

Approved: December 6, 2012

Posted: December 7, 2012



Town Council Meeting Minutes



Thursday, November 15, 2012, at 7:00 PM, in the Town Hall Meeting Room

Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, Town Manager Eileen Cabanel (arrived at 7:08 p.m.), and Finance Director Paul Micali. Councilor Harrington was excused.

Pledge of Allegiance

Chairman Mahon led in the Pledge of Allegiance.

Announcements

Town Hall offices will be closed on Thursday, November 22nd and Friday November 23rd for the Thanksgiving holiday.

The Town Council has amended its regular meeting schedule for December to the first and third Thursdays. Meeting dates are as follows: Thursday, December 6, 2012 and December 20, 2012 at 7:00 p.m. in the Matthew Thornton Room. In January, budget meetings will be conducted on Thursday, January 3, 2013 and Monday, January 7, 2013 at 6:00 p.m. in the Matthew Thornton Room. The regular Town Council meeting for January will be conducted on Thursday, January 10, 2013 at 7:00 p.m. in the Matthew Thornton Room.

Planning is underway for the Annual Holiday Parade and Tree Lighting Ceremony to be held on Sunday, December 2, 2012 at 3:00 p.m. The Parks and Recreation Committee and Merrimack Chamber of Commerce are proud to host this event. Please mark your calendar and register your float by calling the Parks and Recreation Department at 882-1046.

The winter parking ban is now in effect through April 15, 2013. No parking on town streets between 11:00 p.m. and 6:00 a.m. Merrimack's property tax bills have been mailed and are due on December 10, 2012. Property owners who have not received their tax bill should contact the Tax Collector's office at 424-3651 to arrange for a duplicate bill.

The Merrimack Police Department's Annual Food Drive will continue through January 1, 2013. Help out our community and drop off non-perishable food items in the drop boxes in the lobby of the Police Department. All donations will be distributed to local food pantries. The Merrimack Police Department "Convincer" will be at the Merrimack Premium Outlets on November 17, 2012 from 10:00 a.m. - 3:00 p.m. The Police Department, in conjunction with the New Hampshire Highway Safety Agency, will be allowing participants an opportunity to feel the effects of and understand the importance of seatbelt usage.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

Approved: December 6, 2012

Posted: December 7, 2012

1. Recognition of Employees for their Years of Service of the Town of Merrimack

Submitted by Human Resources Coordinator Sharon Marunicz

Town Council will present awards in recognition of years of service.

Community Development - Evelyn Gillis (25-Year Watch)

Community Development Director Tim Thompson remarked besides being a fabulous friend and co-worker, Ms. Gillis is a tremendous asset to the community, knows her job extremely well, is knowledgeable and personable to the public, and has been a wealth of information and resource to him since he came on board. Ms. Gillis was recognized for 25 years of services to the Town of Merrimack.

Fire Department - Mark Akerstrom, Richard Barrows, Bruce Cornelius, Scott Simpson, and David Trepaney (25-Year Watch)

Fire Chief Michael Currier, Assistant Fire Chief, Richard Pierson, Captain Brian Borneman and Captain Brian Dubreuil were present for the recognition of several firefighters being honored for 25 years of service to Merrimack Fire & Rescue and the Town of Merrimack.

Chief Currier remarked 25 years is a large benchmark to reach within the fire service. The gentlemen being honored have a dedication and commitment to the community that he has never seen before. He has known firefighters throughout the United States and other countries, and these men are second to none; they are the best employees, friends, and emergency workers he has ever seen, and he is honored to work with them.

Chairman Mahon recognized Lieutenant Richard Barrows and Master Firefighter Bruce Cornelius for their 25 years of service to the Town of Merrimack. Messrs. Barrows and Cornelius were unable to be in attendance.

Captain Scott Simpson was hired in November of 1987. He served in the U.S. Air Force from October of 1983 until August of 1987 as a Fire Protection Specialist and a Crew Leader. In May of 1993 he acquired his Associates Degree in Fire Science, was promoted to Lieutenant in August of 1995 and to Shift Captain in April of 2001. There are numerous spot performance appraisals in Captain Simpson's file commending him on his leadership at emergency scenes. In 2002 Captain Simpson spent over a year researching thermal imaging technology for the department. His hard work resulted in the department acquiring its first two thermal imaging cameras. The Captain is currently working towards a Business Management Degree.

Master Firefighter Mark Akerstrom began his career with the department in November of 1987 as a probationary firefighter. In 1992, he achieved the rank of Master Firefighter later completing his Company Officer certification (1995). In 1996 he felt compelled to further his EMS education for the betterment of the community, and obtained his EMT intermediate certification. He has also received certifications in the area of hazard materials, firefighter instructing, confined space operations, and National Fire Academy leadership programs. He has always been extremely involved not only in the day-to-day activities of Merrimack Fire but also in the decision making behind programs to move the department forward. He has been a member of numerous committees. He was also a member of the Lakes Region Training and Education Committee teaching both in classroom and outside during practical evolutions.

Approved: December 6, 2012

Posted: December 7, 2012

In 1992 Mark was nominated as Firefighter of the Year by the VFW following a rescue from a burning building on McElwain Street. He also received a Class III Medal of Valor as well as a Unit Citation. In 1993 Mark was given Firefighter of the Year accolades by the Lakes Region Mutual Aid Compact for a water rescue in Sanbornton while he was off duty. Mark has also expanded his knowledge and expertise by joining the Belmont Fire Department as well as Canterbury Fire & Rescue where he currently resides. Over the years, Mark has been a mentor, leader, ambassador, and inspiration to the members of Merrimack Fire & Rescue as well as a steadfast servant to the citizens of Merrimack.

Master Firefighter David Trepaney was hired on November 30, 1997 and assigned to D shift where he remains today. He was promoted to Master Firefighter on November 30, 1992. He is an EMT basic and hazardous materials technician. In 1991, Dave was selected as Firefighter of the Year for saving the life of a man in cardiac arrest at the landfill while off duty. He is a good firefighter and an asset to the department and the community.

Public Works Wastewater Division - David Blaine (25-Year Watch), Cecil Peters (35-Year Lamp), James Taylor (35-Year Lamp), Becky Sullivan (40-Year Gift Certificate)

Chairman Mahon recognized Becky Sullivan for 40 years, Cecil Peters for 35 years, and David Blaine for 25 years of service to the community, and noted they were unable to be in attendance to be recognized in person.

Public Works Department Director Richard Seymour remarked he has known James Taylor, Assistant Director, for over 30 years. During that time, and especially in the past few years, he has observed him to be a hard-working, dedicated Town employee. The Merrimack Wastewater facility is a nationally award winning facility due in large part to Mr. Taylor's expertise and management skills. He remarked being in charge of a wastewater facility is never a glamorous job, but he performs better than most in a very technical, detail oriented environment. He congratulated him on his 35 years with the Town of Merrimack.

Appointments

1. Review of 2012 General Election

Submitted by Town Moderator Lynn Christensen and Police Chief Mark Doyle

An overview of the use of the High School and discussion of issues encountered during the 2012 General Election.

Ms. Lynn Christensen, Town Moderator remarked although not the largest voter turnout, more voters arrived for the opening of the polls than she has ever seen. There were 500-600 people standing in line when she arrived just after 6:00 a.m., 1,500 voters in the first hour, and 3,000 in the first two hours. She commented it was a challenge as they knew it would be simply because of the volume of voters and the new location. Additional help was on board and a lot of preplanning had gone into the process, which was tweaked as needed. She stated her appreciation to the Council for their role as election officials.

Improvements can be made, for the next election, in the area of better identification of handicap access (additional signage). Ms. Christensen stated having one voting location was helpful. Had three locations been utilized, with the number of voters that arrived initially, D.W. Highway would have been backed up, the St. John Newman's parking lot would have been full by 6:30 a.m., and there would have been traffic backed up onto Continental Boulevard and 101A.

Approved: December 6, 2012

Posted: December 7, 2012

Neither St. John's nor St. James has sufficient room inside to form a line; therefore, voters would have been standing outside exposed to the elements. Neither location has sufficient space for voting booths, given the number of voters on the checklist. Had voting taken place at the Mastricola Upper Elementary School there would have been no room in the driveways going up to the high school; it would have been back up onto Baboosic Lake Road and the parking lot.

Although some may have believed they would have gotten in and out quicker at other locations that would not have occurred for this election no matter where voting took place. The only other option would have been to reduce the checklists at other sites, which would have resulted in 15,000 voters at the Mastricola Upper Elementary School.

Ms. Christensen noted she has and will continue to discuss improvements that could be made in traffic flow and parking with the Police Department, and thanked the department for the assistance they provided. They have also discussed how to better manage traffic, parking, and the inside flow for the elections that will occur over the next two years at the Mastricola Upper Elementary School.

Chief Mark Doyle, Merrimack Police Department, noted several discussions took place prior to the week leading up to the election, which included a conference call with Principal Johnson at the High School. The decision was made to ramp up the number of officers needed based on the anticipated turnout. As a result of the large number of voters present for the opening, a mass gridlock occurred at the school. As the polls did not open until 7:00 a.m. hundreds of voters were physically standing in line waiting. All available parking in front of the high school was utilized and traffic started moving down on O'Gara Drive. They started to see backups down at McElwain Street and O'Gara Drive and back out onto Baboosic Lake Road, onto D.W. Highway. They were able to address the issues fairly quickly by making every effort to move voters out of the venue as expeditiously as possible.

Eight officers were utilized and stationed at the intersections of O'Gara Drive/McElwain Street, D.W. Highway/Baboosic Lake Road, Woodbury Street/D.W. Highway, at the top of Woodbury Street at McElwain Street, and on O'Gara Drive on the far side of the parking lot near the Turnpike, at the entrance to the very last parking lot where handicap parking was earmarked.

One of the complaints heard throughout the evening was regarding inadequate signage for handicap parking. Accessible handicap parking and quick entrance was available at the high school; however that was not apparent to motorists pulling into the McElwain Street/O'Gara Drive area due to lack of signage.

An issue addressed during the day was cross cut traffic in front of the high school. Barricades were moved back so officers were able to direct motorists into parking lots from both ends of O'Gara Drive and McElwain Street and allow voters to be able to walk in front of the high school without impedance from any of the traffic going initially back and forth in front of the high school causing a major safety concern.

Additional backups resulted on Turkey Hill Road and Amherst Road due to the unfortunate occurrence of 4 or 5 car accidents on the Turnpike between Exit 4 in Nashua and Exit 11 in Merrimack. They did their best to ensure traffic getting to the polls was doing so in a manner that was smooth and flowing. Chief Doyle remarked those who knew it was going to be congested took their time getting to the polls, which kept the department from having to deal with any accidents. For the most part voters understood they were going to deal with some congestion issues and were cooperative and patient.

Approved: December 6, 2012

Posted: December 7, 2012

He noted several alerts were put out during the night informing residents there were going to be congestion issues. There came a time where they also let residents know polling hours were going to be extended for a brief period of time as the result of calls received at the police station from residents stuck in traffic still trying to get there. They were able to coordinate with the Moderator and the Moderators at the school to ensure that happened.

An issue discussed is the potential for police volunteers to work in the parking lots, which will move traffic through the parking lots at a greater pace. With regard to the issue of a single polling location, he stated his support of the decision if for no other reason than from an operational efficiency perspective.

Ms. Christensen stated the polls were kept open late (7:20 p.m.), and prior to closing, two officers were sent down to Baboosic Lake Road and instructed to come back up both O’Gara Drive and McElwain Street to ensure there was no traffic on those roads heading to the polls. The parking lots were also checked. There were 6-8 voters who arrived after the polls closed.

Councilor Dwyer asked Ms. Christensen to explain to the viewing audience why the polls could not stay open longer. Ms. Christensen stated the Secretary of State has informed them they cannot. According to State law the polls are to be closed at the designated time. They can allow those in line to vote, but

the rule is you go out and designate the end of the line at the hour that the polls close. She stated a member of the Attorney General’s Office was at the polls, and she spoke to the Secretary of State’s Office and explained the backup on the highway and that the Police Department had received calls. She was informed the polls could not be kept open. She remarked had there been cars coming down O’Gara Drive she would have put a cruiser behind them and established that as the end of the line.

Chairman Mahon questioned the impression expressed by the Secretary of State during his visit to the polls. Ms. Christensen remarked he was very happy and in fact sent someone down to take photographs of the layout and organization and take notes of how the flow and process was designed. Those pictures are going on their website and will be used as a model for how to organize an election. A representative from the Attorney General’s Office was there twice; once during the day checking for compliance, and was pleased to see Merrimack has gone to one site and gotten out of locations where they could not achieve compliance reasonably.

Chairman Mahon spoke of the commendable job the Supervisors did in adapting the process for voter registration when needed. Councilor Flood commented on how well the day went. She noted Woodbury Street appeared to be underutilized as was the parking lot closest to the school. She suggested an electronic sign could be placed on McQuestion Road announcing “congestion ahead, through drivers utilize McQuestion Road to Turkey Hill Road”, which would take the through traffic away.

Chief Doyle remarked Woodbury Street was used to bleed off traffic when it backed up onto McElwain Street and O’Gara Drive. He commented a lot of folks weren’t using it to come in because you can’t make that left hand turn from D.W. Highway onto Woodbury Street; however it worked out well to get motorists out onto D.W. Highway quickly. Ms. Christensen noted teachers, attending workshops, were parked in the side lots nearest the tennis courts. Motorists would come in O’Gara Drive, see all of the cars parked there, and believed the lot was backed up to that point. Positioning

Approved: December 6, 2012

Posted: December 7, 2012

people in front of those side parking lots to direct motorists to spaces closer to the school is one of the things they are planning on doing for future elections.

Councilor Koenig requested a summary of the number of absentee ballots and first time registrations. Ms. Christensen responded there were over 1,500 same day registrations, which took them from under 18,000 voters to over 19,000 voters, and roughly 1,500 absentee ballots, which Merrimack has never seen before. Some 1,400 were processed after the polls were closed.

Councilor Dwyer questioned the viability of a one-way traffic flow. Chief Doyle stated that was discussed; however, the residents on McElwain Street would have a difficult time getting out and coming home. When you restrict traffic to one way in/one way out, traffic that would have been going in on the opposite side is now going to get queued somewhere, and that would have only gone on Baboosic Lake Road and maybe westbound over the bridge or eastbound onto D.W. Highway. Conversely traffic queued going out, which would normally use two routes, would then get queued to any of the parking lots. The concern was, because of the layout of the intersections at both McElwain Street and O’Gara Drive even if you had used both lanes of traffic in or out you would inevitably have motorists that are going to stop and try to either go left or right, and it would be difficult to force traffic to go right only or left only without some serious logistical challenges at the front end where people are going to make their way onto that route.

Councilor Dwyer suggested the rental of a few wheel chairs and utilization of high school student volunteers to assist those in need. Ms. Christensen stated that would be considered. Councilor Dwyer questioned if same day registration was an aberration and if it is anticipated that would occur again in 2016. Ms. Christensen noted the option of same day registration is State law. She added same day registrations gets us out of the federal motor voter law, which allows residents to register to vote at the Registry when obtaining a driver’s license.

Councilor Boyd remarked having people in the parking lots directing traffic will be of assistance. He agreed it would be a great use of police volunteers and stated his hope that will be considered as part of the planning for future usage of the high school. He remarked he believes the whole day was a learning experience as to how to manage the largest voting district in the United States. He noted the only complaints he received were related to the outside flow, and that the organization of the inside was well received. He thanked all who were involved and took the day to help out the Town.

Vice Chairman Rothhaus questioned the possibility of software that would allow voter checklist to be live, and was informed that is not allowed by State law. Councilor Flood questioned whether any of the Affidavits were challenged. Ms. Christensen stated she has seen only two challenges in all the time she has been doing this work; one was allowed and one was not. She added there have not been any for a long time, and she has not seen any challenges in the Affidavits that were filed for this election. She commented there were two people who were emphatic about getting to the checklist and not having to show an I.D.; however they both had identification.

When asked, Ms. Christensen explained a purging of the Voter Checklist is done every ten years (years ending in 1, e.g., 2001, 2011, etc.). The checklist is purged of anyone who has not voted in the previous two years. Voters are first sent a letter at the address on the checklist stating, since they have not voted in the previous two years, if they wish to remain on the checklist they should call. If purged from the list, voters can take advantage of same day registration.

Public Hearing

Approved: December 6, 2012

Posted: December 7, 2012

None.

Legislative Updates from State Representatives

None.

Town Manager's Report

The Master Plan Steering Committee continues to work toward completion of the 2012 Master Plan by early 2013.

Atrium Medical is closing in on receipt of final approval of their plan to relocate and expand at 40 Continental Boulevard. Atrium will be presenting a modification to the conditionally approved site plan, calling for an additional 10,800 sq. ft. on their proposed addition to the facility (bringing the addition to 100,800 sq. ft.) at the December 4th Planning Board meeting.

The first project on the Flatley site off of D.W. Highway (behind St. Gobain) will be presented to the Planning Board on December 4, 2012. The project calls for a subdivision of the property and construction of a 120,000 sq. ft. high-bay warehouse/office/flexible industrial building. In addition to the submission for the Flatley property, staff met with representatives from Flatley, the State Department of Resources and Economic Development, and a prospective Canadian company also looking at the property for a potential user that is seeking parcels with access to rail.

R. M. Piper began work on November 12th on replacement of the Wire Road Bridge over Baboosic Brook project. The project requires Wire Road between Bryant Circle and the Bedford Town Line to be closed for the next nine (9) months. A detour route is in place to direct traffic around the closure.

The Industrial coatings project for the Pearson Road pump station and Souhegan River siphon chamber has been completed. The Highway Division has completed an emergency replacement of approximately 200' of drainage piping that failed due to a large sinkhole on South Baboosic Lake Road.

The Federal Government has declared Hurricane Sandy eligible for Federal funds. The Town of Merrimack will be completing the necessary paperwork to receive reimbursement for the storm. FEMA will reimburse 75% of the emergency response costs associated with Hurricane Sandy.

Consent Agenda

None.

Old Business

None.

New Business

There being no objection the Council went out of the regular order of business to take up Item #2.

Approved: December 6, 2012

Posted: December 7, 2012

2. Appointment of Merrimack Representative to the Nashua Regional Planning Commission

Submitted by Merrimack Planning Board Chairman Robert Best

The Town Council to consider the appointment of Daniel Del Greco as one of Merrimack's representatives to the Nashua Regional Planning Commission (NRPC), as recommended by the Merrimack Planning Board and pursuant to RSA 36:46 (III).

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to appoint Daniel Del Greco as one of Merrimack's representatives to the Nashua Regional Planning Commission, as recommended by the Merrimack Planning Board and pursuant to RSA 36:36 (III).

ON THE QUESTION

Councilor Boyd remarked Mr. Del Greco has been a resident of Merrimack for over 20 years, has been active with the Merrimack Youth Association for a significant period of time, and is also active in his occupation as a real estate agent. He believes it important, that Merrimack continue to be a player regionally as it relates to the toll issue, and, as the Metropolitan Planning Organization (MPO), it is important to have our representation at the NRPC. He enthusiastically endorsed the nomination.

MOTION CARRIED 6/0/0

Oath of Office administered to Daniel Del Greco by Chairman Mahon.

1. NH Business Incentives – RSA 79-E Community Revitalization Tax Relief Incentive

Submitted by EDCAC Chair Susan Lee

The Town Council will be presented with the details of RSA 79-E, Community Revitalization Tax Relief Incentive, and the Economic Development Citizens Advisory Committee's (EDCAC) recommendation.

Ms. Susan Lee, Chairman, Economic Development Citizens Advisory Committee (EDCAC) provided the Council with a PowerPoint Presentation (copy attached). Ms. Lee stated New Hampshire, by Statute, is unable to offer many of the tax or other financial incentives other states have available to them; however, there are some they do offer. The EDCAC was tasked back in August of 2011 to take a look at these and report back to the Council with an overview of these incentives.

Mr. Richard Tucker, EDCAC member, informed the Council RSA 79-E, Community Revitalization Tax Relief Incentive, is a State Statute with a local option. The local option states in order to enact the law it has to be carried by a majority vote by the municipal authority. The purpose of this incentive is to provide property tax relief for revitalization/rehabilitation of existing buildings. It is intended to encourage localization of businesses and avoid urban sprawl. In order to qualify for tax relief the substantial rehabilitation must provide some public benefit. The proposed revitalization of the property has to provide this benefit to a greater degree than would a substantial rehabilitation of the same qualifying structure. He added most recently an amendment has been added that allows for the tearing down and rebuilding of a structure as opposed to just revitalization; however, the benefit to the public has to be substantially relevant to what it would have been with just revitalization.

Should the Town adopt a charter through a majority vote of the legislative body, property owner(s) could apply to the Town for property tax relief. This particular incentive is a delay of additional tax revenue. The Town Council may grant property tax relief if the application meets the guidelines and public benefit test. The taxpayer would be granted a ceiling for their taxes at the current property value (prior to improvements) for a finite period of time (1-5 years). Property, by virtue of being in the

Approved: December 6, 2012

Posted: December 7, 2012

Town Center, is not entitled to this benefit; however, precedence would be set in approval or rejection of any application and would need to be applied consistently going forward.

Within sixty (60) days of receipt of an application, the Town Council would be required to post notice and conduct a public hearing. A decision must be rendered within forty five (45) days following the public hearing. The Council may reject the application via a decision in writing (appeals would go to the Superior Court Board of Tax & Land Appeals).

The property must be located within what is officially designated as a downtown, town center, business center, or village center in the municipal Master Plan or other areas designated by the Town Council.

It is believed the incentive should not be applied where the transaction would likely go forward without such relief. The property has to be understood to be either underutilized or abandoned, and the public benefit is that the structure would need to have a historical, cultural, or architectural value in order for the incentive to apply for modifications. There is the stipulation with none of that benefit it could be torn down and rebuilt if it then supplied that benefit.

Proposed rehabilitation costs need to cover at least 15% of the building's pre-rehabilitation assessed value or \$75,000, whichever is less. Rehabilitation would need to be consistent with the Master Plan, zoning ordinances, and building codes. The applicant must be prepared to grant the Town a covenant ensuring public benefit for rehabilitation, which can include an insurance policy in the event of default.

In summary, RSA 79-E, Community Revitalization Tax Relief Incentive, provides incentive (property tax relief) for businesses to revitalize or rehabilitate existing buildings and encourages location of business downtown. The Town experiences a delay in the receipt of the incremental property tax revenue for the duration of the grant to the property owner. The EDCAC endorses the use of RSA 79-E as an economic development tool for Merrimack, and recommends the Town's Community Development Department lead the education and awareness program of the RSA to the business community and those engaged in marketing and sales of commercial properties. It was recommended the Council hold off on adopting RSA 79-E until after the 2012 Master Plan is approved.

Chairman Mahon thanked the Committee for its work. He spoke of the recommendation not to adopt the RSA until after approval of the 2012 Master Plan, and noted, at present, there is only one designated area that would qualify under this Statute, which runs from Fraser Square down to Front Street. Ms. Lee stated there is some expectation that when the Master Plan is completed there will be villages designated along D.W. Highway, which would incorporate more potential properties. She remarked there needs to be a little more give and take to ensure the wording in the Master Plan allows for districts to be designated outside of the current very distinctly defined area. She added this incentive should only be used in order to get development to occur on a property that otherwise would not be developed. The recommendation of the Committee is that the RSA not be adopted until after the completion of the Master Plan and that there is a project in mind before a district is created.

Chairman Mahon touched upon the amendment to the Statute relative to demolition of a property, and questioned whether consideration was given to the former Blake's restaurant property qualifying for that exception. Ms. Lee responded as an older town property, that structure would have had to be approved for demolition. If a property has historic value it is not eligible for demolition. She stated her belief the RSA would have allowed for a full study of the property with input from the Historical Society, and that it would have had to be cleared with the State Department of Historical Resources.

Approved: December 6, 2012

Posted: December 7, 2012

Councilor Flood stated her understanding a historic district is necessary to have architectural control of any sort. Ms. Lee responded, for this particular RSA, the district only has to be in what the Town has designated as their Town Center, and if the building under consideration has some historic value then the rehabilitation, depending on how much relief is being sought, has to follow certain renovation guidelines.

Councilor Flood remarked the program has several merits and appears to be a good tool to have. However, it is so narrow she does not believe it would be utilized a great deal. She requested a clarification of the tax ceiling that would be placed on a property. Mr. Tucker explained if the Council were to grant this incentive for a particular property, the assessed value at the time the incentive is granted is frozen for purposes of taxation throughout the duration of that time period (1-5 years), e.g., if a property were assessed at \$100,000 and granted the incentive for a period of five years, it would be taxed at the assessed value of \$100,000 for those five (5) years. Ms. Lee remarked the hope is if someone were to bring a project before the Council and be granted, the money they are saving in taxes would in fact be put towards better quality rehabilitation. Councilor Flood commented it appears the Town would be well served as the property would be rehabilitated and, at the conclusion of the incentive period, taxed at a higher rate.

Chairman Mahon remarked part of what peaked his interest in this was the renovation of Abbotts Market. Based on the discussion, it would appear that probably would not have qualified because the guideline is if it is going to happen anyway you don't grant the incentive. Ms. Lee noted the program is not retroactive, e.g., at the time a request is made renovation cannot have begun.

Councilor Dwyer spoke of the Nashua Corp., Merrimack Hotel, and Zyla's sites. He remarked when you define Fraser to Front Street it seems that area is already tight and on top of that consideration has to be given to what is historical. Director Thompson remarked the properties mentioned would never qualify under the Statute due to the requirement for an urban compact form of development. He remarked that is why it is important to ensure this gets incorporated into the Master Plan process before these areas are designated to ensure we are looking at the right properties, that they qualify, and that we don't set ourselves up for any unintended consequences. He remarked he was very strong in his recommendation to EDCAC that they first determine if the Council is supportive of the idea in general and then work out the details following the completion of the Master Plan. Ms. Lee suggested the Council may want to request a legal opinion as to the latitude it has in designating zones.

Mr. Tucker remarked the difficulty for the Council will be in making a judgment call as to whether or not a particular project could go forward without the incentive. Director Thompson commented when reaching the point of identifying zones it will be important to pay particular attention to what the zoning is for the properties, e.g. do you wish to incentivize residential development. The Statute allows for residential and can provide an extended period of time if for low-income housing.

When questioned about the covenant being in the form of insurance, Mr. Tucker responded the wording of the Statute says they may be required to provide a covenant up to and including insurance for the duration of the allowance. He stated his impression of the insurance to be a means for the Town to recapture lost revenue (for the duration of the incentive). Director Thompson added it would typically be through either a covenant or a lien.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Merrimack Town Council express their support for the eventual adoption of the provisions of RSA 79-E,

Approved: December 6, 2012

Posted: December 7, 2012

Community Revitalization Tax Relief Incentive. The implementation of RSA 79-E should be pursued following completion of the 2012 Master Plan, including specific locations in Town that would be included in the incentive district(s), which are expected to be recommended as part of the Economic Development component of the Master Plan. The eventual development of the enabling ordinance should be prepared by the Community Development Director with assistance from the Town's legal counsel and the Economic Development Citizens Advisory Committee.

ON THE QUESTION

Councilor Dwyer stated a concern with language that speaks of eventual adoption of the provisions and eventual development of the enabling ordinance.

MOTION WITHDRAWN

MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Merrimack Town Council express its support for the eventual adoption of the provisions of RSA 79-E, Community Revitalization Tax Relief Incentive.

ON THE QUESTION

Councilor Koenig suggested the motion be amended to include the following language: "The implementation should be pursued following completion of the 2012 Master Plan, including specific locations in Town that would be included in the incentive district(s). The eventual development of this ordinance should be prepared by the Community Development Director with assistance from the Town's legal counsel and the Economic Development Citizens advisory Committee."

AMENDED MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Merrimack Town Council express its support for the eventual adoption of the provisions of RSA 79-E, Community Revitalization Tax Relief Incentive. The implementation should be pursued following completion of the 2012 Master Plan, including specific locations in Town that would be included in the incentive district(s). The eventual development of this ordinance should be prepared by the Community Development Director with assistance from the Town's legal counsel and the Economic Development Citizens advisory Committee.

ON THE QUESTION

Councilor Boyd thanked the Committee for their work and Director Thompson for the assistance he provided.

MOTION CARRIED 6/0/0

The Council recessed at 8:53 p.m.

The Council reconvened at 9:00 p.m.

3. Review of Proposed Capital Improvement Plan

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

The Town Manager and Finance Director will review the CIP that will be presented to the Planning Board on December 4, 2012, pursuant to Charter Article 8-9.

Approved: December 6, 2012

Posted: December 7, 2012

Town Manager Cabanel provided a PowerPoint presentation (copy attached). She remarked as capital reserve funding is an easy area to look to when cuts are needed, last year's goal was to establish a guideline for where the Town should be with regard to funding. This guideline would be used to measure how we are doing in terms of funding capital projects/equipment. The minimum Capital Reserve Fund (CRF) projected, inclusive of the Sewer Fund, was \$1,110,000; however the total proposed FY14 allocation is \$985,000.

A comparison of projected funding versus proposed FY14 funding highlights the following variances:

- **Ambulance** – projected \$50,000/proposed \$.00
Due to discussions around the possibility of reducing the number of ambulances in Town (4 to 3).
- **Communications Equipment** – projected \$20,000/proposed \$10,000
Headway made in the past year with regard to upgrading some of the communications equipment (out of necessity).
- **Computer Equipment** – projected \$50,000/proposed \$35,000
Looking into purchasing required licenses, etc.
- **Fire Equipment** – projected \$150,000/proposed \$100,000
Reduced with the idea the fleet of pumpers could be reduced (5 to 4).
In considering the concept of new facilities for the Fire Department, Public Works Department, etc., the intent is to ensure the Town is not retaining (housing) superfluous vehicles.
- **Highway Equipment** – projected \$275,000/proposed \$300,000
Due to replacement cycle for dump trucks.
- **Sewer Infrastructure Improvements** – projected \$50,000/proposed \$25,000
\$25,000 is all that is needed.

The following explanations were provided for the remaining items for which funding is proposed:

- **Real Estate Reappraisal** – projected \$15,000/proposed \$15,000
Relates to revaluation
- **Road Infrastructure CRF** – projected \$400,000/proposed \$400,000
Generally \$200,000 is used for drainage improvements and the remaining as the 20% match on bridge aid and reconstruction projects.
- **Solid Waste Disposal** – projected \$75,000/proposed \$75,000
Need to purchase a loader. There will come a time when funding will be depleted and consideration will have to be given to funding the line or considering lease/purchase, etc.

Allocations into the CRF from the General Fund reached an all-time low in FY11 where the amount allocated was \$365,000. In FY12 the allocation was \$538,960, In FY13, \$937,000 was allocated, and proposed for FY14 is an allocation of \$960,000. Town Manager Cabanel remarked it is important to be able to see where the Town is making strides towards fulfilling these obligations.

The spreadsheet titled Major Projects General Fund is color coded; areas highlighted in blue represent items that have been recommended but not proposed. Town Manager Cabanel stated her practice has been not to propose funding an item she is not confident will come to fruition. With regard to Item #1, South Fire Station, Item #2, Northwest Fire Station, and Item #3, Reeds Ferry Fire Station, she noted quite a few discussions have occurred with the Fire Chief, and they concur what will be done with regard to the fire stations needs to be driven by data. Over the past 10 months or so they have been collecting data relative to numbers and types of calls, geographic location of calls, etc.

Approved: December 6, 2012

Posted: December 7, 2012

They are also looking at the aspects of the new access to the highway at the airport access road, etc. and where we are geographically in terms of getting to the locations we need to be at. The desire is to spend the required time to review the entire concept of fire stations or ambulance facilities as they relate to Merrimack and where they need to be located. Time will be spent over the next year or so with the Chief and members of his staff to discuss these issues with the definite caveat she will not be proposing 12 new firefighters; one of the stations requires the addition of 12 firefighters.

The column titled 2012/2013 identifies expenditures obligated and shows what is being accomplished in the current fiscal year. Items 4-7 are self-explanatory. Item #8 identifies the \$200,000 for stormwater drainage improvements the Town strives to accomplish each year. Item #9, Paving - Infrastructure Improvements, details the funding generated from the \$5 registration fee (\$125,000) and allocated from the General Fund budget (\$540,000-operating expense). Item #12, Traffic Signal Intersection Improvements (Front St. & Baboosic Lake Road @ D.W. Highway) is proposed to be funded at \$200,000, which would be offset by \$5,500 in developer fees. Mr. Micali remarked those two intersections have what is likely the oldest technology switching in the State.

With regard to Item #16, Chamberlain Bridge Rehabilitation/Sidewall Repairs (\$150,000), Town Manager Cabanel noted the bridge is in good condition with the exception of the sidewalk. The allocation is seen in the proposal for FY16. With regard to Item #17, Sewer Line Extension, it was noted the Town is in the process of a sewer master plan, and although \$840,000 has been allocated in FY13, there is no specific purpose for that money identified. Although the report is not yet done, sewer line extension projects are significantly more than \$840,000 (any one of them). Should the Council decide, once it receives the report, to do something different such as propose a betterment fee for extending the sewer or issue a bond, that could be considered as well.

Chairman Mahon questioned Item #15, Griffin Street Boat Ramp Access Improvement (\$17,000), specifically why the description references \$17,000 when the proposed allocation for FY17 references \$67,000). Mr. Micali stated the \$17,000 was set aside in last year's budget to do a review of the boat ramp area and the \$67,000 is what is projected for construction costs in FY17 when the project will come to fruition. Town Manager Cabanel added no funds would be expended until the State commits to its share.

Item #20, Tennis Court reconstruction at O'Gara Drive, was not proposed. Town Manager Cabanel explained she did not recommend this as a one-time expenditure in FY14 given discussions around a reduction in the amount of paving, the potential for layoffs, etc. She may recommend the Town start setting aside funds or establish a capital reserve fund for this purpose if the Council determines it is important or the desire exists to rehabilitate the existing court or locate one elsewhere. She believes it worthwhile to start setting aside funding, to demonstrate the Council is fulfilling obligations to the grant, which was accepted.

Item #21, Town Wide GIS Upgrade, is proposed to be funded at \$32,000/year (five years). Mr. Micali noted the system has been in place for at least 5 years, and the server/software needs to be upgraded. He remarked the system is starting to get more use and additional layers should be added. Total estimated project cost is \$160,000.

With regard to Item #22, New Library, Mr. Micali remarked in conversations with the Library Trustees he has been asked to inform the Council they have not yet identified a dollar amount for the bond as they wish to conduct a comprehensive study of the community need and determine the appropriate size and whether there are different ways to conduct business. He stated his belief the Trustees have hired

Approved: December 6, 2012

Posted: December 7, 2012

a consultant to begin this work, and will soon extend an offer to the Council to sit on a committee being established to identify the needs.

With regard to Item #11, Highway Garage & Fuel Station Upgrade – Replacement, Town Manager Cabanel stated a specific funding amount has not yet been identified. An amount has been listed for the highway garage; however, the study previously funded has not been completed and is expected to provide funding information. The current belief is the facility will remain on the existing site in FY15.

With regard to Item #13, Wire Road Intersection Improvements/Roundabout, and Item #14, Turkey Hill & Baboosic Intersections Improvements/Roundabout, both are proposed as roundabouts. However, prior to any design work on roundabouts would occur, extensive discussion would need to take place between the Council, Planning Board, and the public. It was noted the proposed allocation may get pushed out to FY16. When asked what the abbreviations R and A stand for, Mr. Micali stated them to be Replacement and Addition.

Mr. Micali noted towards the end of the five year CIP the amount of bonded debt is dropping off considerably (from approx. \$500,000/year over the next three years to approx. \$185,000 in one year (bond maturing)). The only bond that will remain is the drainage bond, which was let a few years ago at \$1.7 million. The Sewer Fund has outstanding bonds; however they are through the State Revolving Loan Fund.

Councilor Flood questioned whether a determination has been made the site of the highway garage is clean. Town Manager Cabanel responded they would likely assume it is satisfactory to construct a new facility onsite rather than moving the facility to another site and abandoning a site that could have the potential for contamination. Mr. Micali added the present site is as close to the geographic center of Town as you can get. Chairman Mahon commented it is impressive to see what the Town has been able to accomplish over the past 5-6 years with regard to new facilities and infrastructure.

Funding for major projects in FY14 is broken down as follows: \$568,550 from Capital Reserve Fund, \$572,000 from the general budget, \$5,500 from developer fees, \$125,000 from road improvements, and \$2,252,450 from State aid and other communities (mostly for Manchester Street Bridge). Total expenditure for major capital projects in FY14 is listed as \$3,523,500.

Councilor Dwyer questioned the \$3,044,320 listed in FY15 under bonds. Mr. Micali stated that to be the estimate for the Public works garage. Councilor Koenig questioned the \$7,600,000 listed in FY17 under user fees/bonds, and was informed that is associated with a Phase III sewer project; Phase III of the plant and a pump station upgrade.

Additional slides were provided detailing specific projects. **Bridge Replacement-Manchester Street** is ongoing (through 2014). Nashua's share is 15%, Merrimack's 5%, and the State is paying 80%. **Stormwater Drainage Improvements** (\$200,000/year set aside). Anticipated projects include West Chamberlain Road/Souhegan River, D.W. Highway/Naticook Brook, Amherst road/Naticook Brook, Wilson Hill Road, Glenforest Drive/Pine Street, and Town-wide basin repairs. **Paving/Infrastructure Improvements** is an ongoing process that starts January/February with a review of software and a visual review of the streets. At this time it is unknown what the exact funding amount will be or what bids will come in at. **Traffic Signal/Intersection Improvements** Front Street signage misaligned and Baboosic Lake Road controller is outdated.

Approved: December 6, 2012

Posted: December 7, 2012

Wire Road Intersection Improvements/Roundabout could be a roundabout or a different kind of T intersection. Nineteen accidents have occurred at this intersection between January 2006 and September 2012. When asked if that is a large number based upon traffic counts, etc., and how to judge whether it is a problem that requires addressing, Town Manager Cabanel stated her opinion it is. Councilor Dwyer requested a breakdown of the type of accidents. Vice Chairman Rothhaus remarked it is also an issue of traffic flow. Town Manager Cabanel stated all pertinent information would be provided when the issue of how to address the intersections is discussed in detail.

Paving D.W. Highway (Chamberlain Bridge to Bedford Road) proposed rehabilitating the section from Greeley Street to Chamberlain Bridge over the Souhegan River (FY15). **Highway Garage and Fuel Station Renovation** in process of expanding upon the Turner report completed in 2005. An updated report is anticipated to be received in early 2013. Councilor Boyd questioned whether tanks are being dug up at the fuel station. Director Seymour responded, at present, the fuel station is without a canopy; has limited fire suppression system. A canopy would be put in, and the fills to the tanks would either be rehabbed or repositioned. When asked for the age of the tanks, he stated his belief they are approx. 15 years old. Mr. Micali remarked a project was done a few years ago as the result of water seepage into the tanks. At that time, the engineer stated the tanks were in good shape.

Councilor Dwyer suggested consideration could be given to a facility that would encompass both a highway building and fire house, and whether there is a location in town that would be suitable for such a dual purpose facility.

Turkey Hill Road Intersection Improvements proposed to be a roundabout, which will need to be considered and discussed at length. Councilor Dwyer questioned why the notation would suggest design would begin in FY14. Mr. Micali stated that is when the start of the design is anticipated. Town Manager Cabanel remarked she would likely remove that from that particular year as it may be premature. **Bridge Replacement – McGaw Bridge Road** proposed for FY17 (80/20 split). **Griffin Street Boat Ramp Access Improvement** seed money is set aside in anticipation of State contribution. Intersection improvements would be the responsibility of the Town and responsibility for the boat ramp would belong to the State.

Chamberlain Bridge Rehabilitation/Sidewalk Repairs Bridge itself is in fairly good shape. The work that needs to be done relates specifically to the sidewalks. **Phase III Wastewater Facility Improvements** includes replacement of collectors on the primary and secondary clarifiers, adding a raw wastewater screening plant to replace the original raw wastewater grinder, electrical upgrades to replace the motor control centers, and sludge pump and piping replacement for both secondary and primary sludge. This is in one of the out years and will need to be fully vetted and considered from a sewer rate point of view. Councilor Koenig noted the CIP notation was a cost of \$7.6 million whereas the slide refers to \$4.8 million. Mr. Micali explained there are two projects combined in the same year for one bond. The second project is **Thornton's Ferry & Souhegan Pump Station Improvements** at a cost of \$2.8 million.

Funding for minor projects in FY14 is broken down as follows: \$770,000 from Capital Reserve Fund (vehicles), \$185,500 from the general fund, of which \$90,000 is for three (3) police vehicles, \$156,000 from wastewater treatment user fees, and \$45,000 from cable franchise fees. Slides were provided detailing minor projects proposed for FY14. Item #3, Access Control/Facility Monitoring, is proposed to be funded at \$25,000 and is for communications at the Police Department. Item #9, Fire Investigation Vehicle has been removed from the proposed budget but was inadvertently left on the spreadsheet. Item #12, F350 Ambulance A3, (\$200,000) is self-explanatory, and Item #s 25-28 relate

Approved: December 6, 2012

Posted: December 7, 2012

to various pieces of equipment proposed to be funded out of the Highway Equipment Capital Equipment Replacement Fund (CERF).

Item #54, Wasserman Park, Other Buildings, Phase III, funding is proposed to cover year 1 expenses (\$12,500) and Item #55, Wasserman Park, Engineering Study, the \$10,000 relates to expenses that will be incurred this year. An engineering study is not recommended. It is already known which buildings are structurally sound and which are not. Town Manager Cabanel stated it is likely proposals will come before the Council this year to perform work in the Theatre Building to get it to the point of being operational as well as demolishing the dining hall facility and perhaps two cabin buildings where roofs are imploding. There is also the need to upgrade the function hall facility to more permanently encompass the dining element.

Item #56, Patrol Vehicles, although listed as \$122,000, proposing \$90,000, which represents three (3) vehicles and the changeover from Crown Victoria to Ford Interceptor (smaller vehicle with better gas mileage/V6 all-wheel drive). Item #58, Transfer Station Loader, (\$220,000) that would deplete the transfer station funding. Item #s 63-65 represent licenses and equipment/software (Tax Collector/Town Clerk Office (new storage machine)). The technology aspect relates to upgrading of telephone switches (7 years old and at end of life).

Councilor Dwyer asked the Fire Chief for his opinion with regard to the possibility of a controlled burn of structures at Wasserman Park. Chief Currier stated the need to conduct an evaluation of the area to determine if good access could be gained to the lake to allow the pumpers to get close enough to draw water. Councilor Dwyer noted, for the viewing public, no course of action has been determined to date, the discussion is simply around the possible future of Wasserman Park. Town Manager Cabanel added the only structures being discussed are the ones that have been determined not to be structurally sound, e.g., dining hall and a few small cabins. Councilor Dwyer commented the dining hall may be cost prohibitive to bring back up to code. Chief Currier remarked that is based on the construction materials used in the dining hall not meeting today's standards.

Town Manager Cabanel reiterated, within the next three years, there will be three building projects coming before the Council for consideration; highway facility, a fire station/ambulance facility, and the library.

4. Council Visit to Wasserman Park - Discussion

Submitted by Town Council Chairman Tom Mahon

To discuss planning a visit to view the potential dog park site and to review the general state of Wasserman Park.

It has been suggested it would be beneficial for the Council to conduct a site walk prior to budget discussions to gain a better understanding of building conditions, etc. at Wasserman Park. It was also noted the Public Works Department has flagged the boundaries of the proposed dog park.

It was the consensus of the Council to conduct a site walk at 10:00 a.m. on Saturday, November 24th.

Chairman Mahon recommended the Parks & Recreation Committee be advised of the site walk.

Minutes

Approve the minutes from the following Town Council meetings:

Town Council Meeting Minutes – November 15, 2012

Approved: December 6, 2012

Posted: December 7, 2012

October 25, 2012

The following amendment was stated:

Page 14, Line 28; “Councilor Boy” should read “Councilor Boyd”

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of the October 25, 2012 Town Council Meeting as amended. MOTION CARRIED 6/0/0

November 1, 2012

The following amendments were stated:

Page 2, Line 11; “Rickard Barnes” should read “Richard Barnes”

“Director Kyle” and “Director Fox” should be amended to read “Deputy Director Fox” in all instances where they occur.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of the November 1, 2012 Town Council Meeting as amended. MOTION CARRIED 6/0/0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Boyd noted Brandon Snell’s 4th Annual Blood Drive was conducted at the St. James Methodist Church on Veterans’ Day. He commended him for the level of community spirit exhibited in getting people out to make a contribution.

Councilor Boyd stated his disappointment the Rotary will not be conducting the Thanksgiving Day Road Race this year and noted there were logistical issues that got in the way. He stated his belief the Rotary is committed to doing it next year.

He acknowledged Mr. Andy Powell who tendered his resignation this week. He informed the public the Council would be availing itself to send Mr. Powell off with the appropriate recognition that is deserved of an individual who has been nothing but a steward for the open lands in the community for well over 15 years. He publicly thanked Mr. Powell for the level of volunteerism he has offered to preserving the open spaces in Merrimack.

Councilor Flood noted cement was poured for the foundation for the pavilion at Watson Park. The same day, the Pergola structure spearheaded by Scout Joseph Parker, went up.

Approved: December 6, 2012

Posted: December 7, 2012

Councilor Koenig stated the NRPC is having an open house on Thursday, November 29th from 5:00 – 7:00 p.m. at which they will share the results of the first phase of their regional planning process. He requested those planning to attend RSVP to Karen Baker at KarenB@NashuaRPC.org by the 27th of November.

Chairman Mahon extended his appreciation to those who turned out for the recent election. Councilor Dwyer remarked it appears the designation of the largest district in the United States will remain intact.

**MOTION made by Councilor Boyd and seconded by Councilor Flood to adjourn the meeting.
MOTION CARRIED 6/0/0**

The November 15, 2012 meeting of the Town Council was adjourned at 10:10 p.m.

Submitted by Dawn MacMillan