met today at the Whittemore Center at UNH. Having been unable to meet since the March timeframe, a lot of the deadlines had already expired. The first order of business was to vote to suspend the rules so that they could do business not permitted under the previous deadlines. Suspension of rules requires a 2/3 vote to pass. Unfortunately, they were not able to achieve the required vote. Bills that had been voted on in mid-March but had to go to another committee for a vote were unable to be acted upon.

There were several bills that required suspension of the rules to be brought forth after the filing deadline had passed. All except for one did not pass. The only bill the House was successful in passing was to allow restaurants and bars to refill beer growlers, regardless of labeling.

Approved: July 9, 2020

Posted: July 14, 2020

The only bill specific to Merrimack was one she co-sponsored regarding setting up a revolving fund that would take in money from settlements, fines, legal decisions that would help offset the costs the MVD is incurring to design and build the filtration systems at our wells. That bill had passed unanimously through the Resources, Recreation, and Development Committee, was approved by the House in March, but had to go to Ways & Means, which unanimously supported it. It was placed on the Consent Calendar. The 2/3 vote needed to suspend the rules to allow for a vote on the Consent Calendar did not pass. A similar bill was filed with the Senate, which is still pending. The bill that was before the House included language that would have permitted private well owners to take advantage of the fund to help defray expenses incurred to put filtration on wells. The Senate took that language out. What the final version is that will go before the House is unclear.

It may be that some of the bills the House was unable to act on could be added to an omnibus bill in the Senate. The House meets again on June 30th.

Vice Chairman Boyd noted when the Drinking Water and Groundwater Trust Fund (DWGTF) Advisory Commission last met in May, there was discussion that the Commission may get involved with funding testing for private wells. He questioned if there was any language in the bill that, if approved, the funding would go somewhere within NHDES and not directly to the Trust Fund.

Representative Rung responded the bill she had left it open that other trust funds or the State could add money into it, but any money removed had to be directed for PFAS remediation. She stated her belief the trust fund would have to have legislative action in order to fund private well owners.

Vice Chairman Boyd stated that to be his understanding; before Clark Freise, Assistant Commissioner, NH Department of Environmental Services, left the department, Administrative Rules/legislative language was going to be put together identifying how that would be implemented at the Commission level. There was a subsequent conversation with Senator Chuck Morse who chairs the DWGTF Advisory Commission, that indicated there was competing companion legislation. He is uncertain if the House bill was part of the competing legislation and whether there was a funding mechanism that would be directed towards the work being done at the DWGTF Advisory Commission

Representative Rung stated that is in the Senate bill. She will seek to get an update from Senator Shannon Chandley as to what amendments have occurred with that bill. She indicated she would provide the information once she has obtained it.

Representative Rung stated regardless of the outcome, she will ensure there is a bill filed in January that will cover private well owners.

Comments from the Council

Councilor Albert questioned if the various boards and committees will return to in-person meetings.

Town Manager Cabanel stated she and Chairman Koenig have discussed this. The issue is that of social distancing. The Assistant Town Manager/Finance Director and Human Resources Manager spent time looking over the Matthew Thornton Room to determine if a few tables could be set up at the end of the horseshoe to allow for Councilors to be seated 6' apart to eliminate the need for the wearing of masks. It is the hope that in-person meetings can resume.

Approved: July 9, 2020

Posted: July 14, 2020

Chairman Koenig questioned if the Governor's guidance addresses the ability to continue with virtual meetings. Assistant Town Manager/Finance Director Micali stated there was talk that he would keep that ability in place.

Chairman Koenig stated it to be his preference to try to have in-person meetings. If anyone is uncomfortable for whatever reason, they can always call in.

Chairman Koenig spoke of having had a long discussion with a resident who has great concerns over her susceptibility to COVID. She is concerned not all of our businesses are requiring that their staff and people inside their buildings wear masks. She would like very much if businesses would voluntarily put a sign out that says whether or not they are requiring people to wear masks so that people are aware prior to entering the building. He encouraged businesses to let people know if they are taking guidance to keep people as safe as possible.

Chairman Koenig reminded the viewing audience of the need to continue social distancing and being careful and responsible for your own health and well-being as well as the health and well-being of people around you. COVID-19 has not gone away. In some states it seems to be resurging.

Vice Chairman Boyd congratulated the Senior Class of 2020. He expressed pride and congratulations to his daughter on her graduation.

He wished his best to Samantha Searles and all of the organizers of the I Hear You gathering scheduled for tomorrow evening. It is hoped the event is peaceful, successful, and accomplishes healing.

Adjourn

MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to adjourn the meeting

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Healey,
Vice Chairman Boyd, Councilor Harrington

7

Nay: 0

MOTION CARRIED

The June 11, 2020 meeting of the Town Council was adjourned at 10:39 p.m.

Submitted by Dawn MacMillan