Town Council Meeting Minutes

Thursday May 28, 2015, 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 Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, and Assistant Town Manager/Finance Director Paul Micali. Councilor Vaillancourt and Town Manager Eileen Cabanel were excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on Thursday June 11, 2015 and June 25, 2015 at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation Department will be hosting a Community Blood Drive at Wasserman Park on Saturday, June 6th from 9:00 a.m. - 2:00 p.m. Blood donors are urgently needed. To schedule an appointment, call the Parks & Recreation Department at 882-1046.

Dog licenses were due on April 30th. Please renew with the Town Clerk's office as soon as possible. Fines will be issued in the next few weeks.

The Transfer Station will be open for extended hours on Thursdays from 8:00 a.m. - 7:00 p.m.

July 2015 property tax bills have been issued and are due by July 1st. Property owners who have not received their tax bill may contact the Tax Collector's office at 424-3651 to arrange for a duplicate bill or could visit the website, MerrimackNH.gov, and retrieve a tax bill electronically.

Chairman Harrington informed the viewing audience the Public Comment period is intended for members of the public to provide comment to the Council. It is not intended for back and forth discussion. She stated the Council would listen to the remarks of the public. If a response is believed necessary, it will either be provided by the Chairman or at a later date.

Additionally, rather than taking public comment on the proposed NED Pipeline Project separate from comment on the remaining agenda items, public comment will be taken on all items appearing on the agenda when the regular public comment period is opened.

Kinder Morgan – Proposed Northeast Energy Direct (NED) Pipeline Project

- **Informational Reports and Updates**

- The Council is in receipt of a letter from Senator Ayotte, which states she is sending a letter to the Federal Energy Regulatory Commission (FERC) requesting they consider the issues raised by local residents and municipalities while conducting its review of Kinder Morgan's application. The letter also states: "I believe Kinder Morgan and regulators must give residents ample opportunity to voice their concerns as the proposed project undergoes required federal and state reviews."

- A questioned was raised previously regarding the number of affected residences. A list was compiled, and information verified. The total number of individuals who should be notified by Kinder Morgan, as property owners, is 152. A legal opinion has been sought as to how to proceed with the corrected information.

- House Bill 572 (relating to eminent domain) has already passed the House and is presently in Committee for the Senate. The language states if any portion of property is to be taken by eminent domain, the landowner has the right to require the entire property, including structures, be taken. Chairman Harrington encouraged citizens to write their Senators seeking support of HB572.

- **Action Items**

- Continue to press Kinder Morgan for a Public Meeting in Merrimack - **Meeting held 3/26/15**
- Place an action item on Feb 12th agenda requesting the council to take no action regarding request from Kinder Morgan to survey town-owned parcels until Merrimack Public Meeting - **Completed**
- Place NED Pipeline Update on future council agendas - **Completed 2/12/15**
- Update list of properties that directly about proposed pipeline route with a list of properties that fall into pipeline hazard zone - **Completed**
- Consider consultant to:
  - Research communities' property value effects of recent pipeline installations - **Engaged Avitar**
  - Evaluate impacts on the sewer line - **Engaged Wright Pierce**
- Support Conservation Commission's efforts to update data for environmental impacts on HHNP and Gilmore Woods - **Ongoing**
- Support Merrimack Village District's efforts to protect Wellhead Protection Zone and Aquifer Protection Zone - **Ongoing**
- Request Kinder Morgan list of abutters notified of project and requests for permission to survey – **At the 4/28/15 meeting, Town Manager Cabanel asked Jim Hartman, Kinder Morgan Principal Land Specialist, for map and lot numbers of affected land owners and was denied the request.**
- Work with property owners to develop a list of who has been notified of the project and requests for surveys - **Ongoing**
- Maintain contacts at FERC and NH Congressional delegation - **Ongoing** (NH delegation attends Managers meetings)
- Consult with PSNH (Eversource) regarding where they are in the process with Kinder Morgan and Public Utilities Commission - **No response - No contract between parties (4/23/15)**
- Consult and share information with large companies (A-B/lnBev, Elbit, Premium Outlets, Fidelity, PanAm, PSNH, Pennichuck, etc.) - **Meeting held 2/26/15; will be ongoing**
- Section 106 of the National Historic Preservation Act of 1966 (NHPA) - **Pending formal application**
- Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal Delegation
  - Letter to Governor - **Letter sent 4/14/15**
  - Letter to Congressional Delegation - **Letter sent 4/14/15**
  - Letter to Local Reps - **Letter sent 4/14/15**
- Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan - **Ongoing**

Comments From the Press and Public

Debra Huffman, 60 Amherst Road

Noted the agenda packet included the response from Kinder Morgan regarding survey requirements.

Chairman Harrington noted the Town had suggested language for an agreement relevant to surveys of Town owned land. Kinder Morgan responded with proposed amendments to the language. The Town subsequently responded to the request for amendments. The latest response from Kinder Morgan included two recommendations for change; one had to do with additional description in terms of the characterization of the land. The Town's counsel did not take issue with that request. The second was a request to change the following language: "The Town shall receive and have reasonable opportunity to review and comment upon any report or other documentation of the results of TGP activities under the Agreement prior to submission to the FERC." The request made was to delete the words "review and" and "prior to submission to the FERC". Legal counsel took great exception to this, and has strongly advised the Council to insist upon that requirement.

Gina Rosati, 15 Dunbarton Drive

Questioned whether the Council continues to stand by the position of no alternate route. Chairman Harrington stated the Council is against the pipeline going through Merrimack. Ms. Rosati stated Amherst is also against the pipeline going through Amherst, but they have provided an alternate route. She questioned if the Council would propose an alternate route. Chairman Harrington reiterated the Town Council is against the pipeline going through Merrimack, and added there is no discussion of alternate routes.

Ms. Rosati remarked the April 28th meeting minutes from Amherst identify Mark Hamarich as having spoken of a conduit going across the Merrimack River that they wanted to use. She asked if the Council is aware of that. Chairman Harrington responded a great deal of information was discussed that evening, and she does not specifically remember that. Ms. Rosati commented there is question as to what conduit would be big enough to fit a 36" pipeline through it. She suggested the Council try to identify what Kinder Morgan is talking about in that regard.

Recognitions, Resignations and Retirements - None
Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Merrimack Police want to remind everyone about the New Hands-Free law going into effect on July 1st prohibiting use of electronic mobile devices while driving. The law states, for drivers between the ages of 16-18, there is no cell phone use at all.

Registration for all summer programs including the Naticook Day Camp and Summer Tennis & Swimming Lessons are open and ongoing. Visit the Parks & Recreation Department's website at www.merrimackparksandrec.org for details or call 882-1046.

The Annual Summer Concert Series will open up for the season on Wednesday, June 17th with the band Studio Two; a Beatles tribute band. Concerts are held on Wednesdays throughout the summer from

6:00 - 8:00 p.m. at Abbie Griffin Park. For more information contact the Parks & Recreation Department.

Vice Chairman Mahon noted the Hands-Free Law does not apply to HAM radio operators.

Consent Agenda - None

Old Business - None

New Business

1. **Committee Appointments**
   Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon
   The Town Council to consider appointing the following recommended individual to a Town committee, pursuant to Charter Article 4-8:

   Kristi Margaritis Bradshaw – Conservation Commission (Alternate)

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to appoint Kristi Margaritis Bradshaw as an Alternate member of the Merrimack Conservation Commission, pursuant to Charter Article 4-8

ON THE QUESTION

Councilor Boyd spoke of the Council having had the opportunity to get to know Ms. Bradshaw over the course of the past few months. Speaking personally, he stated he has worked with her at Fidelity and knows he and she share a common interest in running. He stated his belief she would bring a very unique perspective to the Commission. He noted she has never run for elected office, and commented on the Council's efforts to encourage new individuals to volunteer and give their time to some of the committees in Town.

Chairman Harrington stated agreement, and added Ms. Bradshaw has previous experience with conservation commissions.

MOTION CARRIED
5-0-1
Councilor Mahon Abstained

Oath of Office administered by Chairman Harrington.

2 **Review of Merrimack Rocks 2014 and Update on Merrimack Rocks 2015**
Submitted by Dave McCray
The Town Council to review the details of Merrimack Rocks 2014 and to discuss the tentative plans of the 2015 event.

Mr. Dave McCray stated at last year's event, former Fire Chief Charles Hall, former Planning Board Chairman, Nelson Disco, Councilor David Yakuboff, and former Police Chief William Mulligan were honored. The event included a musical, fireworks, Wally the Green Monster, McDonny's Petting Farm, a Clydesdale, Bungee Trampolines, which was well attended, and a climbing wall. The event was successful.

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Although intended to be a musical event, the focus seems to be more and more on the fireworks. Between the hours of 4:00 - 6:00 p.m. the event draws a fair amount of people. In the 7:00 p.m. timeframe the crowd pours in.

This year there will be less focus on some of the other aspects in an attempt to reduce cost. Mr. McCray commented on the takeaway from last year's event; Wally the Green Monster, which came at a cost of $700 and the petting zoo ($800) were not big draws. Interest seemed to be with the bungee trampolines. The Clydesdale, which had no associated cost, was a big draw. Wishing to reduce costs, and acknowledging the event is a fireworks event, this year the event will consist of tributes, an Anheuser Busch Clydesdale, the bungee trampolines, non-stop music, and fireworks.

In the first year of the event, vendors ran out of food numerous times. Last year the issue was that of not enough variety. This year there will be vendors selling pizza, fried dough, etc. In years past, food vendors were required to be sponsors of the event. This year vendors will be charged a flat fee.

Last year there were four honorees. Although a nice tribute, the number of interruptions to the festivities was too great. This year's honorees include former Police Chief Joe Devine as the recipient of the Lifetime Achievement Award. The family of David Yakuboff has been asked to name the recipient of the David Yakuboff Helping Hand Award.

Mr. McCray commented on the first year of the event and how pledges were simply sent in. This past year monies began to roll in after he followed up with those who had pledged financial support. Recognizing there are times when an organization might desire receiving an invoice, he considered moving in that direction. However, after speaking with a few individuals who have continually supported the event and who have always been generous, he got the impression they do not appreciate being billed for charitable contributions. Rather than mailing invoices, a thank you letter will be sent when pledges are received.

Last year the event cost in the area of $16,000 and raised a similar amount. This year the anticipated cost is $12,000 - $13,000. Mr. McCray spoke of a reduction in some of the advertising, e.g., Facebook. The event will be conducted on Saturday, September 26th.

ESPN New Hampshire and the Thomas Monahan family, for the third year, will be donating $5,000.00 to be the platinum sponsor for Merrimack Rocks 3. For the past two years another large sponsor has been Michael Baum, Veteran Chimney. Silver sponsors have included: All Basic Stove Shop, Bellavance Beverage, Freedom Energy Logistics, the Motta Family and Dunkin Donuts, and Silver Chariot.

This past year individuals paid a $500 fee to place a name on the top of a memory board and $100 for the posting of photos of loved ones who had passed away. Two large display boards were utilized and had approximately 50 names/photos affixed to them. The memory boards served as a great tribute to many. Mr. McCray spoke of the success of the t-shirts.

He stated the cost of the fireworks to be $7,500. The Council spoke of how pleased those who attended were with the fireworks display. Councilor Dwyer spoke of the amount of work Mr. McCray puts into the event, and thanked the employees of the Town departments that provide a tremendous amount of assistance, and without whom this event could not take place.

Chairman Harrington informed the Council and viewing audience, Item #6 has been tabled as Chief Currier was unable to be in attendance.

3. 2015 Fall Festival / Business Expo

Submitted by David Shaw

Review of the 2014 event and to ask for Council approval to begin planning the 2015 Fall Festival/Business Expo.

An accounting of the Fall Festival/Business Expo. Fund was provided to the Council (dated 10/31/2014). Assistant Town Manager/Finance Director Paul Micali noted the information has not changed.

Mr. David Shaw stated last year's event was the 8th year the event was hosted by the Town. He spoke of his volunteer role as planner of the event for the past two years noting last year was the first time he planned everything on his own. He commented on the learning experience it provided, and his hope to work on future Town events.

Mr. Shaw thanked the Town Council, personnel from the numerous Town departments, and the Economic Development Citizen Advisory Committee (EDCAC) for the tremendous assistance that has been and continues to be provided, Mr. McCray for sharing his historical knowledge and providing guidance, local media outlets for advertising, and most importantly, his Wife for all of the assistance she provided in the planning and running of last year's event.

Last year's Festival was conducted on Saturday, September 27th. A big change to the event was in the location; moved to the Merrimack High School. The High School has a larger parking area, which gave the outdoor vendors more freedom in setting up and eased the parking for attendees. Additional parking spaces allowed for the discontinuance of shuttle services, which helped reduce costs. There is an ample supply of electricity outside the High School, which made it easier to manage vendor spots. The High School itself is a little easier for people to navigate as the cafeteria and gymnasium are pretty much a straight shot from the main entrance.

Many familiar entertainers returned for the 2014 event. The petting zoo returned, and was a big hit. Police and Fire demonstrations were enjoyed by many. In an effort to keep traffic moving through the school to both rooms, a face painter was on hand to provide free face painting for children. Also hired was a caricature artist to provide sketches at low or no cost. Both of those artists were placed in the gymnasium.

Advertising for the event did not come as easily as had been expected. A good amount of time and money were spent on signs and flyers that just didn't work out as planned. Mr. Shaw remarked he felt the signs were visually appealing. Unfortunately, the soft Fall themed colors used were a bit difficult to read. Rather than placing a large number of small signs along the streets and roadways, this year, he would like to place a few larger, clearer, more concise signs that are a bit easier to read, in a few select places around Town. He would like to repurpose some of the smaller signs and place them in front of local businesses or other areas that get a good deal of foot traffic. This year he would like to increase the amount spent advertising on Facebook so that the amount of time the event is advertised is greater (2-3 weeks in advance).

One thing overlooked last year was the number of food vendors that signed up. He had assumed, based on the number of local restaurants that attended the prior year, there would be no issue. Sal's Pizza offered some great food and beverages at reasonable prices. Most of the other restaurants that had participated in 2013 did not return. There were a few pastry and desert type vendors, and luckily, at the last minute, Texas Roadhouse of Nashua signed up. Vendor pricing was kept the same as previous years; $50/inside, $25/outside prior to 8-1. For anyone signing up after that deadline the price increased to $75/inside, $35/outside. Last year he did not offer free spaces in exchange for volunteer services. He did provide free spaces for municipal groups and some select non-profit organizations. He is of the belief that can continue.

As was the case last year, there would be no refunds offered to outdoor vendors in the event of unfavorable weather conditions. Holding the event at the High School provides for some additional room. If the same number of vendors sign up they should be able to be moved indoors in the event of bad weather.

Total number of attendees was difficult to track. There were over 100 vendors/entertainers. Guest turnout was not as favorable as had been hoped.

The 2014 Revenue & Expense Report identifies deposits for vendor spaces totaling $3,915 and funds remaining from the prior year ($725). Total expenses were slightly under $3,900 resulting in a surplus of approximately $775 to be put towards the 2015 event. Mr. Shaw stated he is confident he can once again put on the event without exceeding the available budget.

For the most part feedback received has been very positive. Many people have already contacted him regarding plans for the 2015 Expo. Some complaints received related to similar vendors working the same event. Some had stated a preference to only offer Merrimack based businesses the opportunity to showcase at the Festival. However, there is the desire to keep it open to other local businesses for a variety of reasons.

Mr. Shaw stated the intent to schedule this year's Expo. for Saturday, September 19th, which is a few days before the official start of Fall and one week before the Merrimack Rocks event. He stated his belief the Festival will be a nice kickoff for Merrimack Rocks, and that by holding the events on separate days, it may result in a greater turnout for both.

The desire is to utilize the High School for the Business Expo. between the hours of 10:00 a.m. - 3:00 p.m. Last year's event was extended to 4:00 p.m., but he found the extra hour really was not necessary and made for a more difficult day for some.

Councilor Koenig asked for clarification the proposal was to move the event, which has historically been conducted on the same day as Merrimack Rocks, to the week prior. Mr. Shaw stated that to be what he is proposing. Councilor Koenig stated his understanding the justification had been that one event fed into the next to make it a full day of activities. He questioned the impetus for moving the event to the prior week.

Mr. Shaw spoke of commitments that will keep him out of town the weekend of September 26th. At last year's event, he, his wife, Susan Lee, and a few high school volunteers pretty much staffed the event for the entire day. If unable to be there, he is not certain it would happen. Although he likes the idea of having both events on the same day he is trying to see the change in a positive light. He suggested it

could be that people who attend the festival could help spread the word about the Merrimack Rocks event the following weekend. He suggested trying it this way this year. If not successful, the event could revert back to its typical schedule next year.

Mr. Dave McCray commented when he learned consideration was being given to holding the festival on a different day, he not only understood the importance of Mr. Shaw's presence, but also thought back to comments he and Mr. Shaw received after last year's events from residents who said they had planned on attending both events, but their children were simply too tired from being at the festival all day long. He suggested there may be something to be gained by holding the events on two separate weekends. Mr. Shaw suggested those who were participants at the festival may have also been too wiped from the day's events to attend the evening festivities.

Councilor Koenig remarked he did not intend to imply he was opposed to the idea; he simply wished to discuss it a bit more. He added it did become a very long day, which is a concern. It is probably a good thing to try it out at least for one year and see what kind of feedback comes from it.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to approve the request to begin planning the 2015 Fall Festival/Business Expo.

ON THE QUESTION

Councilor Rothhaus questioned how overtime might be impacted, e.g., Police and Fire. Assistant Town Manager/Finance Director Micali responded there is not a great deal of overtime associated with the Fall Festival. It is associated more with the exhibits such as Gunny, taser demonstration, etc. The expense at night is having the police on D.W. Highway addressing traffic control after the fireworks. Councilor Rothhaus acknowledged there would be coverage whether or not the events were conducted on the same day.

MOTION CARRIED 6-0-0

4. 2014 MYA Financial Reports

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

Town Council will review the Merrimack Youth Association's 2014 financial reports.

Assistant Town Manager/Finance Director Micali stated the Merrimack Youth Association (MYA) and the Town have a contract. In that contract, there are certain deadlines related to financial reporting and budgeting. As of June 30, 2014 the Council requested the MYA have an audit performed. The deadline for providing that audit to the Town was October 31, 2014. As of this date, the Town has not received the audit (previous fiscal year). Funding approved in the Town's budget for the MYA is intended to be paid out quarterly. In accordance with contract language and due to the audit having not been provided, the Town has withheld the past two quarterly payments (January and April). The next quarterly payment is due July 1, 2015.

Assistant Town Manager/Finance Director Micali noted the Town provides both financial and in-kind support, e.g., building, maintenance of fields, etc. The Auditor has requested those costs be broken down and the information provided so they can identify them separately in their report. The MYA was asked for additional backup information. At this time, he is unsure where that stands. He stated his understanding the auditor wishes to complete the audit before the summer season (June 30th).

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Chairman Harrington noted July 1st is the start of the new fiscal year, and questioned if the monies would roll over into the general fund if not encumbered by that time. Assistant Town Manager/Finance Director Micali stated the funds could roll into the general fund if no report is received by the end of the current fiscal year, if the will of the Council. When asked, he stated the July and October payments were made last year.

Councilor Dwyer asked for clarification if the funds were not encumbered by June 30th they would no longer be available. Assistant Town Manager/Finance Director Micali responded once the appropriation lapsed, without vote of the townspeople to take monies out of the unreserved fund balance, it would not be available. The Council could vote to encumber the funds.

Ms. Michelle Walters Byrne, President, MYA, spoke of being before the Council last year and explaining this was the first time the MYA had gone through the process, and that she was optimistic things would be very different the second year. She spoke of the MYA having had a lot of challenges, e.g., every program, with the exception of 1, has a new Treasurer, some who replaced Treasurers that left half way through the season. That is a major problem.

Ms. Byrne stated the audit is complete to the best of their ability. They cannot keep it open waiting for the last few pieces of information to come in. She was informed, earlier in the day, the audit for the MYA for FY14 will be issued as a Disclaimer of Opinion, which essentially means the auditors have no opinion.

Assistant Town Manager/Finance Director Micali stated the Town gets what they call a clean opinion that they have audited and were able to verify all of the records. A Disclaimer of Opinion basically says they cannot make an opinion based on the information received. Typically that is accompanied by an explanation of why the Disclaimer of Opinion is being issued. It is not the greatest opinion you can get, but it is also not life ending. It would be more detrimental if an organization were looking to bond or had lines of credit, etc. With this disclaimer there will be work the MYA will have to do to get rid of the disclaimer, e.g., more procedures would have to be put into place by the MYA so that this does not happen again. He added it is not uncommon.

Councilor Dwyer questioned if it is true typically when such an opinion is issued it is the result of a lack of information being provided.

Ms. Byrne stated the auditors have stated there was some supporting documentation for receipts and disbursements that was not able to be provided. She is not aware of which programs did not provide the information or the dollar amount involved. That information will be disclosed in the formal report. Also sought were explanations for increases and decreases of balances on certain revenue and expense accounts. The information the auditors had (provided by the accountants) showed balances on certain accounts that the organization did not report. They were unable to obtain responses to questions regarding the discrepancies posed to the accountants because the person that handled the MYA's file is no longer with the firm. When asked, Ms. Byrne stated the accountant was Jeff Ditman.

Ms. Byrne stated the MYA will no longer utilize that accounting firm. She also stated she has stepped down from her position as President, and will assume the role of a consultant in a finance position given her background in finance and accounting. She will get all of the books in order, a process which has already begun. All files have been retrieved from the accountant's office. She is hopeful, once that task is complete, the MYA will find someone to take over that position. She commented she has been with the MYA for ten years and would like to leave it in good standing.

Councilor Dwyer thanked Ms. Byrne for the explanation. He spoke of difficulties associated with recruiting volunteers and the size of the MYA organization. He stated his belief the Council is not trying to hold back any funding. He acknowledged the difficulties that arise when working with a team of volunteers and only a portion fulfill the requirements. Streamlining that responsibility is a key factor in moving forward.

Councilor Rothhaus noted Ms. Byrne's email made mention of Lori, a new board member who is also a CPA. He questioned what her role will be. Ms. Byrne stated Lori is no longer with the board. The intent had been for Lori to be responsible for the financial duties Ms. Byrne has agreed to take on.

Councilor Rothhaus questioned if boilerplate templates could be established for use by the various programs for the sake of consistency in accounting for revenue and expenses. Chairman Harrington commented that was part of the initial issue, e.g., procedural issues addressed.

Ms. Byrne stated the MYA does have a standardized report (Treasurer's Report) each program is required to submit monthly. That is consolidated into a single report. All programs use the same chart of accounts and the single reporting form. The sub-accounts might be different, but from a consolidated financial statement, they only use the parent accounts.

Assistant Town Manager/Finance Director Micali commented it sounds as though Ms. Byrne is going back to what was discussed over a year and a half ago; having the Treasurer on the Executive Board actually act as the funnel for information. Previously every Treasurer was sending their individual information to the Accountant. With the position Ms. Byrne will fill, a single individual will receive reports and supporting documentation, and will be able to ensure all necessary documentation is provided in a timely manner thereby avoiding gaps that occur when individuals leave their positions, etc.

Mr. Brian Harris, Vice President, MYA, stated Ms. Byrne has volunteered to stay with the MYA until the right, qualified individual is identified to fill the Treasurer's position.

Councilor Boyd stated he had believed a goal of the audit was to provide a foundation for the MYA so there would be a baseline for them to work with to move forward, and to have specific history in place in terms of their revenue reporting not just to those within the MYA but the Town Council as well. He questioned if the Disclaimer of Opinion would provide that foundation, e.g., there will be a foundational component to the audit the MYA will be able to utilize.

Assistant Town Manager/Finance Director Micali responded the opinion is a piece of paper that sits on top of all of the financial information. The MYA will still have all of their financial information. The will receive information such as in 2013 the soccer program took in X amount and expended X amount for fundraising efforts. The one thing they won't have is a clean audit. He provided the example of an accountant putting funds into a single account rather than separating them into specific accounts with supporting documentation to identify their origin. By lumping the funds into a single account you are unable to accurately identify areas of increase/decrease. Notations will be made on reports going forward identifying accounts for which the balances identified in 2013-2014 could not be justified. It will highlight the numbers identified for that timeframe cannot be utilized to accurately reflect increases/decreases in those particular areas/accounts.

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Assistant Town Manager/Finance Director Micali remarked he is pretty certain when the Disclaimer of Opinion and report is provided, the MYA will know precisely which accounts information was not provided for.

Ms. Byrne noted documentation is currently housed with the individual Treasurers. That will be changed so that all information is forwarded to the MYA and housed/retained at the MYA.

Chairman Harrington stated her desire to be able to support the MYA as much as possible. She stated her appreciation for the level of volunteerism within the MYA. However, there is seriousness to the current situation. Things that were agreed to were not done. The Council is in the position now of stating an understanding; however, the reality is the initial problem has not been resolved. She remarked she is bothered most by the fact that procedures were not established. If there had been detailed reporting provided that identified the necessary procedures and included a timeline for completion, perhaps the current situation would have come to light much sooner. She stated the desire for more tangible reporting to be provided.

Ms. Byrne stated her understanding the Council would like to be provided with status updates throughout the year. Assistant Town Manager/Finance Director Micali used the example of the Adult Community Center; the Finance Department receives their quarterly financial report. Receiving reports in that fashion allows for a review and the opportunity to request clarifying information should discrepancies be seen. He commented there are other steps that are required for the MYA, e.g., review of internal controls, etc. He stated his confidence his department could work with the MYA in identifying deliverables for the Council. He questioned if all programs currently have Treasurers, and was informed they do not.

Mr. Harris spoke of two volunteers who serve in the capacity of Treasurer who are doing an outstanding job, and have volunteered to train other program treasurers. He stated a desire to put in place meetings of the Treasurers and Directors at least twice annually. Chairman Harrington recommended that be done quarterly.

Ms. Byrne stated that will be implemented. She spoke of monthly board meetings that are periodically attended by Directors. There is the need for attendance at these meeting by either the Director or designee to be made mandatory, and consequences identified for non-attendance.
Councilor Dwyer suggested the MYA provide a stipend for a part-time Treasurer, and commented the job is simply too overwhelming for volunteers. Currently the Bylaws do not permit the part-time position. However, the Bylaws could be amended.

Ms. Byrne responded if utilizing the title of Treasure, there would be the need to amend the Bylaws. However, if utilizing the term Financial Comptroller, the individual would receive a 1099 at year end. The Executive Board could retain the position of Treasurer and that individual would be responsible for the board's checkbook, provide status updates, etc. Vice Chairman Mahon spoke of the line item within the budget for the accounting firm, which is no longer being used. Mr. Harris noted the job description/responsibilities have been established. Ms. Byrne stated the Board is hopeful to have someone onboard in the August timeframe.

Councilor Boyd spoke of having reviewed the bylaws for all of the MYA programs. There was no continuity of the individual bylaws funneling up. He remarked there is a great deal happening at this time, and although he does not want them to take on too much, there is the unique opportunity to review

how the MYA is governing, and come up with bylaws that make sense not just for the parent organization but for how it feeds down to the individual organizations.

Councilor Koenig questioned the result of last year's audit. Assistant Town Manager/Finance Director Micali stated the auditors issued an unqualified opinion with a management report. He commented the auditor has a lot of ideas on how to streamline the process. The owner of the firm has done this for other non-profits, has seen the MYA's data for the past two years, and has listened to his staff regarding where the problems were. He might be able to help direct the MYA in that process. He added the firm has a lot of contacts that could be useful in filling the position at the MYA. He remarked if there is the need for him or a member of his staff to attend a meeting to provide guidance, they would happily do so.

Councilor Koenig stated it was several years ago that the Council asked the MYA to provide an audit. That finally did come about. There was no expectation the audit would be perfectly clean, but there was the expectation some information and understanding would be gained. Last year Ms. Byrne was before the Council speaking about how things were going to be made better this year. Unfortunately we are here many months late maybe finally getting the audit completed and receiving a report. He stated it unfortunate that he does not see an improvement, and is unsure if he is convinced there has been forward movement. He stated concern the organization, in general, has not been able to pick up on its responsibility and provide the necessary financial fiducial coverage they are supposed to have.

Ms. Byrne acknowledged she was very optimistic when before the Council last. She believed they had a better way of doing things. That just was not the case. It was a larger job than she had realized. She had believed they would be able to utilize recommendations from the Finance Director regarding the internal controller processes, could put the information together in a package that could be provided to the programs, and they could be expected to follow them. She spoke again of the volunteer nature of the programs, and the difficulty in following up with members of the individual programs. She stated the process has been and continues to be a lot more difficult than she had anticipated. She stated her hope they are in a better situation this year. She noted there is more help on the Executive Board, and a difference is already being seen.

Mr. Harris stated it is going to improve because it has to. That is the bottom line. Councilor Koenig remarked it definitely has to; there is no doubt about that. Mr. Harris agreed it has to improve. He added they have to put mechanisms in place to ensure these things happen in a timely manner and when they are supposed to happen.

Vice Chairman Mahon commented there is one year remaining on the current agreement. The Council will have to determine how to proceed after that. He spoke of other volunteer organizations that have experienced the same decline in volunteers. Because the Council is allocating funds to help support the MYA programming, there is the need to be accountable to the citizenry with regard to how those funds are handled.

Councilor Boyd spoke of being pleased the MYA is no longer utilizing its prior accounting firm. He stated his hope when a new President is elected and a Comptroller brought in, that an appointment would be made with the Council to introduce those individuals and provide information on the direction of the Executive Board. He spoke of appreciation of the amount of time volunteers put into the MYA and the benefits derived by the community. He would not want to deny providing monies that help children participate in sports in this community. However, the Council does have a fiduciary responsibility to the taxpayers. He remarked he is looking forward to the lines of communication

remaining open, and stated his hope the MYA will take advantage of the opportunity to utilize the expertise offered through the Finance Department.
It was noted the audit should be received within the next week or two. Once received, an item will be placed on the Council's agenda. The amount of funds withheld totals $36,000.

There being no objection, the Council recessed at 8:43 p.m.
The Council reconvened at 8:48 p.m.

5. 3rd Quarter Financial Report
Submitted by Finance Director Paul T. Micali
Review of the quarter ending March 31, 2015 financial information.

Assistant Town Manager/Finance Director Micali informed the Council there are sufficient appropriations to finish out the year. All expenses being tracked are reasonable compared to what has been happening, e.g., overtime, health insurance, natural gas, etc. The big revenue is car registration. He stated his hope revenue numbers would be achieved when the books closed the following day, and that all revenue gained in June will be surplus.

Assistant Town Manager/Finance Director Micali provided a PowerPoint presentation (can be viewed here), which highlighted cost comparisons (from the same time period in FY14) in the following areas:

Health insurance; decrease of $18,067.60 (open positions; currently 3 FTEs)
Overtime; increase of $21,719.34 (vacancies, increased activity, e.g., fire, highway down; timing of storms)
New Hampshire Retirement System Contribution; increase of $29,441.33
Natural Gas Therm Usage; increase of 142
Electrical Kilowat; decrease of 105,908
Expenditures; tracking on budget
Revenue; up $121,442.47 (includes health insurance rebate)

6. Adoption of NH Heartsafe Community Initiative
Submitted by Fire Chief Michael Currier
The Town Council to consider the adoption of the New Hampshire Heartsafe Community Initiative, which will strengthen the chain of survival for victims of cardiac arrest by focusing on training members of the community in Cardio Pulmonary Resuscitation (CPR) and Automatic External Defibrillation (AED) use.

Tabled until June.

7. Town Manager's Contract
Submitted by Town Council Chair Nancy Harrington and Vice Chair Tom Mahon
The Town Council to consider amendments to the Town Manager's current contract

A copy of the proposed contract was included with the agenda. It was noted there are no budgetary changes associated with the contract.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the Town Manager's Contract as presented, effective July 1, 2015. MOTION CARRIED 6-0-0

Minutes

Approve the minutes from the May 14, 2015 Town Council meeting

The following amendment was offered:

Page 5, line 37; replace "grade" with "good"

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of the May 14, 2015 meeting of the Town Council as amended, and that Vice Chairman Mahon's memorandum be included as an addendum to the minutes that were prepared for the Council's review

ON THE QUESTION

Vice Chairman Mahon requested a Memorandum be placed as an addendum to the meeting minutes of May 14, 2015 and November 15, 2014. The Memorandum reads as follows:
During New Business #3, Selective Cutting, at our May 14th meeting (page23 of 28) the speaker quoted from the minutes of November 6, 2014, a lengthy statement transcribed as attributed to me. After the meeting, I researched the minutes and found that the minutes were accurately quoted. I then went back to the video of the meeting. After reviewing the complete segment I did not make the statements attributed to me after the first sentence in the November 6, 2014 minutes. Rather than lengthening this memo by doing a verbatim transcript, please refer to the November 6, 2014 meeting video from minute 52:40 into the meeting. The remainder of the statement on page 23 of the May 14, 2015 minutes, originally attributed to me, was actually made by Paul Micali as a report of his findings to the Council. The attribution error was not detected when we approved the November 15, 2014 minutes.

You may also wish to refresh your memory regarding the full discussion the Council had on the Atherton Road property at our September 25, 2014 meeting beginning at about minute 19:22 and concluding at about minute 43:02. Thank you for your attention to this matter. Respectfully submitted.
MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd remarked he, Chairman Harrington, Vice Chairman Mahon, and Councilor Rothhaus happened to go to the WWII dedication at Veterans' Memorial Park on Memorial Day. The memorial was the Eagle Scout project of Hayden Faust. Councilor Boyd spoke of how well attended the dedication was, and how it was enjoyed by all. He noted Lester Langley, WWII Veteran, was in attendance for the dedication.

Councilor Rothhaus complimented Scout Faust on the tremendous job he did. He noted Mr. Langley was the gentleman who built the first memorial when he was in high school. It was located at the north end of the Library. When the parking lot was put in it was removed and somehow misplaced. He commented the duplication of the memorial was truly amazing.

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Councilor Koenig informed the Council the Technology Committee met the prior Tuesday. Committee members took the opportunity to go through all of the issues they have been discussing over the years in an attempt to bring new members up to speed. He commented when running a company there is always a tradeoff in costs. Running a Town makes it even harder because you don't have unlimited funds to throw at technology. The Town could easily spend hundreds of thousands of dollars working on security, backup systems, etc. He stated his opinion the Town is doing an amazing job with what it has. He asked members of the Council to make the Committee aware of any particular areas where focus should be placed. Currently the Committee is reviewing ongoing issues of security in the buildings, backups, etc. However, there is not a real driving force for the Committee at this time that he can see.

Councilor Dwyer thanked the Highway Department and Transfer Station employees for putting up the recycling signs. He is hopeful they will remind citizens of all of the things that can be recycled.

Chairman Harrington stated she and Paul Micali became active participants in the Active Shooter Table Exercise conducted on May 21st. The simulation placed different departments at different tables and worked through the scenario identifying the requirements and responsibilities of each entity. Each table had a member of Homeland Security serving as a guide. Chairman Harrington spoke of the level of coordination required in such an event. Police and Fire were in control of the situation, but she and Mr. Micali had to be made aware of activities taking place. They also had to consider support aspects that were outside of the situation unfolding.

The exercise brought to the forefront the need for the Council/Town Hall to have established procedures in place. Using the scenario of an active shooter at the high school, Mr. Micali had suggested the Library and Courthouse be on lockdown as a way of keeping people who are in close proximity to the high school from trying to make their way there. Members of the Council should be contacted and apprised of the situation. There should be established protocol for a member of the Council to be on hand at the command center, another at the area identified as the reunification center, and present in the area designated for press. The exercise resulted in each area identifying procedural improvements to be made.

During the exercise the importance of all parties involved utilizing the standard terminology was stressed, e.g., the layout of a building is described utilizing letters such as A for entryway, etc.

There is also concern with calls flooding dispatch. If unable to reach dispatch residents will then call Town Hall. There needs to be a procedure in place such as a phone message stating business is shut down, here is what is known, more details to follow, please do this, etc.

There was discussion during the exercise of not simply having people come off a bus at the reunification area. Kids will run to their parents. There needs to be an indoor facility as there may be parents you want take to the side to inform them their child is not on a particular bus, they need to go to the hospital, etc. Chairman Harrington remarked a call is made to the FAA to close down air space to avoid news coverage that could either inform the shooter of activities taking place or could inform parents of a student's whereabouts, etc.

The drill is scheduled for June 26th. At that time, they will play out the scenario discussed during the tabletop exercise.

Vice Chairman Mahon stated, if interested, individuals could take the National Incident Management System (NIMS) course online.

Adjourn

MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting. MOTION CARRIED 6-0-0

The May 28, 2015 meeting of the Town Council was adjourned at 9:40 p.m.

Submitted by Dawn MacMillan

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