



Town Council Meeting Minutes

Thursday August 18, 2016, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

On behalf of the Town Council, Chairman Harrington extended deepest sympathy to the family and friends of Eber Currier. Eber passed away on August 6th at the age of 85. Some of his countless contributions to the Merrimack community include owning and operating Currier Orchards, the formation and establishment of Merrimack's Agricultural Commission of which he was a member for 8 years in addition to his impressive 24-year membership on the Merrimack Conservation Commission. Eber's presence is truly missed by so many.

The Town Council observed a moment of silence in memory of Eber Currier.

Town offices will be closed on Monday, September 5th in observance of the Labor Day holiday. Regular meetings of the Town Council will be conducted on Thursday September 8th and September 22nd at 7:00 p.m. in the Matthew Thornton Room.

The Town of Amherst will be closing a portion of Baboosic Lake Road on August 24th and 25th from 7:00 a.m. to 3:00 p.m. each day to perform tree removal. Please visit the Town website or Merrimack Public Works' Facebook page for details including a map of the closure location.

The Town of Amherst will be closing Baboosic Lake Road in Amherst near the Merrimack town line (South Baboosic Lake Road) August 19th, for a culvert replacement project. The closure will run from 8:30 a.m. to approximately noontime.

This Saturday, August 20th, the Parks & Recreation Department will be holding a Community Blood Drive at the John O'Leary Adult Community Center from 9:00 a.m. - 2:00 p.m. Donors are greatly needed.

Wednesday, August 24th will be the final Summer Concert at Abbie Griffin Park. The concert will feature "The Transistors" who will perform from 6:00 - 8:00 p.m. Thursday, August 25th will be our final free movie night in the Park. We will be showing "Minions" at Wasserman Park and the event will begin at 7:00 p.m.

The Police Department, Fire Department, and the Parks and Recreation Department are working on a plan to put together a candlelight vigil for the 15 year anniversary of 9/11. Additional information will be provided once available.

1 Chairman Harrington stated she had requested Diane Trippett, Town Clerk/Tax Collector, provide
2 information on the status of the checklist update needed to assign voters to polling locations. Ms.
3 Trippett made the inquiry, and was advised that all voters have been moved to their respective polling
4 location, and an accuracy check is currently being performed on the changes made. The review is
5 expected to be completed early in the week of August 15th. Upon confirmation the review is complete
6 and the checklist is all set, the publicity push will begin, which will include notices to newspapers and
7 on Merrimack TV, information on any and all message boards, the Town website, Facebook, and
8 announcements at meetings. The Town Clerk's Office intends to display a map indicating the
9 boundary locations, and will provide an informational handout containing a website address that can be
10 utilized for voter information lookup.

11
12 Postcards will be sent to every household in Town advising of the polling location changes. The
13 postcard will provide a description of the general area of the polling locations, and a website address
14 where residents can check online for their particular location. The phone number for the Town Clerk's
15 Office will also be provided for those who wish to call and/or do not have internet access. The
16 postcards are expected to be fluorescent yellow and mailed the last week in August or the first week in
17 September. They are working with the Assistant Town Manager/Finance Director Micali to find the
18 best method and price to accomplish this task. As State Primary turnout tends to be lower than other
19 elections, plans are in place to complete a second publicity push in October, prior to the November
20 General Election.

21
22 The Town Council is in receipt of an email indicating the Town Clerk will also put notices into motor
23 vehicle renewal notices sent in August, September, and October. The notice reads: "On June 23,
24 2016, the Town Council voted to establish three polling stations in Town. The polling locations are
25 the James Mastricola Upper Elementary School, Merrimack Middle School, and the St. John Neumann
26 Church. Voters are encouraged to check their polling location at
27 <http://app.sos.nh.gov/Public/PollingPlaceSearch.aspx>. Voters may also call the Town Clerk's Office at
28 424-3651. The State Primary is Tuesday, September 13th and the General Election is Tuesday
29 November 8th."

30
31 Councilor Boyd asked for clarification, and was informed the postcard will identify the three polling
32 locations, but will not instruct individual voters/residents of their particular polling location. He
33 questioned if it would be advantageous to have a hyperlink on the Town's website to a list that
34 identifies street names and their associated polling location. Assistant Town Manager/Finance
35 Director Micali stated that would be looked into. However, he believes the information pertaining to
36 voter registration/wards is actually held by the Secretary of State, which is why voters would be
37 directed to that website. When asked about the possibility of individualized postcards providing
38 exact polling locations, he explained if each post card were addressed to a specific individual, the Post
39 Office would want the bulk rate mail broken out by mail route. If a mass mailing is utilized the Post
40 Office is simply provided with 10,273 of the postcards, and knows to provide them to every carrier.

41
42 Councilor Koenig spoke of having visited the website to identify his polling location, and that he did
43 so without any difficulty.

44
45 **Perfluorooctanoic Acid (PFOA) Information Update**

46

1 Town Manager Cabanel noted a mass mailing went out to residents of Merrimack, Litchfield, and
2 Bedford from an attorney stating a town meeting is being conducted at the Merrimack Town Hall.
3 That is not an accurate statement. A request was made for the individual to utilize the room, and then
4 the Town became aware of the mass mailing and the reference to it being a town meeting.

5
6 It is a solicitation from an attorney who is looking to gather clients to sue somebody for the PFOA.
7 She stated the desire to simply inform the public the gathering is not being hosted by the Town of
8 Merrimack, and the capacity in the room is 80, a fact which the individual has been made aware of.

9
10 The Fire Marshall will be onsite. There will also be a police detail present, the cost of which will be
11 the responsibility of the individual. If an excess of 80 people arrive, they will be turned away.

12
13 Town Manager Cabanel commented she has been asking the State Department of Environmental
14 Services (NHDES) to see if they can get Saint-Gobain to give the Town something in writing. Earlier
15 in the day she received a letter from the Director of EHS at Saint-Gobain Performance Plastics, which
16 states: "I am writing to update you on the status of waterline connections that are taking place at this
17 time under Saint-Gobain Performance Plastic guidance and expense in Merrimack. We plan to
18 connect to the municipal water system a total of 15 homes on Daniel Webster Highway, Back River
19 Road, Bedford Road, Maple Street, and Woodhaven Circle. These homes currently use well water,
20 which has been tested over 70 parts per trillion", which is the State and Federal guideline. Their
21 consultant, C.T. Male Associates, is directing a local general contractor, Ted Bantis Excavating, to
22 perform the work. Construction began August 15th and is expected to be completed by September 30th.
23 The total cost of the project is estimated at approx. \$240,000. The affected homeowners have been
24 advised of the work either in writing or through door-to-door visits by C.T. Male.

25
26 Councilor Boyd questioned if there has been any movement between NHDES, Saint-Gobain and the
27 Merrimack Village District (MVD) as it relates to an agreement regarding remediation. Town
28 Manager Cabanel responded there have been ongoing discussions and they are moving along. The
29 State is hopeful.

30 31 **Comments from the Press and Public**

32
33 Mike Boisvert, 16 Beebe Lane

34
35 Stated the desire to speak in regard to the 1st item under Old Business; Target Shooting on Town
36 Owner Land. He stated prior to the land being purchased by the Conservation Commission it had been
37 posted "No Trespassing". Part of the rationale was to put an end to target shooting that was going on.
38 As a resident of Beebe Lane, perhaps ¾ of a mile from the site, it has an impact on him. He
39 commented it is different from hunting as that is a single shot here or there. Hearing target shooting
40 continue on for an hour or two leaves you on edge, particularly with heavier caliber. He requested the
41 Council keep the public in mind if considering allowing target shooting on Town owned property at
42 some point in the future.

43
44 Matthew Behler, 15 Beebe Lane

45
46 Stated during the 27 years he has resided in Merrimack he has witnessed the great work done by the
47 Conservation Commission and the Grater Woods Sub-Committee to make Grater Woods a natural

1 oasis for our community. Grater Woods is being used by more and more people looking to enjoy the
2 beauty of its trails and the peace and quiet of nature. When target shooting was occurring, this beauty
3 and tranquility was shattered by constant gunfire that would last for hours. The land where the target
4 shooting took place was desecrated with garbage and spent shells, and took the concerted effort of
5 several dozen volunteers and mechanized equipment, at Town expense, to clean up. Most importantly,
6 stray bullets from the target shooting area posed a very real danger for people using Grater Woods for
7 recreational purposes. He stated his trust the Council would continue to uphold the ban on target
8 shooting in the Grater Woods Conservation Area.

9
10 Tina Boisvert, 16 Beebe Lane

11
12 Remarked it is disconcerting when walking through the woods and hearing shooting. It is difficult to
13 determine the direction from which it is coming, and you don't feel safe. During hunting season they
14 are aware of the activity and choose to stay out of the wooded area, but during the rest of the year it is
15 a wonderful place to be until you start hearing shooting. She spoke of the clean-up effort that resulted
16 in an expense to the Town.

17
18 Nelson Disco, Chairman, Merrimack Town Center Committee

19
20 Spoke of Item #4 under New Business, the application by the Public Works Director to obtain a
21 Federal grant to construct a section of sidewalk on Route 3 and Woodbury Street. These areas are in
22 the plan that was developed under the iTRaC program in 2009. They are high priority items, and areas
23 having a great deal of automotive and pedestrian traffic. This is a need of the community, and one he
24 hopes the Council will be in favor of.

25
26 Sean Sylvester, 8 Sunnydale Drive

27
28 Remarked when in Middle School he ran cross-country and can remember times when he was afraid
29 running through the woods and hearing gunshots. The Grater Woods area is the only area the Middle
30 School cross-country team has to run. Per school rules, they are not allowed to leave the premises, but
31 are allowed to run in Grater Woods.

32
33 *There being no objection, the Council went out of the regular order of business to take up*
34 *Appointments.*

35
36 **Appointments**

37
38 **1. Boston Post Cane Presentation**

39 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
40 The Town Council will present the Boston Post Cane to Carsten Hahn, the Town of Merrimack's
41 oldest known resident.

42
43 On June 15, 2015, Roy Ingerson, the current holder of the Boston Post Cane passed away at the age of
44 101. The Boston Post Cane tradition started in 1909 when the Boston Post newspaper delivered the
45 gold heavy ebony cane to towns throughout New England, requesting they be presented to the oldest
46 citizen in the Town. After conducting a search, and receiving several nominations, Carsten Hahn has
47 been chosen as the next recipient.

1
2 Carsten (now more commonly known as Bud) was born on September 20, 1916 in Lovett, Alberta
3 Province, Canada, and his family eventually settled in the Seattle area. Bud graduated high school in
4 1935 and from the University of Washington in 1940, after which he worked for Boeing Aircraft. He
5 served as a 2nd Lieutenant in the Army Signal Corps in WWI, went on to serve and additional 7 years
6 in the Army Reserves, and was discharged as a Captain.

7
8 Bud married his wife Simone in Manchester, NH in 1947, and in 1962 they moved their family to
9 Merrimack. They have 4 children, 9 grandchildren, and 5 great-grandchildren. He founded Control
10 Power Systems and worked as its Senior Engineer until retirement in 1980.

11
12 Bud has deep roots in the community. He founded Boy Scout Troop 424 and served as a Boy Scout
13 leader, Council Commissioner and Advisor for over 5 continuous decades. He served Our Lady of
14 Mercy parish as a Eucharistic Minister and coordinator of the home ministry program. He was also a
15 volunteer at the Nashua Soup Kitchen for many years and a member of the Knights of Columbus and
16 the American Legion.

17
18 Chairman Harrington presented Mr. Hahn with the Boston Post Cane and a Certificate recognizing him
19 as the oldest living resident in Merrimack.

20
21 *The Council returned to the regular order of business.*

22 **Recognitions, Resignations and Retirements**

23 **1. Recognition of Retirement of Town Employee**

24
25 Submitted by Human Resources Director Sharon Marunicz

26 The Town Council will present a recognition award to Bruce Moreau for 40 years of full-time
27 service and an additional award in recognition of his retirement.
28

29
30 Kyle Fox, Director, Public Works Department (PWD), stated Bruce Moreau began employment with
31 the Town on August 2, 1976 as a laborer at the rate of \$2.91/hour. That was the year Merrimack
32 Public Works came into existence. Prior to that the Town had a Road Agent.

33
34 Along the way Bruce has served in many capacities; Equipment Operator, Highway and Solid Waste
35 Foreman, Superintendent, Highway Coordinator, Acting Director of Parks and Recreation, and
36 Treasurer. He has also served as a Water Commissioner at the MVD and was one of the first to
37 achieve the status of Master Road Scholar in the UNH T squared program.

38
39 Bruce has been responsible for leading our Highway and parks crew through everything from routine
40 maintenance tasks to snow storms, special projects such as the construction of the Stow Road Bridge,
41 and response to recovery during emergencies.

42
43 Throughout his time in Merrimack Bruce cared for the Town, for his co-workers, and most of all for
44 the residents. The nature and extent of his caring was demonstrated in January of 1999 when he
45 received the Hero Award for rescuing a mother and two young children from a burning car following
46 an accident in Lisbon. Bruce and his wife have lived in Town since 1994.
47

1 Dawn Tuomala, Deputy Director, PWD, stated “As you leave on this day we had to find some words
2 to say. So we thought and thought and decided thus, you deserve the best, you deserve a fuss. So
3 thank you so much for all of your years working hard, blood, sweat, and tears. We know you have
4 given us your best, and we know we have put you to the test. Not only a colleague but a dear friend;
5 we hope this isn’t going to be the end. You will be sorely missed of that there is no doubt. There was
6 so much you were knowledgeable about. You’ve done your quota, you’ve played it well, now comes
7 the time to say farewell. You must not cry or protest too loud, you can’t come back, it’s not allowed.”
8

9 Chairman Harrington presented Mr. Moreau with a rocking chair in recognition of his years of service
10 to the Town of Merrimack. On behalf of the citizenry-at-large, she thanked him for all he has done for
11 the community.
12

13 **Legislative Updates from State Representatives**

14
15 Representative Chris Christensen spoke of the time when there was MTBE leaking out of gasoline
16 tanks and contaminating the groundwater. Problems started to come about around 2003. The Oil Fund
17 Disbursement Board worked with the Attorney General’s Office to sue the gasoline distributors. Some
18 settlements were achieved, but one company, Exxon, held out. That was settled about 4 months ago.
19 He commented the big companies have long staying power. The court ordered approx. \$220 million to
20 go into a clean drinking and groundwater fund (about \$80,000 million in accumulated interest). Nearly
21 \$300 million is coming to the State for that purpose. State RSAs require that 10% of that go into the
22 rainy day fund, which is good for everybody, and the remainder goes into the trust fund where it
23 cannot be pulled from and applied to something else.
24

25 There is an Advisory Council for the Clean Drinking Water and Groundwater Fund. Because of the
26 language in the Bill that created the Trust, he is of the belief it will be able to be used not only for
27 MBTE, but as an auxiliary fund to address PFOA problems to help people with either point of entry
28 filters or with extending municipal water to houses that are within range.
29

30 When asked how to go about accessing those funds, Representative Christensen stated the Bill was
31 signed earlier this year, but late in the year. The rules have not yet been published or enacted with
32 regard to criteria. That will be worked on come fall. He will notify the Council when that occurs.
33

34 ***There being no objection, the Council went out of the regular order of business to take up Item #2***
35 ***under New Business.***
36

37 **2. Deliberation to Fill the Town Council Vacancy**

38 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
39 The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council
40 until the April 2017 election, pursuant to Charter Article 4-5.
41

42 Chairman Harrington stated each candidate would be allotted a period of two minutes to introduce
43 himself/herself to the public. Interviews have already taken place; August 8th public meeting. At the
44 conclusion of the introductions, the Chair will open the floor for discussion after which a Roll Call
45 vote will be conducted. The candidate receiving the votes of a majority of the Council will be declared
46 the appointed candidate. In the event of a tie, another Roll Call vote would be conducted for the top

1 two candidates. Once a decision has been made, the appointed candidate would be sworn in and seated
2 for the remainder of the meeting.

3
4 Paul Lagasse was not in attendance.

5
6 Thomas Mahon remarked he has served with the Town Council for 10 years. He stepped away for a
7 short period to take a break. When this opportunity presented itself, he made the decision to apply. He
8 spoke of enjoying the work of the Council and working alongside his colleagues, and of the experience
9 and knowledge he could bring to the table.

10
11 Donald Millek was not in attendance.

12
13 Daniel Ricker was not in attendance.

14
15 Kathleen Stroud stated she has been a New Hampshire resident since 1987 and a resident of
16 Merrimack since 2004. She is a retired Air Traffic Controller, and has served two terms in Concord on
17 the Municipal and County Government Committee. During her time there she learned a great deal
18 about local government, budgets, etc. She thanked the Council for the opportunity.

19
20 Chairman Harrington opened the floor for discussion.

21
22 Vice Chairman Rothhaus commented the questions asked during the interview process were limited
23 but very telling. He stated he was pleased with the quality of individuals who came forward and
24 submitted their names.

25
26 Councilor Dwyer commented it is unfortunate the public may not have had the opportunity to hear the
27 other candidates as all five are qualified and any one of them would be able to serve on the Council.
28 He thanked all who participated by putting in a letter of intent.

29
30 Councilor Flood remarked she too was impressed with the skillset and overall qualifications the
31 candidates possess. There have been elections in the recent past that did not gain such a level of
32 interest. She is hopeful all of the candidates will stay in the arena; join one or two committees to
33 acclimate themselves to the way Town government works.

34
35 Councilor Koenig stated agreement with the remarks of his colleagues. There was a wide range of
36 abilities with the candidates that came forward all of whom showed a lot of interest in the Town. He
37 encouraged all of the candidates to stay involved and participate in future elections for seats on the
38 Council.

39
40 Councilor Boyd referred the community of Merrimack to the comments of his colleagues.

41
42 Chairman Harrington called for each Councilor to identify his/her candidate of choice. Councilor
43 Boyd cast his vote for Thomas J. Mahon. Councilor Flood cast her vote for Thomas Mahon. Vice
44 Chairman Rothhaus cast his vote for Thomas Mahon. Councilor Dwyer cast his vote for Thomas
45 Mahon. Councilor Koenig cast his vote for Thomas Mahon. Councilor Harrington cast her vote for
46 Thomas Mahon.

47

1 Chairman Harrington noted Mr. Mahon will fill the position until the election in April at which time
2 the voters will elect an individual to fulfill the remainder of the term; one year.

3
4 ***The Oath of Office was administered to Thomas J. Mahon by Town Moderator Lynn Christensen.***

5
6 ***The Council returned to the regular order of business.***

7
8 **Public Hearing**

9
10 **1. Public Hearing - Proposed Change to Chapter 183 – Vehicles and Traffic**

11 Submitted by Police Chief Mark E. Doyle

12 The Town Council will hold a public hearing to consider the proposed change to Chapter 183 –
13 Vehicles and Traffic, of the Town Code, to accept and install a “stop” sign on Island Drive at the
14 intersection of Island and D.W. Drives, pursuant to Charter Article V.

15
16 Police Chief Mark Doyle stated the proposal to be for the installation of a stop sign at the intersection
17 of Island Drive and Daniel Webster Drive. The request was made at the June meeting of the Highway
18 Safety Committee by a resident of Island Drive, Deborah Brancheau. Although the sign was not
19 necessarily compliant with the criteria outlined in the Manual for Uniform Traffic Control Devices
20 (MUTCD), the resident was concerned enough to bring the request to the committee.

21
22 Coming out of Island Drive as you head westerly onto D.W. Drive, it is a simple T intersection. The
23 design is such that because it is coming off of D. W. Highway, it can cause overflow onto D. W. Drive.
24 When that occurs some motorists peel off of D.W. Highway traveling rather quickly down D. W.
25 Drive, and not necessarily with any regard for other traffic. The exacerbating factor is a very difficult
26 line of sight issue as you come up the intersection from Island Drive to look to your left. There are
27 some obstructions and the line of sight is such that by the time a motorist enters the intersection, had
28 another motorist been coming onto D.W. Drive from D.W. Highway reaction time wouldn't allow for
29 a collision to be avoided. Regardless of whether the volume of the traffic at that particular location
30 warranted a sign installation, the committee felt it would be warranted based upon the safety concerns
31 raised by Ms. Brancheau.

32
33 A stop sign was installed (June 28th) at the behest of the Highway Safety Committee, although not
34 enforceable until formally adopted through this process.

35
36 ***Chairman Harrington declared the Public Hearing open at 8:12 p.m.***

37
38 *No public comment was offered.*

39
40 ***Chairman Harrington declared the Public Hearing closed at 8:13 p.m.***

41
42 Councilor Koenig remarked he was absent for the July meeting, and was surprised when seeing the
43 sign erected on Island Drive. It also surprised some of the other people out on Island Drive especially
44 since there was a lot of shrubbery that was hiding it when it was first put up. He realizes the difficulty
45 of that T intersection and the issues discussed, but believes the obstruction of line of sight comes from
46 bushes that are overgrown in the Town Right of Way. He questioned if it is not more important to
47 clear out that obstruction to make it visible. When motorists approach that stop sign, if stopping where

1 the white paint stripe is normally put, they can't see around the bushes at that intersection. He
2 questioned what will be done to try to improve line of sight.

3
4 Director Fox stated the belief the bushes in question are on private property. The Right of Way down
5 there dates back to when it was the D.W. Highway. The PWD is conducting a Deed search on the
6 area and looking through NHDOT files for clarification. Research conducted to date indicates they are
7 clearly on private property. Councilor Koenig questioned if they remain on private property when
8 grown out past the asphalt, and was told it appears the asphalt is on private property. The PWD works
9 with that homeowner often, and he has been very cooperative in cutting the bushes back understanding
10 that he wants the bushes there because it is the little bit of screening he has from the volume of traffic
11 on the D.W. Highway.

12
13 Councilor Koenig remarked it seems the issue cannot be fully resolved with a stop sign, and there is a
14 need to identify a resolution. He commented he has not seen motorists taking that shortcut and is not
15 aware of any accidents in that location. Chief Doyle stated agreement there have not been accidents.
16 There are motorists that do take that shortcut; it doesn't happen a lot, but it does happen especially
17 when the traffic volume backs up in the evening. The stop sign is part of the resolution. It is not the
18 quick fix or the long-term solution, which is why Director Fox is doing the work to find out what if
19 anything we can do to improve that line of sight. There is long-term discussion around D.W. Drive
20 altogether, e.g., perhaps closing off that northbound peel off onto D.W. Drive right by the southern end
21 of the entrance to D.W. Drive.

22
23 Councilor Koenig questioned if something could be done to keep the area in front of the sign clear.
24 Director Fox stated that could be done. Vice Chairman Rothhaus commented there is a better
25 resolution, and that would be shutting down D.W. Drive at that end to prevent that flow.

26
27 Councilor Mahon questioned if consideration was given to placing the stop sign on D.W. Drive.
28 Director Fox responded that was considered. However, when putting stoppages on roadways you
29 always defer to the primary traffic. In this case the primary traffic is coming from D.W. Highway.
30 Chief Doyle remarked when making decisions like this they look at what driver behavior is and how
31 that dictates sign placement. For motorists coming out onto Island Drive, the expectation would be
32 that the stop sign would be there. Once they understand that it is there they will recognize that it is
33 their responsibility to stop. It will force them to make that momentary stop, take a look, and then move
34 through the intersection. The stop bar will be painted and the trees and brush will be cut back.

35
36 Motorists coming off of D.W. Highway peeling down there are not going to expect to see a stop sign
37 there. That becomes even more of a problem because people would go through it without expecting to
38 see it or slam on their brakes at the last minute. That was one of the driving reasons why it was
39 believed more appropriate to place the sign in its current location as opposed to on D.W. Drive.

40
41 When asked if any other traffic calming measures were considered, e.g., speed bump, Vice Chairman
42 Rothhaus remarked he does not believe that was discussed. Past discussion of speed bumps
43 highlighted the burden they pose on plowing operations. Councilor Mahon questioned if it is a matter
44 of public safety or the preferences of the PWD for snow plowing on a short section of street that
45 doesn't have a lot of traffic. Vice Chairman Rothhaus responded for him the stop sign was not looked
46 at from an enforcement standpoint but rather the memory jogger, it gives the motorist that pause.

47

1 Councilor Flood commented there are three things she would look at as solutions; speed bumps (can be
2 disassembled in winter), a traffic mini-circle, or shutting the road off. Chief Doyle reiterated there is a
3 lot involved in considering closing the road off, and stated his opinion the stop sign is the simplest
4 solution.

5
6 Councilor Koenig commented it sounds as if this is all focused on motorists coming down D.W. Drive
7 too quickly, and we ought to find some way to slow that down.

8
9 **MOTION made by Councilor Rothhaus and seconded by Councilor Dwyer to move to a third**
10 **reading. MOTION CARRIED 5-2-0**

11 *Councilors Koenig and Mahon voted in opposition*

12
13 **2. Public Hearing - SCBA Grant Funds Acceptance for Merrimack Fire Department**

14 Submitted by Fire Chief Michael Currier

15 The Town Council to hold a public hearing to consider the acceptance and expenditure of the
16 Assistance to Firefighters Grant (AFG) in the amount of \$317,600, with a Federal portion of
17 \$288,728 and a Town portion of \$28, 872, that has been awarded to the Merrimack Fire
18 Department for the purpose of replacing outdated Self Contained Breathing Apparatus (SCBA) and
19 associated equipment, pursuant to RSA 31:95-b and Charter Article 8-15.

20
21 Brian Borneman, Assistant Fire Chief, stated the department identified, through the needs analysis, that
22 the Self Contained Breathing Apparatus (SCBA) was reaching the end of its life cycle. There was a 2-
23 3 year window to work towards replacing the equipment. The department applied, during the last
24 cycle, for the Assistance to Firefighters Grant, which was for protective clothing. Although scoring
25 well, they came up a few points short. The application was tweaked and moved forward. The
26 department scored very well, and was funded.

27
28 The program for the grant is to update all of the SCBA and associated equipment. The total cost is
29 \$317,600. The Federal Portion of that is \$288,728. The Town's portion (10% based on population) is
30 \$28,872. The equipment has a 15-year life expectancy.

31
32 *Chairman Harrington declared the Public Hearing open at 8:38 p.m.*

33
34 *No public comment was offered.*

35
36 *Chairman Harrington declared the Public Hearing closed at 8:39 p.m.*

37
38 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend**
39 **the Assistance to Firefighters Grant (AFG) in the amount of Three Hundred and Seventeen**
40 **Thousand Six Hundred Dollars (\$317,600), with a Federal portion of Two Hundred Eighty Eight**
41 **Thousand Seven Hundred Twenty Eight Dollars (\$288,728) and a Town portion of Twenty Eight**
42 **Thousand Eight Hundred Seventy Two Dollars (\$28, 872) to be taken from the Fire Equipment**
43 **Capital Reserve, that has been awarded to the Merrimack Fire Department for the purpose of**
44 **replacing outdated Self Contained Breathing Apparatus (SCBA) and associated equipment,**
45 **pursuant to RSA 31:95-b and Charter Article 8-15. Furthermore that the Town Manager and/or**
46 **her proxy be authorized to sign any and all documents necessary to expend and perfect the**
47 **transaction. MOTION CARRIED 7-0-0**

1 **Town Manager's Report**

2

3 A ribbon cutting ceremony was held on Wednesday to officially re-open the Bean Road Bridge. The
4 bridge is open to traffic again after being closed for just over a year while the former bridge was being
5 replaced.

6

7 The new digital message board has been installed at the Transfer Station. The board will be used to
8 promote recycling and to display information for Merrimack residents.

9 The Town has purchased a portable changeable message sign for \$15,575. This sign is similar to the
10 one we already own in the Highway Department. Delivery is anticipated on or about the 1st of
11 September.

12

13 **Consent Agenda** - None

14

15 **Old Business**

16

17 **1. Target Shooting on Town Owned Land [Tabled at the July 21, 2016, Town Council meeting]**

18

Submitted by David Elliott

19

To have a discussion with the Town Council regarding target shooting on Town owned land.

20

21 Mr. David Elliott stated his belief the decision to ban target shooting on Merrimack Town property by
22 hanging signs in accordance with RSA 635:4 is punishing the masses for the actions of a few, and
23 although it may not have been intended as such is anti-gun and anti-hunting. There were many
24 concerns brought to the attention of the Council and discussed regarding target shooting on Town
25 owned land. These concerns included liter and alcohol consumption at the shooting site, shooting from
26 the side of the road, shooting at night, and targets being placed in an unsafe location. These are all
27 valid concerns. There is no excuse for consuming alcohol and handling firearms or for targets being
28 placed in unsafe locations.

29

30 Mr. Elliott stated although he did not shoot at Grater Road often, when he did he was one of the people
31 who picked up trash and removed targets from that location. He is just as angry about the list of
32 concerns as those who expressed them during prior meetings. However, there are existing laws in
33 place to address them. Littering on public property is covered under RSA 207:36-b. There is a Town
34 Ordinance that prohibits alcohol consumption on public land, and laws were already in place that
35 would provide enforcement justification to stop people from shooting at night. In accordance with
36 RSA 207:3-a, it is unlawful to shoot within 300' of an occupied dwelling and RSA 207:3-c states that
37 it is unlawful to shoot within 15' or across the travel portion of a roadway. RSA 207:37-a Negligent
38 Discharge of Firearms, states that if anyone discharges a firearm while target shooting in such a
39 manner that the life of any person is endangered or so as to cause damage to the property of another
40 person is guilty of a misdemeanor. In addition, depending on the act involved, RSA 631:3, Reckless
41 Conduct, would bring felony level charges should an innocent person be placed in danger of serious
42 bodily injury, and based on the severity of the offense, RSA 632, Manslaughter, and RSA 633,
43 Negligent Homicide could also be applied.

44

45 Mr. Elliott remarked the recent decision to prohibit target shooting on Town owned land has just added
46 additional restrictions on good people that were doing nothing wrong in an attempt to stop the few that

1 are not acting appropriately. If the existing laws are enforced, the ban is not necessary. He suggested
2 the few will continue the poor behavior even with the new restrictions.

3
4 He spoke of his awareness of safety issues regarding shooting and dirt bike riders in the area.
5 Although he agrees the issue had to be addressed he believes there to be other ways that could have
6 been done. There are miles of trails that can be used for riding, but only one area that people target
7 practice. It would have been far less expensive and affected far less people to simply hang a sign on
8 that small portion of trail informing riders that people often shoot in the area.

9
10 He spoke of being a member of Nashua Fish & Game, and noted like most private shooting clubs, their
11 membership is capped at a certain number and the waiting list is often 3-4 years. In addition, private
12 clubs are expensive. Indoor ranges are great for handgun practice, but cannot facilitate a hunter citing
13 in his gun in preparation for the hunting season. Often indoor ranges cannot accommodate common
14 hunting caliber such as a 308. The new restriction will cripple hunters preparing for hunting season.
15 Mr. Elliott questioned where people would go to teach their kids proper firearms handling as indoor
16 ranges are not conducive to teaching. He stated a willingness to assist in establishing a Town shooting
17 range. However, has concerns believing liability and insurance would become a major issue.

18
19 He requested the Council consider reversing the decision. He requested information from the Police
20 Department relative to reports of personal injury, property damage, and noise complaints, as a result of
21 target shooting, over the past five years. Their system will not accommodate a search specific to target
22 shooting. All they could do was look up all firearm related calls. He lives near Grater Road and hears
23 when people are shooting out there. He does not believe it is anywhere near as frequent as some would
24 have you believe it is.

25
26 Councilor Dwyer spoke of the hundred or so volunteers that serve the community through membership
27 on the different boards/committees/commissions, and stated the recommendations of those
28 boards/committees/commissions are considered very seriously. The leaders of our Town and citizens
29 in neighborhoods that were being impacted came to the Council with a reasonable request. As
30 stewards of Town owned property, the Council heard the information brought before it, and decided to
31 post the land "no target shooting, which is a decision he continues to support.

32
33 Several Councilors spoke of the ability for any citizen to avail himself/herself of open government, and
34 suggested if there is support within the community for identifying an area for this activity, those
35 interested should assemble and conduct the necessary research relative to potential legal ramifications,
36 other municipalities that may have had success in this area, identify an appropriate location, etc., and
37 bring a proposal forward for the Council and the citizenry-at-large to consider.

38
39 Mr. Elliott stated his biggest concern wasn't necessarily Grater Woods itself; it is the banning of target
40 shooting on all Merrimack property. To make such a blanket statement based on a few locations is
41 what he takes issue with. He spoke of restrictions being placed on some members of the community,
42 and commented all taxpayers in the community have equal rights to that outdoor space.

43
44 Councilor Dwyer spoke of the volume of work the Council is responsible for and the yeoman's work
45 done by the volunteers such as members of the Conservation Commission who conducted the research
46 and gave consideration to how to best address an ongoing issue. Those leaders of the community as
47 well as the Police Department presented a proposal and supporting facts to the Council. The Council

1 heard the facts, did its own homework, and reached the conclusion that posting no target shooting was
2 best for all.

3
4 Mr. Elliott stated concern once you go down this road there is no going back. This is the way the
5 Town and New Hampshire has been forever. He does not believe people that want to go out in the
6 woods and shoot or zero in their hunting gun should have to get any form of government approval to
7 do so as long as they are not violating the law.

8
9 Councilor Mahon remarked when he moved into Town in 1976 the population was 9,000 people.
10 Today's population is nearly 27,000. Merrimack is much more densely populated. This is not a rural
11 area any longer. The Council is not trying to restrict anybody's rights, just trying to protect the health
12 and safety of the people who use this space.

13
14 Mr. Elliott stated his understanding, and reiterated there are already laws in place for condensed zones.
15 He questioned why the Town would restrict the activity if someone is able to find a location in the
16 woods that allows him/her to abide by all of the laws. Councilor Mahon responded because it is
17 something we have jurisdiction over, and as was mentioned there are liability and insurance issues
18 involved. Mr. Elliott stated it is only a liability/insurance issue if it is a Town sponsored range. If
19 someone is out there shooting on their own the only one responsible for that is the individual.
20 Vice Chairman Rothhaus stated his appreciation for Mr. Elliott coming before the Council, and spoke
21 of being a proponent of the Second Amendment. He remarked it was a safety issue. His biggest
22 disgust was the nightmarish mess that was left out there. If there was a group that had an idea of a
23 location that could be used and the Parks and Recreation Department could get their arms around it, he
24 would be more than happy to listen to a proposal.

25
26 Councilor Flood stated she uses Grater Woods a great deal. Her husband was coach of the rifle team
27 of the 82nd Airborne Division, and even he does not like to be in the woods when shooting can be
28 heard because there is no way to know where it is coming from. She sympathizes with residents who
29 have to hear that in their homes. She personally does not see any right that an individual has to
30 infringe on the rights of others. She is not bothered by hunters in the woods. There is a difference
31 between target shooting and hunting. She noted a member of the Conservation Commission was
32 walking in Grater Woods not long ago and had a bullet whiz by his head. She commented there is no
33 discernable difference between someone who is an expert in handling firearms and someone who
34 comes in and lays waste. A target can be missed. She stated her understanding a bullet can travel 2-4
35 miles and still have lethal capability. She believes it to be too dangerous an activity to allow.

36
37 Chairman Harrington remarked when the issue first came up she was not in favor of the restriction.
38 Residents who target shoot pay taxes just as those who do not. She came to the conclusion it was very
39 similar to ATV riders; they also paid for the land and they don't have access to all of the parks. They
40 set up a group that has a great site near the Transfer Station. They enjoy use of the site, monitor it, etc.
41 It is a great success. There is a balance when it comes to safety. It is possible for another group to do
42 the work, conduct the research, etc. in an effort to designate a location where the activity may be
43 feasible, and to bring a proposal before the Council and the public for consideration. She would be
44 supportive of such an effort.

45
46 Mr. Elliott remarked if there were to be a Town range there would be concern with monitoring,
47 liability, insurance cost, etc. If residents were allowed to continue to do it the way they have since the

1 Town was incorporated anyone behaving in an unsafe manner could be held criminally liable and
2 would be responsible for his/her own actions. Chairman Harrington remarked that would happen after
3 the offense has occurred. She commented she heard enough testimony and concerns expressed that the
4 preponderance of evidence of increasing risk was there. There are other options available for target
5 shooting. She reiterated this does not need to be the end of the discussion. If a proposal were brought
6 forward it would be heard.

7 8 **New Business**

9 10 **1. Town Flag Discussion**

11 Submitted by Sean Sylvester

12 The Town Council to be presented with a proposal for a Town flag and its design and meaning.

13
14 Chairman Harrington commented it has been learned although not an official designation, the Town
15 has a flag with the Town Seal on it. That flag is used by the Police Department for various events.

16
17 Mr. Sean Sylvester stated he is heading into his senior year of high school, has lived in Merrimack for
18 most of his life, and works at the Outlets. He sees a lot of people that come to Merrimack as a
19 destination. He has been around the country for Science Olympiad, and has met people in other parts
20 of the country who have relatives that reside in Merrimack. People know Merrimack, and it is a
21 destination Town now. It is important that we have something that Merrimack can be identified with.

22
23 Flags don't just represent a region they represent a community/group of people. In our daily lives
24 there are countless symbols that we associate with different real world objects. There is a sense of
25 community wholeness when you have something that the community can rally behind. People care
26 about flags more than ever. We're a design conscious society; we care about these things now. We
27 may not notice it until we see a badly designed flag. When you see a bad town flag you will silently
28 judge that town for their poor choice in design.

29
30 Mr. Sylvester displayed photos of what are known as some of the best city/town flags ever made. The
31 flags reflect the attributes and/or history of a community. The North American Vexillological
32 Association is a scholar group that studies and promotes history symbolism and designs a flag. A few
33 years ago they published a pamphlet called Good Flag - Bad Flag by Ted Kaye. That has quickly
34 become the go to guide for redesigning your municipal flag. It identifies the five basic principles of
35 flag design: keep it simple, use meaningful symbolism, use 2-3 basic colors, no lettering or seals, and
36 be distinctive or be related.

37
38 Mr. Sylvester displayed a few possible designs and identified the meaning behind the colors, etc. The
39 packet provided with the agenda showed one of the designs; a simple palette of only 3 colors; gold,
40 blue, and green. The golden border signifies our early beginnings, blue is the Merrimack and
41 Souhegan, and green is for the groves of trees that cover our Town.

42
43 When asked what generated his interest in flags, Ms. Sylvester stated he listened to a podcast about
44 flags, and working at the outlets he sees people visit Merrimack from all around. As far as they know
45 Merrimack is just the outlets; they have nothing to recognize us for. He believed it would be
46 interesting if Merrimack had something the Town could identify with and use as a symbol.

1 Councilor Flood commented she could picture herself becoming very enthusiastic about people coming
2 together on a design. Mr. Sylvester was encouraged to reach out to the Heritage Commission as a
3 partner in this endeavor, and to provide the presentation on local television stations.
4

5 **3. 1st Annual Update on Lake Naticook [Tabled at the July 21, 2016, Town Council meeting]**

6 Submitted by Lake Naticook Conservation Association

7 To update the Town Council on Lake Naticook water quality, including milfoil mitigation efforts.
8

9 Murray Collette, President, Lake Naticook Conservation Association (LNCA), stated the LNCA is an
10 association that represents the waterfront owners on Lake Naticook, which includes the Town of
11 Merrimack, Camp Sargent, and about 40 families.
12

13 Lake Naticook is one of the key recreational resources in the Town. The Town has invested a lot over
14 the years from the acquisition of Wasserman Park and Veteran's Park to developing them into
15 recreational opportunities for the residents.
16

17 The lake is about 62 acres in size and averages 6' in depth. The deepest point is 19'. It is a very
18 shallow lake, and as a result Milfoil can grow pretty much anywhere. Milfoil doesn't really grow
19 much in waters deeper than 10'. Milfoil and runoff are the two largest issues of the lake.
20

21 Roger Gettel, Vice President, LNCA, stated he last reported to the Council in 2013. Significant
22 progress has been made, and the current methods to reduce Milfoil are working. He estimated, over
23 the past three years, Milfoil in the lake has been reduced by 50%.
24

25 The Town and State jointly fund diver operations for removing Milfoil. There are a few problem
26 areas, but they have successfully gotten them down to a "whack-a-mole" mode. Three years ago it was
27 not hard to find Milfoil. Today there are sporadic plants around the lake; far fewer than this time last
28 year and this time the year before because of the efforts of volunteers in finding the plants, marking the
29 plants, and getting diver assisted suction harvesting to remove the plants.
30

31 In places where there was significant Milfoil growth, after multiple cleanings, they are seeing those
32 spots are no longer springing back the way they had in prior years. They have never seen flower or
33 seed stage plants, and hope they never do. This year a special effort was made to get out early (late
34 March). That time of year Milfoil is the only green plant growing. Once Lily Pads and other weeds
35 are up it makes it harder to find the plants until they outgrow the other plants at which point they are a
36 problem. They had a lot of opportunity and marked a good many plants prior to the first dive at the
37 end of May. Two dive days were used to get all of the plants out with follow-up dives in early and
38 mid-July. The next contract dive is pending for early September; waiting for volunteers to identify the
39 location of enough weeds to make it worthwhile to call in the divers for a full day.
40

41 Mr. Gettel commented what is notable is that unlike three years ago at this time of year when there
42 were concerns with the boat ramp and the large number of buoys in the water that were both unsightly
43 and an issue for other recreational uses of the lake, this year there are about a dozen buoys in the water
44 and instead of finding 10 or 12 plants per hour of searching time they are finding 3±. He remarked
45 having seen the trajectory as we gradually reduce Milfoil in the Lake they are finding fewer floating
46 fragments, the plants are smaller and are being removed before becoming well established, which
47 means they are not springing back as often after they are cleaned by the divers.

1
2 By happenstance he met a local gentleman on the lake who was curious about what he was doing
3 marking plants, and discovered he was a certified scuba diver. The LNCA sponsored the gentleman
4 and his daughter for diver training for aquatic weed removal. They completed that course a few weeks
5 ago, and on August 5th they made their first dive in the lake costing the Town zero. He emphasized
6 this is not yet a replacement for professional divers because a Milfoil diver is not made in one day of
7 training, it is a craft. Mr. Gettel noted he is certified for Milfoil removal where air is not required, and
8 understands there is a learning curve and a number of environmental challenges in removal of plants.
9

10 The current management plan authorizes 10 dives this season. To date, 4 have been used. Another is
11 being scheduled for September, and there will likely be a few after that. It was noted, because of the
12 nature of Milfoil and its explosive growth, any interruption in the current process will quickly
13 undermine the progress being made. Early season dives are extremely important.
14

15 Mr. Gettel remarked anyone interested in helping out would be welcome, and should make that interest
16 known through email at NaticookLake@gmail.com.
17

18 Mr. Gettel spoke of the UNH Co-Operative Extension Lakes Lay Monitoring Program (LLMP);
19 biological water quality study of the lake. The LNCA has been taking samples from the lake, and the
20 Town has been participating in the LLMP. The data goes as far back as 1982. The parameters that the
21 study tracks include Phosphorus, Chlorophyll, water clarity, color, alkalinity, ph, and specific
22 conductivity plus dissolved oxygen (when there are appropriate temperature profiles present).
23

24 Naticook Lake has a relatively undisturbed shoreline for a lake in this region because of the abundance
25 of outdoor recreation space in Town. The long-term trend is gradually higher Phosphorus levels since
26 1982. UNH comes down with equipment once a season to take samples. Mr. Gettel performs less
27 extensive sampling every 2-3 weeks through the season and sends the samples in for further testing.
28

29 The primary threat to the lake is inputs of sediment and nutrients (Nitrogen and Phosphorus). One of
30 the tests conducted is testing Phosphorus at 7 different locations on the lake. The areas were identified
31 on a map displayed. Year after year, it is Site 6 that has the highest Phosphorous readings. That is
32 where the stream comes down the hill and feeds the lake. Obviously stream water brings a lot of
33 nutrients with it. The water in the lagoon can get a little scummy. There is some filtering action as it
34 comes into the rest of the lake.
35

36 The second location where elevated readings have been seen for a few years in the months of June and
37 July is Site 2. The concern there is the possibility of runoff from the eastern corner of the field across
38 the Veteran's Park Road and down the embankment. There is evidence of erosion down that
39 embankment directly into the lake. They have had the discussion of drainage control being considered
40 in the plans for the boat ramp upgrades to reduce direct runoff into the lake. If runoff goes into the
41 ground the vegetation has the ability to take it out before that water springs up in the lake through
42 springs, etc. If it runs off the surface it carries both sediments and Phosphorous into the lake. For the
43 long-term biologic health of the lake and the aesthetic quality of the water to the extent we can reduce
44 Phosphorous inputs into the lake the healthier it will be.
45

46 This year they have seen a lot more algae growth in the lake than is historically typical. He believes a
47 lot of that had to do with the winter weather pattern. Until the results of this year's testing are received

1 (next year), it won't be known whether that was Phosphorous related and whether there were particular
2 inputs. As can be seen from the reports, the long-term Chlorophyll trend is increasing (since 1982).
3 The Phosphorous trend is increasing. The recommendation is to minimize surface runoff to the
4 greatest extent possible. Within the Association they try to emphasize to all lake front owners to
5 maintain their vegetative barriers along their shoreline, not to use fertilizers, and to minimize runoff
6 from their properties. With the Town being major landowners surrounding the lake the same request is
7 made.

8
9 Mr. Gettel stated on both fronts the LNCA is trying to make improvements and diminish any
10 degrading elements to the water quality. A presentation was made earlier in the year to the
11 Conservation Commission to keep them informed of activities taking place. The LNCA is hopeful the
12 Milfoil funding can continue at the same level and they can continue to make positive progress.

13
14 Mr. Collette noted the three areas they are watching from a runoff/erosion point of view looking both
15 short-term and long-term are the Veteran's Park boat ramp, runoff down through the Wasserman Park
16 recreation area; surface runoff that sort of originates at Naticook Road. They are starting the process
17 of trying to understand that with the Conservation Commission. Surface runoff in the lagoon area is an
18 area where there might be some opportunity for improvements. Some members who live right along
19 the Naticook Road/Camp Sargent Road intersection have noted, during heavy rainfall, some of the
20 storm drain structures aren't able to catch everything. If there is an opportunity to improve that section
21 of road at some point in the future they would be happy to be involved.

22
23 Mr. Collette thanked the volunteers who put in an estimated 440 hours of volunteer time in last year's
24 Milfoil fighting. Chairman Harrington commented this association is a classic example of partnership
25 for the benefit of all.

26
27 Councilor Koenig questioned if the total of ten (10) days of diving is for Naticook Lake alone or a
28 combination of Naticook Lake and Horseshoe Pond. Mr. Collette stated the ten days are just Naticook
29 Lake. The same dive company is contracted for both lakes. The budget for Naticook is up to 10 days.
30 In the past few years they have used 7 or 8, and this year will likely use 7. He would rather come in
31 under budget than not have an adequate budget and lose the war. Knowing he has 3 days in reserve
32 provides for options were he to suddenly find a huge patch of Milfoil. He remains hopeful in future
33 years that number will be cut, but he is not yet ready to make a recommendation for such a cut because
34 of the unpredictable nature of the fight.

35
36 Councilor Flood remarked she resides on Baboosic Lake where there is a shallow lagoon that has
37 become a problem. She commented on the beneficial nature of the knowledge that is being
38 accumulated throughout the process. Mr. Collette remarked if the folks at Baboosic Lake or
39 Horseshoe Pond have any questions they would be happy to connect.

40
41 When asked about the funding source, Assistant Town Manager/Finance Director Micali stated the
42 dives are 60% funded by the Town and 40% by the State.

4. **Request for Letter of Support for Transportation Alternatives Program (TAP) Project**

Submitted by Public Works Director Kyle Fox

Public Works, in conjunction with Merrimack's Town Center Committee, are requesting a letter of support from the Town Council to apply for funding through the FHWA/NHDOT Transportation

1 Alternatives Program (TAP). This program proposes to extend existing sidewalks on D.W.
2 Highway from Church Street to Twin Bridge Road; And to construct a sidewalk on Woodbury
3 Street, beginning at the intersection of D.W. Highway and heading west to the existing sidewalk on
4 McElwain Street near the Merrimack High School.

5
6 Dawn Tuomala, Deputy Public Works Director/Town Engineer, remarked the request is for a letter of
7 support from the Council to apply for funding through the FHWA/NHDOT Transportation
8 Alternatives Program (TAP). This program proposes to extend two sections of sidewalk, both of
9 which are listed under the Town Center Pedestrian and Trail Master Plan (Plan) of 2009. The first is
10 located on the D.W. Highway from Church Street to Twin Bridge Road, which would include the Twin
11 Bridge Park and the Kids Kove playground (identified in the Plan as priority item #s 2 and 3). The
12 second is a new sidewalk for Woodbury Street beginning at the intersection of D.W. Highway and
13 heading west to the existing sidewalk on McElwain Street near the Merrimack High School (priority
14 #6).

15
16 The Council's agenda packet included a Letter of Interest Director Fox signed on July 1st, which
17 initiated the process. On August 10th she and Director Fox attended a mandatory meeting in Concord,
18 during which information on the application was provided.

19
20 The Letters of Interest that were submitted in July resulted in requests totaling \$37 million with an
21 available funding amount of \$5.5 million. In 2014, the application that was done for the Souhegan
22 River Trail was very similar; had \$43 million in applications and available funds in the amount of \$5.5
23 million. Merrimack was a recipient of one of those grants.

24
25 The application submission date is September 2nd. The Application indicates a mandatory requirement
26 that a Letter of Support be given from the sponsor's governing body. If granted, this project will go
27 onto the Capital Improvement Project (CIP). Project cost is expected to be \$600,000 and the grant
28 funding would be an 80/20 match meaning \$480,000 would be coming back to the Town.

29
30 Councilor Flood noted the School Department is very interested in the sidewalk up Woodbury Street.
31 She stated her opinion any sidewalks enhance the value of the Town, particularly in the Town Center
32 area. Councilor Dwyer stated his support of the grant application.

33
34 **MOTION made by Councilor Dwyer and seconded by Councilor Koenig that a Letter of Support**
35 **to apply for funding through the FHWA/NHDOT Transportation Alternatives Program (TAP)**
36 **be forthcoming and that the Town Manager be authorized to draft said letter for the Chairman's**
37 **signature. MOTION CARRIED 7-0-0**

38
39 **5. Lake Naticook Boat Ramp Cost Discussion**

40 Submitted by Public Works Director Kyle Fox

41 Discussion regarding the costs associated with the Lake Naticook Boat Ramp located at Veteran's
42 Memorial Park.

43
44 Deputy Director Tuomala stated the project began as an improvement to the boat ramp. The Council's
45 packet included two plans; existing conditions plan and proposed site plan. The topography in that
46 particular area drains down towards the boat ramp. All of the sediment, etc. comes off the boat ramp
47 and into the lake.

1
2 After meeting with the LNCA she made a few adjustments to the drainage. The road would be paved
3 for a section going up to the crest of the hill and curbed so that runoff heads into two leaching catch
4 basins. Perforated pipe will come out of the leaching catch basins to further disperse runoff. In the
5 event of heavy rains, overflow would be into a ditch/flatter section where a permanent erosion control
6 berm will prevent runoff from going into the lake. With those two measures in place water would be
7 cleaned before reaching the lake or it would settle in the two areas on each side and would help
8 mitigate the sediment. Adding those measures increased the cost of the project from \$30,000 to an
9 estimated \$63,500. The project has gone out to bid.

10
11 Town Manager Cabanel stated the matter was before the Council because the project cost has more
12 than doubled what was budgeted. Funds are available to cover the additional cost. The question
13 before the Council was whether or not to proceed given the increase in cost.

14
15 Councilor Flood remarked and Vice Chairman Rothhaus stated agreement what is being proposed
16 sounds like a more permanent solution. Councilor Boyd spoke of the [presentation](#) the Council just
17 received from the LNCA, and remarked not approving this would be insulting to the residents on the
18 lake. He spoke of being pleased with the sensible solution that has been brought forward to address
19 some of the concerns. Councilor Mahon spoke of having witnessed the erosion occurring at the boat
20 ramp. He suggested not moving forward in this fashion would not be in the best interest long-term.
21 Councilor Dwyer commented it is the most active boat ramp in Town, and because of the pitch, also
22 the most challenging.

23 24 **6. Road Acceptance of Hamilton Court**

25 Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

26 At the Planning Board meeting on January 5, 2016, per Subdivision Regulations Section 5.01.1(f),
27 the Planning Board has released the performance bond in favor of the two year maintenance bond
28 and recommended acceptance of Hamilton Court by the Town Council. Acceptance of the road is
29 conditioned upon receipt of the two year maintenance bond in the amount of \$15,468.48.

30
31 Director Fox stated the project, Hamilton Court, is a small cul-de-sac road with 5 homes on it.
32 Construction of the road completed late last fall/early winter. The developer delayed converting the
33 performance bond to the maintenance bond (this spring). That brings the project to the point of road
34 acceptance. The road was constructed in conformance with all Town regulations and specifications.
35 Director Fox recommended acceptance of the road.

36
37 **MOTION made by Councilor Rothhaus and seconded by Councilor Boyd that the Town accept**
38 **the road now known as Hamilton Court conditioned upon receipt of the two year maintenance**
39 **bond in the amount of Fifteen Thousand Four Hundred Sixty Eight Dollars and Forty Eight**
40 **Cents (\$15,468.48). MOTION CARRIED 7-0-0**

41 42 **7. Grant Application Approval for Merrimack Police Department - Radio Receiver/Repeater**

43 Submitted by Lieutenant Brian Levesque

44 The Town Council to consider the Police Department's request to apply for a grant made available
45 through the New Hampshire Homeland Security and Emergency Management for a receiver /
46 repeater for the Merrimack Middle School for an estimated cost of approximately \$10,000.

1 Lieutenant Brian Levesque stated being sought was approval from the Council to apply for a grant for
2 a radio receiver/repeater for the Middle School. At present, the Middle School is a terrible spot for the
3 portable radios in communication with the Police and Fire. The desire is to improve the
4 communications in that location. All grants from HSEM are 50/50 meaning the Town's portion/match
5 would be 50% of the total cost. However, that can also be soft match, e.g., time, planning, education,
6 etc.

7 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to allow the Police**
8 **Department to apply for a grant made available through the New Hampshire Homeland Security**
9 **and Emergency Management for a receiver / repeater for the Merrimack Middle School for an**
10 **estimated cost of approximately Ten Thousand Dollars (\$10,000). MOTION CARRIED 6-0-0**
11

12 *Councilor Mahon was not present for the vote.*
13

14 **8. Grant Application Approval for Merrimack Police Department - Continuity of Operations** 15 **Plan (COOP)**

16 Submitted by Lieutenant Brian Levesque

17 The Town Council to consider the Police Department's request to apply for a grant made available
18 through the New Hampshire Homeland Security and Emergency Management to hire a consultant
19 to formulate a Continuity of Operations Plan (COOP) for the Communications Division.
20

21 Lieutenant Levesque stated the grant application is for a Continuity of Operations Plan (COOP) for the
22 Communications Division. The plan would be put into action should the Police Station have to be
23 evacuated for any reason, which would require operations to cease in the communications center. This
24 plan would be relied upon to locate the operation center for dispatch for Police and Fire towards
25 another location whether that is in Town or if a large issue, utilizing another municipality for support.
26

27 This would involve the hiring of a consultant to develop the plan. Although he has several calls out
28 regarding approximate cost, that information was not available in time for the meeting.
29

30 Councilor Boyd questioned how the COOP would be integrated with the Town's Emergency
31 Management Plan. Lieutenant Levesque stated the COOP would deal solely with the Communications
32 Department, to deal with Police and Fire alone. There are larger COOP plans that involve the entire
33 Town. However, this focus is on this one aspect; radio communication with Police and Fire. The Fire
34 Chief is aware of the desire to seek grant funding, and would be involved in the process.
35

36 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to allow the Police**
37 **Department to apply for a grant made available through the New Hampshire Homeland Security**
38 **and Emergency Management to hire a consultant to formulate a Continuity of Operations Plan**
39 **(COOP) for the Communications Division. MOTION CARRIED 7-0-0**
40

41 **9. Donations to the Parks and Recreation Department Scholarship Fund**

42 Submitted by Parks and Recreation Director Matthew Casparius

43 Town Council to consider the acceptance and expenditure of a donation in the amount of \$400
44 from the Bear Christensen Charitable Trust to the Merrimack Parks and Recreation Department's
45 Camp Naticook Scholarship Fund, in honor and memory of former Parks and Recreation Director
46 Sherry Kalish, pursuant to RSA 31:95-b and Charter Article 8-15.
47

1 Town Manager Cabanel stated each year there are donations that come forward for the Camp Naticook
2 Scholarship Fund. The request was for the Council to authorize the acceptance and expenditure of a
3 donation in the amount of \$400 received from the Bear Christensen Charitable Trust in honor and
4 memory of former Parks and Recreation Director Sherry Kalish.

5
6 **MOTION made by Councilor Dwyer and seconded by Councilor Boyd to authorize the**
7 **acceptance and expenditure of a donation in the amount of Four Hundred Dollars (\$400) from**
8 **the Bear Christensen Charitable Trust to the Merrimack Parks and Recreation Department's**
9 **Camp Naticook Scholarship Fund, in honor and memory of former Parks and Recreation**
10 **Director Sherry Kalish, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION**
11 **CARRIED 7-0-0**

12
13 **10. Repurchase of Tax Deeded Property – Deadline Extension Request**

14 Submitted by Town Manager Eileen Cabanel

15 The prior owner of a recently tax deeded property, 6A-2/144, is requesting that the Town Council
16 approve an extension of the deadline date for repurchase of the property (RSA 80:89) from
17 September 4, 2016 to September 15, 2016. The former owner has agreed to pay all amounts
18 required by law, including back taxes, interests, penalties and costs, as defined by RSA 80:90. The
19 Council has the authority to extend the deadline in accordance with 80:80 III and Article 66-1 of
20 the Merrimack Town Code.

21
22 Chairman Harrington noted all documentation related to this matter has been provided to the Council,
23 and is available, upon request, to the public.

24
25 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve an extension**
26 **of the deadline date for repurchase of the recently tax deeded property, 6A-2/144 (RSA 80:89)**
27 **from September 4, 2016 to September 15, 2016. The Council has the authority to extend the**
28 **deadline in accordance with 80:80 III and Article 66-1 of the Merrimack Town Code. MOTION**
29 **CARRIED 7-0-0**

30
31 **12. Financial Update**

32 Submitted by Finance Director Paul T. Micali

33 Town Council to be updated and presented with the year-end financial details.

34
35 Town Manager Cabanel stated there will be a surplus of approximately \$1.8 million this year of which
36 \$1.3 million is in excess revenues and about \$500,000 in unexpended appropriations. When the
37 Council met in public session during the Retreat there was discussion of the LED project for the 650
38 streetlights in Town. In order to move forward with that so that the PWD does not go over budget,
39 there is the need for the Council to transfer funds from the Police Department into the PWD. The LED
40 project belongs within the PWD. The Police Department and Fire Department did not expend all of
41 their budgets due to significant changes in staff, e.g., retirements, periods of time when positions went
42 unfilled, filling positions at lesser salaries, etc. Both departments had in the neighborhood of 6-7 new
43 employees during the year.

44
45 The request was made that the Council transfer \$215,000 from the Police Department budget to the
46 Highway Department budget.

1 **MOTION made by Councilor Mahon and seconded by Councilor Rothhaus to transfer the sum**
2 **of Two Hundred Fifteen Thousand Dollars (\$215,000) from the Police Department budget into**
3 **the Highway Department budget**

4
5 **ON THE QUESTION**

6
7 When asked, Town Manager Cabanel stated the discussion was taking place under the Financial
8 Update. Chairman Harrington commented there is a financial update need because of what was
9 discussed in the Retreat, e.g., LED lighting. The reason for placing the financial update on the agenda
10 was to ensure public awareness. Although the Retreat was open to the public, she wished to ensure the
11 citizenry-at-large was aware of the discussion.

12
13 Councilor Koenig asked for clarification that despite having had a light winter, the PWD expended its
14 appropriations. Assistant Town Manager/Finance Director Micali responded there was a light winter,
15 but because of the amount of money, \$250,000, moving for the LED project into Highway it overspent
16 by \$215,000. They had some overruns in other projects. He spoke of the sidewalk project (\$75,000) at
17 Town Hall. By approving these large projects, the PWD overall budget was overrun by \$215,000.

18 **MOTION CARRIED 7-0-0**

19
20 Town Manager Cabanel stated the Council would have the opportunity to discuss utilizing excess
21 revenues (\$1.3 million) to offset the tax rate at its next meeting. However, in the absence of formal
22 action by the Council, at this time, to expend any or all of the unexpended appropriations (\$500,000)
23 the entire \$1.8 million would revert to the fund balance.

24
25 Councilor Dwyer stated he does not wish to see additional monies diverted to fund balance, which he
26 believes to be funded appropriately at this time. He was in support of the idea presented by the Town
27 Manager that would lessen the tax rate by spreading the money out over three years. With regard to
28 the \$500,000 he is open to discussion of where those funds might be allocated. When asked, Town
29 Manager Cabanel stated if the \$1.8 million were added to the fund balance, the balance would
30 approach \$7 million. A Warrant Article put before the voters several years ago identified a range for
31 where the fund balance/surplus should be (4-8% of the gross general fund). If the entire \$1.8 million
32 were added to the fund balance it would approach 8%. The current balance is \$5.2 million.

33
34 When asked, Town Manager Cabanel stated the Council could commit funds to offset the tax rate for a
35 single year, and should there be the desire, the then sitting Council could make a similar decision next
36 year. Vice Chairman Rothhaus stated he is in favor of that approach.

37
38 It was explained further the Town budgets based on anticipated revenue and anticipated expenses. If
39 the amount budgeted for revenue is exceeded it adds to the surplus. If the Town does not expend all of
40 the monies appropriated for expenses it adds to the surplus. At the end of the year, there are decisions
41 to be made. Excess revenue (\$1.3 million) cannot be spent except to reduce the tax rate. Unexpended
42 appropriations (\$500,000) can be used to reduce the tax rate or be expended. If the Council wished to
43 expend all or a portion of the \$500,000 the last opportunity to make such a decision was at this
44 meeting.

1 Town Manager Cabanel added a healthy fund balance becomes a steady source of revenue (when
2 interest rates are favorable). The funds remain until the voters approve appropriating them for a
3 particular purpose, etc.

4
5 Councilor Dwyer proposed allocating \$300,000 of the unexpended appropriations towards paving and
6 \$200,000 towards Wasserman Park. He noted the next big project at Wasserman Park is the beach.
7 The beach has never been dredged. Part of the problems with water quality and perhaps the drought is
8 you have to walk out 100' to get waste deep. Dredging involves time, NHDES permits, etc. He stated
9 he has not been provided with any costs associated with such an endeavor. However, would like to
10 earmark \$200,000 towards that expense.

11
12 Councilor Boyd stated agreement some sort of relief ought to be provided to the taxpayers. He
13 suggested the dog park be made a reality by providing the additional funds needed to accomplish that.
14 He agreed the beach needs to be dredged and suggested allocating \$250,000 towards paving and
15 \$250,000 towards Parks and Recreation.

16
17 Town Manager Cabanel informed the Council, with modifications to the dog park, which basically
18 reduced the height of the fence from 6' to 5' and eliminated the expensive ground cover, there is now
19 sufficient funding to complete the park.

20
21 Town Manager Cabanel noted the projects being discussed are goals identified previously, and the
22 opportunity provided by unexpended appropriations may result in the ability for forward movement on
23 an earlier timetable than previously believed possible.

24
25 Councilor Flood commented all of the things mentioned are worthy projects. Although she believes
26 the dredging of the beach would be a good project, without understanding the cost involved, she may
27 be against allocating funds for that project over allocating funds to the parks. She likes the idea of
28 additional funding put towards paving. She suggested the possibility of a community center that would
29 encompass books, meeting rooms, and other amenities seen in modern libraries to be built in a much
30 more frugal way than has been discussed, and to replace funds that were taken from the account that
31 was so carefully put together from years of taxpayer contributions. Town Manager Cabanel noted
32 transferring funds into a Capital Reserve Fund requires a vote of the citizenry. You cannot set aside
33 money into a savings account to plan to build a building when there is a need for such a project to be
34 approved through a Warrant Article.

35
36 Vice Chairman Rothhaus commented the boat ramp is one that always comes to his mind, but he is
37 uncomfortable not understanding the costs. Allocating additional funds to paving he is comfortable
38 approving. He questioned if the Council could anticipate allocating monies from any unexpended
39 appropriations towards the boat ramp next year, and was told that could occur. Town Manager
40 Cabanel stated if the \$500,000 were not allocated and was allowed to lapse to the fund balance, the
41 boat ramp project could be added to next year's budget that goes before the voters and the Council
42 could decide to offset that by using fund balance to pay for it.

43
44 Councilor Dwyer questioned, if an additional \$500,000 were allocated to paving would the Town
45 receive an additional \$500,000 in road paving before the plants close. Director Fox stated he would
46 have to check with the contractor, but they have never said no to extra work. When asked for

1 clarification, Town Manager Cabanel stated her belief it would be appropriate to allocate additional
2 funds towards paving as it would be a one-time additional expenditure.

3
4 Councilor Koenig stated his support of the idea of allowing the funds to lapse to the general fund and
5 allocating it towards the tax rate next year to offset for the cost of an item coming from the general
6 fund. Town Manager Cabanel stated it simply changes the timing of a particular project; it is either
7 done at this time or in next year's budget. Councilor Koenig commented if done in next year's budget
8 the citizenry has an opportunity to weigh in on it.

9
10 He remarked there are areas that have not been discussed such as the South Fire Station; whether or not
11 additional funding should be allocated there to make it an acceptable living condition since it hasn't
12 been able to be replaced. Town Manager Cabanel stated her belief the fire station is at the point where
13 the best we can do with it is being done. Assistant Town Manager/Finance Director Micali stated there
14 is funding in the budget this year to address current issues at that facility.

15
16 Councilor Koenig questioned whether additional funding should be put into the Transfer Station or its
17 equipment. Sewer extensions is another area that may be considered. He remarked there are a lot of
18 different projects beyond Wasserman Park and beyond paving that the Council needs to be
19 considering, which perhaps cannot be considered at this time and expenditures planned, but the
20 Council could consider allowing the funds to lapse to the general fund and be allocated towards those
21 projects in the future.

22
23 **MOTION made by Councilor Rothhaus and seconded by Councilor Mahon to allocate the sum**
24 **of Three Hundred Thousand Dollars (\$300,000) of the year end unexpended appropriations**
25 **towards paving and allow the remainder to lapse into the fund balance**

26
27 **ON THE QUESTION**

28
29 Councilor Dwyer stated he believes it to be a good idea. He would prefer to see some money at
30 Wasserman, but understands there is a commitment there, and is not worried about funding being
31 available for Wasserman Park next year.

32
33 Councilor Mahon questioned, and was informed \$750,000 will be expended this year on paving.

34 Councilor Boyd stated his support of the motion.

35 **MOTION CARRIED 7-0-0**

36
37 **MOTION made by Councilor Koenig and seconded by Councilor Boyd to transfer the sum of**
38 **Three Hundred Thousand Dollars (\$300,000) from the Fire Department's budget to the Highway**
39 **Department budget to cover the Three Hundred Thousand Dollar (\$300,000) cost of paving.**

40 **MOTION CARRIED 7-0-0**

41
42 **11. LED Street Light Discussion**

43 Submitted by Finance Director Paul T. Micali

44 To update the Town Council on the status of the LED street light transition.

45
46 *There being no objection, the item was tabled until the September 8th meeting.*

1 **Minutes**

2
3 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to table acceptance of the**
4 **July 21, 2016 meeting minutes until the Council's September 8th meeting.**

5
6 **Comments from the Press** - None

7
8 **Comments from the Public** – None

9
10 **Comments from the Council**

11
12 Councilor Mahon commented with the volume of items appearing on both the July and August
13 agendas serious consideration needs to be given to reducing the number of meetings during the
14 summer months.

15
16 **Adjourn**

17
18 **MOTION made by Councilor Dwyer and seconded by Councilor Boyd to adjourn the meeting.**

19 **MOTION CARRIED 7-0-0**

20
21 *The August 18, 2016 meeting of the Town Council was adjourned at 11:07 p.m.*

22
23
24 Submitted by Dawn MacMillan