



Facilities Naming Committee
May 30, 2019
Draft Minutes
City Hall, 1st Floor Conference Room
11:30 a.m.

1. Councilor Nyhan called the meeting to order at 11:35 a.m.

Committee members present: Councilors Nyhan, Coen and Matson. Staff members present: City Manager Tom Aspell, City Solicitor Jim Kennedy, Deputy City Clerk Michelle Mulholland and Public Information Officer Stefanie Breton. Other members present: Legal Intern Daniel Divas and Tony Schinella from Concord Patch.

2. Councilor Coen moved approval of the April 10, 2019 meeting minutes. The motion was seconded and passed.
3. Councilor Nyhan indicated that this meeting was to continue from where they left off at the last meeting which was giving staff direction to continue to discuss the naming rights relative to the White Park Skate House.
4. City Solicitor Jim Kennedy provided an overview explaining that staff has been working with the bank and working on a contract to determine whether or not the Council would be interested in having a sign constructed, for the skate house in White Park, to be named either The Merrimack or The Merrimack Lodge for a contribution from Merrimack County Savings Bank of \$80,000 for a term of four years of four payments. He added that this contract would be for a term of ten years explaining the reason they looked at this term is, in addition to the dollars, the bank would be obligated to pay for the sign, the design/construction of the sign, and the installation of the sign. He explained that the sign would have to go before the Planning Board but ultimately the sign review approval would be through the City Manager.

Councilor Nyhan inquired whether the sign would become the property of the city.

Mr. Kennedy responded that the sign would become the property of the city upon installation; the city would be required to maintain the sign as it does any other of its city signs.

In regards to the reference of the sign design going before the Planning Board, Councilor Nyhan questioned this since it would be on city property. Mr. Kennedy responded that there is a statute, RSA 674:54, that requires any public entity to at least submit the plans to the Planning Board and while they have no jurisdiction or authority over the vote of yes or no on the sign, they can provide guidance that can be accepted or rejected.

Mr. Kennedy stated that there would be a renewal option at the city's discretion – the city can reject, accept or deny.

Councilor Nyhan questioned whether the terms of the renewal are within the contract. Mr. Kennedy responded yes.

Councilor Nyhan inquired what is being envisioned in the draft contract with regard to terms. Mr. Kennedy some of the terms include that the city would own and maintain the sign and that the fee would be renegotiated.

Councilor Nyhan indicated that he has no problem with the ten year term.

Mr. Kennedy noted that, once that time period is up, the bank would notice the city as to whether or not they want to continue with the sign on the city property. If so, they would make an offer to the city.

Councilor Nyhan questioned whether the jurisdiction would be of the City Manager alone or would it have to go to the Council. Mr. Kennedy can include, within the contract, that it would be subject to City Council approval or that it would be under the discretion of the City Manager.

City Manager Aspell indicated that, usually for long periods of time, he recommends that it is subject to Council approval.

Councilor Matson prefers that it goes back to Council after that amount of time feeling that a lot of things may be different by then.

Referencing the prior meeting, Councilor Coen noted that they discussed the overall purpose and charge of the committee. He pointed out that they are getting into

changes in regards to naming rights for financial reasons. He feels that this issue is a sub-set and feels strongly that they should have another set of parameters for naming rights for the financial considerations.

Mr. Kennedy feels that the contract serves this purpose too and can be used as a template for these type of considerations.

Councilor Nyhan stated that he feels that this is the right committee for this and is in agreement to formally add a change to the committee's charge to include items such as these.

Councilor Nyhan moved to recommend the name of The Merrimack Lodge as opposed to The Merrimack.

Councilor Coen supports this name and seconded the motion.

Councilor Matson likes the lodge idea because it is keeping with what the building is supposed to be; it provides shelter and warmth.

City Manager Aspell indicated that Mr. Kennedy would communicate back to the bank's attorney that the committee recommends the name The Merrimack Lodge and see if this is amenable to them.

Mr. Kennedy confirmed that they are amenable to this name.

The name of The Merrimack Lodge was unanimous agreed upon by the committee members.

Councilor Nyhan suggested adding to the contract, as discussed earlier, "the sole discretion of the City Council." Mr. Kennedy feels that the bank would be agreeable to this.

Councilor Nyhan didn't know how the process takes place in regards to the notification near the term's end. Mr. Kennedy explained that there is a time period within the contract that says they'll notice the City Manager at the time they are interested in extending for another term; at this point the city would present that extension offer to the City Council and the City Council would then make a determination.

For an example, Councilor Nyhan inquired as to what happens if Merrimack County Savings Bank merges with another bank and changes its name three years into the term. He asked whether the other bank or new bank will be allowed to apply for a name change. Mr. Kennedy replied that the assignment provision doesn't include this.

Councilor Nyhan stated that the Merrimack name has staying power due to many things containing this name.

Mr. Aspell indicated that the Council can entertain any requests such as a name change but it does have to go back to the Council.

There being no committee objection, members allowed attendee questions.

Tony Schinella, Concord Patch, inquired whether the sign would be located on the building or on a post. Mr. Aspell responded that it's a stand-alone sign.

Mr. Schinella asked if there was any consideration to having the skate house named something such as The Merrimack Gene Connolly Lodge – getting around the financial versus tribute aspect. Mr. Kennedy responded that this was never brought up.

Committee members agreed to place a report with their recommendations on the June 10th City Council agenda.

5. The time being 11:53 a.m., Councilor Matson moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:
Michelle Mulholland
Deputy City Clerk*