



Town Council Meeting Minutes

Thursday, June 26, 2014, 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 Koenig, Councilor Mahon, Councilor Rothhaus, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

Pledge of Allegiance

Members of Boy Scout Troop 15 lead in the Pledge of Allegiance.

A moment of silence was observed in memory of David G. Yakuboff, Sr. and Ruth Liberty.

On behalf of the Merrimack Town Council, Chairman Harrington extended deepest sympathy to the family and friends of Ruth Liberty who passed away on Wednesday June 25, 2015 at the age of 94. Ruth was extremely dedicated to the community where she was the Supervisor of the Checklist as well as the Deputy Town Council and Deputy Tax Collector. She also served as a member on the 250th Anniversary Committee, the Heritage Commission, the Historical Society, and was the driving force behind the Summer Concert Series. The pathway leading to Abbie Griffin Park was named Liberty's Way in honor of Ruth as she was instrumental in raising funds for the Merrimack Community Bandstand and Abbie Griffin. The Council's thoughts and prayers are with her family.

Chairman Harrington remarked during this first meeting since the passing of the Council's beloved Chairman, David Yakuboff, the sadness of his absence is felt by all. She remarked she is confident there are thoughts many of the Councilors would like to express, and requested the Council hold off on those expressions until the conclusion of the meeting.

She stated the need to address the harsh reality of decisions as a result of Chairman Yakuboff's passing. It was noted the items submitted for the agenda by Chairman Yakuboff continue to be identified in that manner. The official vacancy determination and procedural process will be discussed during new business. The discussion of Chairman and Vice Chairman was placed at the end of the agenda. In the meantime, the Council will proceed as Chairman Yakuboff would want; make the wise and fair decisions we are responsible to do.

Announcements

Town offices will be closed on Friday, July 4, 2014 in observance of Independence Day. Merrimack's July 4th festivities will include the following: Sparkler 5K Road Race and Walk; 8:00 a.m. at the Merrimack YMCA, 6 Henry Clay Drive, Rotary Club of Merrimack's Annual Pancake Breakfast; 8:00 - 11:00 a.m. in the Merrimack High School Cafeteria, 38 McElwain Street, the Merrimack Rotary Family Day; 12:00 - 8:00 p.m. in the grass fields on O'Gara Drive at the Upper Elementary School, the Annual 4th of July Parade kicks off at 1:00 p.m. from the Tractor Supply at Commons at 515 D.W. Highway, and the 4th of July Fireworks begin at 9:00 p.m. at the Merrimack High School.

The Town Council has amended their regular meeting schedule for the months of July and August, and will resume its regular meeting schedule in September. The meeting dates are as follows: Thursday, July 17, 2014 and August 21, 2014 at 7:00 p.m. in the Matthew Thornton Room.

1 Naticook Summer Day Camp officially opened up for the season on Monday, June 23rd and will be
2 open for the next 8 weeks (thru Aug 15th). Registration numbers are a little low right now, but they are
3 picking up for each week.

4
5 The Summer Concert Series at Abbie Griffin Park officially kicked off on Wednesday, June 25th. The
6 concert series is held every Wednesday through August 27th (except for the week of July 4th when it will
7 be held on July 3rd with the Merrimack Concert Association Holiday Concert).

8
9 **Comments from the Press and Public** - None

10
11 **Recognitions, Resignations and Retirements**

12
13 **1. Recognition of Town Committee Members**

14 *Submitted by Town Council Chairman David G. Yakuboff, Sr. and Vice Chair Nancy Harrington*

15 The Town Council will present certificates to the following individuals for their service to the Town
16 of Merrimack:

17
18 *The Town Council presented certificates to the following individuals in recognition and appreciation of*
19 *service to the Town of Merrimack:*

20
21 John Lastowka, Agricultural Commission

22 Ron Davies, Conservation Commission

23 Simon Thomson, Conservation Commission

24 Linda Bonetti, Economic Development Citizens Advisory Committee

25 Edward Fasci, Economic Development Citizens Advisory Committee

26 Allyson Doyle, Heritage Commission

27 Anthony Richardson, Technology Committee

28
29 **Appointments**

30
31 **1. Update on the July 4th Family Fun Day/Midway**

32 *Submitted by Rotary Club of Merrimack President Andy Steeves*

33 To update the Town Council on the festivities for the July 4th Family Fun Day/Midway.

34
35 *Mr. Steeves was not in attendance.*

36
37 **Public Hearing**

38
39 **1. Public Hearing - Tiered Sewer Access Fee Structure**

40 *Submitted by Community Development Director Tim Thompson, Public Works Director Rick*

41 *Seymour and Wastewater Treatment Facility Assistant Director Jim Taylor*

42 The Town Council will hold a public hearing to consider the recommended proposed revision to the
43 existing Sewer Access Fee Structure, pursuant to Article X of Chapter 158, Sewer Use Ordinance of
44 the Merrimack Town Code and RSA 149-I.

45
46 *Chairman Harrington declared the Public Hearing open at 7:15 p.m.*

47
48 *Chairman Harrington opened the floor for public comment. No one from the public addressed the*
49 *Council.*

1
2 *Chairman Harrington declared the Public Hearing closed at 7:16 p.m.*

3
4 Town Manager Cabanel informed the Council it was believed beneficial to conduct a Public Hearing;
5 however, one is not required.

6
7 **MOTION made by Councilor Rothhaus and seconded by Councilor Mahon to adopt the proposed**
8 **revisions to the existing Sewer Access Fee Structure, pursuant to Article X of Chapter 158, Sewer**
9 **Use Ordinance of the Merrimack Town Code and RSA 149-I**

10
11 **ON THE QUESTION**

12
13 Councilor Mahon commented this came up as part of the discussion of Community Development issues.
14 It was one of the areas reviewed, which appeared to be out of line. The Public Works Department was
15 asked to review it to identify modifications that could be made. He stated his opinion the department
16 has done a remarkable job of identifying a fair and equitable way of fee assessment that is neither
17 onerous nor excessive, and reduces some of the fees that the Ordinance places upon new users to help
18 offset the expense of development of the system. Councilor Boyd stated his concurrence with the
19 comments made by Councilor Mahon.

20 **MOTION CARRIED 6-0-0**

21
22 **Legislative Updates from State Representatives** - None

23
24 **Town Manager's Report**

25
26 This week we are installing new ramps into the Skateboard Park as part of our routine maintenance
27 schedule. The work is scheduled to be completed today and the park will reopen with our summer
28 hours, which are 3:00 - 8:00 p.m. daily except for Wednesdays.

29
30 The Police Department will be assisting, once again this year, with the help of Eric Damon, by having a
31 "Dunk Tank" at the Fourth of July festivities. Police volunteer, Brian Snell, will be coordinating the
32 display, and all monies will be going to the Fraser Square Memorial Project. Please come by and show
33 off your arm while giving to a good cause.

34
35 The Police Department wants the public to report any suspicious activity, especially at our Town parks.
36 Recently two vehicles were vandalized at Horse Hill Nature Preserve, so please do not hesitate to call.

37
38 The Hillside Terrace drainage improvement project is now complete. The Town-wide street sweeping
39 program has been completed. Repairs to the broken loop traffic sensor at Connell's Plaza and D.W.
40 Highway that was causing traffic backups over the last few days has been repaired.

41
42 **Consent Agenda**

43
44 **1. Changes to Chapter 193, Welfare Guidelines [Final Reading]**

45 *Submitted by Welfare Administrator Patricia Murphy*

46 The Town Council to consider the recommended changes to Chapter 193 – Welfare Guidelines of
47 the Merrimack Town Code, pursuant to Charter Article V, Section 5-4.

1 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the Consent**
2 **Agenda. MOTION CARRIED 6-0-0**

3
4
5 **New Business**

6
7 **1. Declaration of Town Council Vacancy**

8 *Submitted by Town Council Vice Chair Nancy Harrington*

9 The Town Council to officially declare the vacancy left by the passing of David G. Yakuboff, Sr.,
10 pursuant to Charter Article 4-5.

11
12 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer that the Town Council**
13 **declare a vacancy on the Council, pursuant to Charter Article 4-5**

14
15 **ON THE QUESTION**

16
17 Councilor Mahon noted the Charter calls for the vacancy to be declared, and that the Vice Chairman
18 assumes the position of Chairman.

19 **MOTION CARRIED 6-0-0**

20
21 Chairman Harrington noted the Charter does not include language specifying a procedure for filling the
22 vacancy. A procedure, which has been utilized in the past calls for interested parties to submit a letter
23 stating such interest to the Town Manager. Letters would have to be *received* no later than close of
24 business on July 10, 2014. Those expressing interest would be interviewed by the Council on July 14,
25 2014 and July 15, 2014 dependent upon the number of applicants coming forward. During the meeting
26 of July 17th, the Council would conduct a vote on who should fill the vacancy.

27
28 Chairman Harrington questioned the will of the Council with regard to the proposed procedure.

29
30 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to adopt the procedure for**
31 **filling the vacancy, as stated**

32
33 **ON THE QUESTION**

34
35 Town Manager Cabanel noted it is the requirement for the vacancy to be filled within the 20-day
36 timeframe that has necessitated the moving of the previously scheduled July 24th meeting date to July
37 17th.

38
39 Councilor Dwyer remarked as someone who has lived through this procedure twice, he is of the opinion
40 when an individual places his/her name on the ballot it involves a great deal of work and courage. In the
41 case of a required appointment, he finds it less subjective to review the prior year's ballot, and if an
42 individual who appeared on that ballot and came in 2nd, 3rd, 4th, etc. were interested, he would be very
43 interested in receiving a letter of interest from such an individual. He noted he has spoken with Lenette
44 Peterson, who does intend on submitting a letter of interest, and stated his intent to support her
45 nomination, as the only runner-up for the position in the previous election. He spoke of his personal
46 experiences with similar appointment processes, and noted he does not believe the proposed process to
47 be flawed. However, he intends to utilize his choice to look to the ballot believing the citizenry
48 supported that individual, which makes it easier for him to come to a decision.

1 Councilor Mahon commented the other way to view the results of the ballot is that the voters selected
2 individuals other than those who were not successful in their attempts. He stated the Council would be
3 looking for an individual it believes to be a well-qualified candidate. He remarked it is an opportunity
4 for residents to come forward, and he is hopeful that will be the case.

5
6 Chairman Harrington noted whoever is appointed would remain on the Council until the April 2015
7 election. The successful candidate from that election would serve until April 2016. The successful
8 candidate from the 2016 election would serve a three-year term.

9
10 Councilor Koenig stated his belief it is important and imperative that members of the Town Council,
11 who are elected by the Town members to represent the Town, take that responsibility to make the best
12 and proper choice to fill that vacancy. It is the duty and responsibility of the Council to do so. He stated
13 his desire to wait until interested parties are known to make the decision on the best and most qualified
14 candidate.

15
16 Councilor Rothhaus remarked it is difficult to understand what the results of the election indicate. He
17 stated his opinion the proposed process is appropriate. Councilor Dwyer commented, for him, looking
18 to the ballot makes a decision less subjective. He reiterated he does not find the system to be flawed in
19 any way.

20
21 Town Manager Cabanel noted all individuals interested in serving in this capacity are encouraged to
22 apply.

23 **MOTION CARRIED 6-0-0**

24
25 **2. Eagle Scout Project Proposal**

26 *Submitted by Life Scout Evan Petrie*

27 Life Scout Evan Petrie is looking for Town Council approval of his proposed Eagle Scout project
28 which entails the construction of (2) bridges within Grater Woods.

29
30 Life Scout Evan Petrie informed the Council the proposed project is for the construction of two bridges
31 (20' x 3') in Grater Woods. Completion is anticipated in July/August.

32
33 He provided a photo of a bridge constructed by the Grater Woods Sub-Committee noting the proposed
34 bridges would be similar in design. The bridges would be constructed near the entrance to Beebe Lane
35 (Drilled Rock Trail). The trail would be diverted leading to two bridges connected end-to-end with a
36 center support in the middle.

37
38 Tasks associated with the construction of the first bridge include diverting of the trail, removal of two
39 small trees and shrubbery, and the sinking of two 4 x 4s into the water (appears to be areas of seasonal
40 flow) contingent upon approval by the New Hampshire Department of Environmental Services
41 (NHDES). Tasks associated with the construction of the second bridge include diversion of the island
42 trail, removal of a small tree and shrubbery, and the construction of a 20' bridge.

43
44 The bridges will be 18-20' in length and 3' in width. The two that are joined to become one are
45 approximately 18' long and joined in the middle. Support beams will be two 2 x 12s bolted together and
46 20' in length. Floor boards will be 2 x 8 x 3, and abutments on either side of the bridge will be 6 x 6
47 beams, which are staked into the ground. Center support for the two 18' bridges will be 4 x 4 posts sunk
48 into the ground.

1 Cost of materials is: \$750/wood, \$135/hardware, \$100/tools, and \$50/other expenses totaling \$1,035.
2 Materials will be purchased through local businesses. Costs will be covered through fundraising efforts,
3 which will consist of donations solicited from family and friends, and perhaps a pancake breakfast, yard
4 sale, and/or bake sale. He spoke of the possibility of local restaurants dedicating an evening whereby a
5 portion of revenue gained by patrons mentioning the fundraiser will be donated to the project.
6

7 The Grater Woods Sub-Committee has approved the project as has the Conservation Commission.
8 Approval by NHDES is pending.
9

10 Councilor Boyd spoke of his use of Grater Woods, and commented he is aware Matt Caron, Vice
11 Chairman, Conservation Commission, will be providing his assistance. He remarked there is no better
12 person to look to for assistance. He thanked Life Scout Petrie for his presentation and the project, and
13 wished him well.
14

15 Councilor Koenig requested additional information on the reasoning for diverting the trail. Life Scout
16 Petrie responded in order to place the bridge in the most appropriate area, a slight diversion to the trail is
17 necessary. He noted the proposed area is a bigger span and a lesser area of water, which will allow the
18 bridge more area on the banks.
19

20 Councilor Koenig noted the proposed bridges would be placed on top of 4 x 12 posts, which would be
21 on top of 4 x 4s driven into the ground. He questioned the height from the top of the bridge to step
22 down to the dirt at the end of the bridge. Life Scout Petrie responded it would be in the area of 1'. As a
23 result, he has given consideration to building up ramps on either side to allow for a smoother transition
24 off the bridge. When asked, he stated the lumber would be treated.
25

26 Councilor Mahon commented the project was well received by the Conservation Commission. He
27 remarked it is another example of how the Grater Woods Sub-committee is moving forward with their
28 projects and how the community is coming forward to support the improvement of that area.
29

30 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve Life Scout**
31 **Evan Petrie's proposed Eagle Scout project which entails the construction of two (2) bridges**
32 **within Grater Woods, and furthermore that the Town Council thank him and his volunteers for**
33 **undertaking the project. MOTION CARRIED 6-0-0**
34

35 **3. Committee Appointments**

36 *Submitted by Town Council Chairman David G. Yakuboff, Sr. and Vice Chair Nancy Harrington*
37 The Town Council to consider appointing recommended individuals to the Town's Committees,
38 pursuant to Charter Article 4-8.
39

40 Chairman Harrington identified the following nominees:
41

42 Cynthia Warhola; Agricultural Commission
43 Douglas Dowell; Economic development Citizen Advisory Committee
44 Anita Creager; Heritage Commission
45 Chris Christensen; Parks & Recreation Committee
46 Brian McCarthy; Technology Committee
47 John Sauter; Technology Committee
48 Peter Flood; Town Center Committee
49 Bill Wilkes; Town Center Committee

1 Rich Conescu; Zoning Board of Adjustment (alternate to full)

2
3 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to appoint the nominees,**
4 **as presented, pursuant to Charter Article 4-8**

5
6 **ON THE QUESTION**
7

8 Councilor Mahon noted the only nominee that underwent a formal interview process was Mr. Conescu
9 for the appointment to the Zoning Board of Adjustment, a quasi-judicial board. During the wide-
10 ranging discussion Mr. Conescu was found to be a very committed and knowledgeable individual who is
11 also excited to continue his service to the Town. Chairman Harrington echoed those remarks. She
12 noted additional openings on the board and commented it is a rewarding endeavor.
13

14 Councilor Dwyer commented interviews for positions on the Zoning Board of Adjustment, Planning
15 Board, and Conservation Commission seem to take a higher priority due to legal matters involved with
16 the two boards and the funding source that comes under the auspices of the Commission. Although
17 membership on other Town board/committees/commissions are of great importance, those who
18 volunteer their time to serve and wish to be re-appointed are generally appointed.
19

20 **MOTION CARRIED 6-0-0**

21 *Oath of Office administered by Chairman Harrington to Rich Conescu and John Sauter.*

22 **4. Appointment of Library Trustee**

23 *Submitted by Town Council Chairman David G. Yakuboff, Sr. and Vice Chair Nancy Harrington*

24 The Town Council to appoint the recommended Library Trustee to fill the vacancy until the April
25 2015 election, pursuant to Charter Article 6-2 and RSA 202-A:10.
26

27 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to appoint Matthew**
28 **Publicover to the Library Board of Trustees to fill the vacancy until the April 2015 election**
29 **pursuant to Charter Article 6-2 and RSA 202-A:10**
30

31 **ON THE QUESTION**
32

33 Councilor Boyd noted he had an opportunity of serve with Mr. Publicover previously on the School
34 Budget Committee. He has come to know Mr. Publicover as thoughtful, well prepared, and committed
35 to the community.

36 **MOTION CARRIED 6-0-0**
37

38 *Oath of Office administered by Chairman Harrington to Matthew Publicover.*
39

40 **5. 2013-2014 OHRV Grant Award for the Merrimack Police Department**

41 *Submitted by Lt. Paul Trepaney*

42 The Town Council to consider the acceptance and expenditure of an OHRV grant from the New
43 Hampshire Fish and Game to the Merrimack Police Department in the amount of \$1,080.00 to fund
44 overtime patrols on off-highway recreational vehicles owned by the Department to enforce OHRV
45 laws in the areas of Town not accessible to standard patrol vehicles, pursuant to Charter 8-15 and
46 RSA 31:95-b.
47

1 Lt. Paul Trepaney, Merrimack Police Department, noted the request was copied and pasted from last
2 year's request, and should have been identified as the 2014-2015 OHRV Grant Award. All other
3 information is correct.

4
5 The grant award is provided by the New Hampshire Fish & Game to help the department put extra
6 patrols on the department owned OHRVs to enforce the different areas of town where access is not
7 gained with the normal patrol vehicles. The grant funds about 6 overtime patrols. When asked, Lt.
8 Trepaney stated his recollection the grant has been received for the past 8-9 years. Director Micali
9 commented there was a break in that time; about 2-3 years earlier when funding was not received.

10
11 Councilor Boyd questioned when the patrols are likely to occur, and was informed they are conducted
12 on weekends. He spoke of the importance of the patrols and his pleasure with receipt of the grant
13 funding to accommodate that. Lt. Trepaney noted the Police Chief is exploring discussions with the
14 Conservation Commission around the possibility of funding additional patrols as a result of concerns the
15 Commission has expressed.

16
17 **MOTION made by Councilor Mahon and seconded by Councilor Rothhaus to accept the OHRV**
18 **grant from the New Hampshire Fish and Game to the Merrimack Police Department in the**
19 **amount of One Thousand and Eighty Dollars (\$1,080.00) and authorize the Town Manager to sign**
20 **the required contractual paperwork. MOTION CARRIED 6-0-0**

21
22 **6. Acceptance of Camp Scholarship Donations for Parks and Recreation**

23 *Submitted by Parks and Recreation Director Matt Casparius*

24 The Town Council to consider the acceptance and expenditure of donations from the following
25 organizations for the Parks and Recreation Department to be put towards the Naticook Summer Day
26 Camp Scholarship Program: American Camp Association - \$550, Rotary Club of Merrimack - \$370,
27 Bear Christensen Trust - \$370, Merrimack Lions Club - \$200 and Merrimack Friends and Families -
28 \$1,000, pursuant to Charter Article 8-15 and RSA 31:95-b.

29
30 Town Manager Cabanel commented each year various organizations and individuals donate monies to
31 the Parks and Recreation Summer Camp Program so that children who might not otherwise be able to
32 attend are able to. Chairman Harrington identified the names of those making donations towards this
33 endeavor. Director Micali noted the funds received will cover the cost of approximately 14 campers for
34 one-week sessions. Residents wishing to apply for a scholarship should contact Pat Murphy.

35
36 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept donations**
37 **from the following organizations for the Parks and Recreation Department to be put towards the**
38 **Naticook Summer Day Camp Scholarship Program: American Camp Association in the amount**
39 **of Five Hundred and Fifty Dollars (\$550), Rotary Club of Merrimack in the amount of Three**
40 **Hundred Seventy Dollars (\$370), Bear Christensen Trust in the amount of Three Hundred**
41 **Seventy Dollars (\$370), Merrimack Lions Club in the amount of Two Hundred Dollars (\$200), and**
42 **the Merrimack Friends and Families in the amount of One Thousand Dollars (\$1,000), pursuant**
43 **to Charter Article 8-15 and RSA 31:95-b**

44
45 **ON THE QUESTION**

1 Councilor Boyd thanked those making donations for their support of the program, and remarked it is a
2 tremendous gesture of good will.

3 **MOTION CARRIED 6-0-0**

4
5 *There being no objection, the Council recessed at 8:04 p.m.*

6 *The Council reconvened at 8:10 p.m.*

7
8 **7. Third Quarter Ending Financial Review**

9 *Submitted by Finance Director Paul T. Micali*

10 Finance Director Paul Micali will review third quarter ending March 31, 2014 financial information.

11
12 Director Micali provided a PowerPoint presentation for the third quarter financial report. Health
13 insurance costs are tracking approximately \$100,000 lower than last year. With regard to New
14 Hampshire Retirement System costs, he noted FY14 experienced a large spike in percentage the Town
15 had to pay into the system for police and fire. The increase was anticipated and budgeted for. Overtime
16 costs have increased. Director Micali spoke of the difficult winter, which was a factor in the overtime
17 for the Highway Department. Overtime for the Police Department has increased due to changes and
18 requirements of the Police Standards Board resulting in moving away from utilizing special patrolmen to
19 cover overtime. The department was also put in a position where they were not getting people that
20 wanted to be special patrolmen, and come in to serve on those odd shifts to fill in on overtime, etc.

21
22 Councilor Rothhaus questioned whether the increase is more than was anticipated. Director Micali
23 stated it is not, and in fact there is a savings. Councilor Koenig noted the numbers identified within the
24 presentation are third quarter figures and not a comparison of a full-year versus the third quarter.
25 Director Micali stated the numbers listed are a total for March 31st of each year (three whole quarters per
26 year).

27
28 Addressing the electrical kilowatt comparison, Director Micali stated the kilowatt usage has increased
29 this year. Some of that is the result of the amount of time it was necessary to run the blowers for heating
30 due to the cold winter. Although usage is increasing, the Town is able to purchase electricity on the
31 open market at a reasonable price, which is lower than what can be gained through PSNH. Purchase
32 price is approximately six and a half cents per kilowatt. Although usage has increased, overall the Town
33 has experienced savings over prior years.

34
35 Chairman Harrington noted the increased cost for streetlight usage. Director Micali stated he is looking
36 to identify the reason for the increase. Councilor Koenig noted the numbers listed are kilowatt hours not
37 monies expended on electricity. When asked what the comparison would be in dollars, Director Micali
38 responded it would be almost flat, and in fact less than the prior year.

39
40 The graph entitled Natural Gas Therm Usage Comparison, indicates an increase. One of the reasons is
41 the average temperature was much lower this year than in prior years. However, as the Town is able to
42 go out on the open market and receive favorable rates, the cost to the budget is actually representative of
43 a savings from prior years. It was noted one of the aspects that allows for the receipt of a favorable rate
44 for natural gas is the compost facility. Director Micali commented the natural gas companies that
45 provide gas to us enjoy the compost facility because it uses a large supply of natural gas, which is why
46 the companies want to come in and bid on the Town of Merrimack. By having that in the Wastewater
47 Treatment Plant the savings are garnered in the general fund.

1 With regard to revenues, Director Micali stated interest is less than what was projected. However, auto
2 registrations have increased, and are expected to exceed budget projections.

3
4 Director Micali stated there to be sufficient appropriations to cover expenditures. Revenues are coming
5 in close to budgeted projections. Final numbers for the fiscal year will be available and presented in the
6 September timeframe.

7
8 When asked if he had a rough estimate, Director Micali stated the expectation in the areas of building
9 permits and auto registrations, projections will be exceeded (perhaps an increase of \$200,000 over
10 projections in auto registrations).

11 12 **8. Repurchase of Tax Deeded Property**

13 *Submitted by Town Manager Eileen Cabanel*

14 To consider the repurchase of recently tax deeded property tax map parcel 6C/211 and the Town
15 Council deems that this shall include all back taxes, interests, costs and penalty, pursuant to RSA
16 80:80 III and Article 66-1 of the Merrimack Town Code.

17
18 Town Manager Cabanel remarked there were 4-5 tax deeded properties over the course of the past year.
19 Some have paid interest, costs, etc. to regain their properties. The request is in regard to 111 Wire Road,
20 which was taken by tax deed. There is an individual interested in paying the outstanding taxes, fees, etc.
21 The recommendation is to accept the repurchase and deed over the property to the former property
22 owner.

23
24 **MOTION made by Councilor Mahon and seconded by Councilor Koenig to approve the**
25 **repurchase of the property at tax map parcel 6C/211 and that the Town Council deem that this**
26 **shall include all back taxes, interests, and costs, pursuant to RSA 80:80 III and Article 66-1 of the**
27 **Merrimack Town Code. MOTION CARRIED 6-0-0**

28 29 **9. Disposal of Tax Deeded Properties**

30 *Submitted by Town Manager Eileen Cabanel*

31 The Town Council to consider the disposal of the following tax deeded properties, pursuant to RSAs
32 80:88, 80:89 and 80:90.

33
34 Tax Map: 6A-2/161 - 310A Baboosic Lake Road; 1.5 story camp-seasonal with .20 acres

35 Tax Map: 6A-2/108 - 8 Mayhew Road; .17 acres

36
37 Town Manager Cabanel stated there are two parcels that need to be sold, and in order to do so a motion
38 is required to be made for each property.

39
40 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to place the property**
41 **located at 310A Baboosic Lake Road, acquired by the Town by Tax Deed, for sale by auction with**
42 **a minimum bid amount**

43 44 **ON THE QUESTION**

45
46 Councilor Rothhaus questioned whether the properties in question have gone through the two-year
47 period. Town Manager Cabanel stated they have completed the process whereby the Town is owed
48 three years' worth of taxes (dating back to 2011). The former property owners have not come forward
49 to pay their taxes, fees, and penalties for three years. Councilor Rothhaus noted the properties were

1 deeded recently. He noted Chapter 80 states no transfer of any lien shall happen on tax deeded property
2 without a two-year period and later states unless the Town takes the time to do that. He questioned if
3 the former owners have no intention of repurchasing their property. Town Manager Cabanel stated the
4 Town has only heard from one party. The other party has accepted the letters notifying of the property
5 being deeded, etc. and has not responded.
6

7 Councilor Rothhaus remarked he is in no rush as eventually the Town will be made whole. Town
8 Manager Cabanel responded now that the properties have been deeded the Town is no longer receiving
9 taxes. The small parcel of land that is on the books will eventually reach the point where the accrued
10 taxes will be a greater value than the property. Councilor Rothhaus questioned whether a similar
11 concern exists with the property in question, e.g., in two more years the value of the property will be
12 exceeded by taxes owed. Town Manager Cabanel stated that is not the case for the property in question.
13 Councilor Rothhaus commented unless he hears from the former property owner that there is no interest,
14 he will not support such a motion.

15 **MOTION CARRIED**

16 **5-1-0**

17 *Councilor Rothhaus voted in Opposition.*

18 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to place the property**
19 **located at 8 Mayhew Road, acquired by the Town by Tax Deed, for sale by auction with a**
20 **minimum bid amount. MOTION CARRIED 5-1-0**

21 *Councilor Rothhaus voted in Opposition.*
22

23 **10. Discussion on State Proposal of F.E.E. Turnpike Widening**

24 *Submitted by Town Manager Eileen Cabanel*

25 To discuss the State's proposal of widening the F.E.E. Turnpike in the Exit 11 area.
26

27 Tim Roache, Assistant Director, Nashua Regional Planning Commission (NRPC), stated his intention to
28 provide a quick overview of the transportation planning process and the three major documents that are
29 consistently a source of confusion. The Metropolitan Transportation Plan or Long Range Transportation
30 Plan is a federally required document. Through the Federal Transportation Planning Rules, the Regional
31 Planning Commissions (RPCs) or Metropolitan Planning Organizations (MPOs) are required to develop
32 this under Federal law. It covers, at least, a twenty-year window. In this case it goes from 2015 out to
33 2040. It holds all of the projects that are believed to be needed in that time based on input from
34 communities and data provided for those decisions to be made. The NRPC uses it as its holding tank for
35 the Ten-Year Plan. The long-range plan holds all of the projects in the region, and the NRPC works
36 with the New Hampshire Department of Transportation (NHDOT) to get those projects into the Ten-
37 Year Plan.
38

39 The Ten-Year Plan is a State law. It does overlap the Federal process where there is a list of projects
40 that goes out 20 years. What the NRPC has tried to do is use the Federal process to feed the State
41 process and help develop that ten-year plan. The first ten years of that long-range plan, the Metropolitan
42 Transportation Plan, becomes the Ten-Year Plan for the region.
43

44 The Transportation Improvement Program (TIP) is a Federal document that lists all projects that are
45 going towards construction in the next four years. This is a Federal requirement. The Ten-Year Plan is
46 used by the NHDOT to feed that four year window.
47

48 Mr. Roache commented the piece about the Ten-Year Plan that he wished to get across is although he
49 said it is a State law, the Governor has not yet signed it. It remains in draft form (May 6th version

1 approved by the Senate). When signed we are essentially done with that, and it all comes down to the
2 TIP, that four-year window. The projects that are listed in there will be reviewed this fall and
3 recognized by the various RPCs and then brought into the TIP.

4
5 Town Manager Cabanel remarked when speaking with Deputy Director Fox she likened the Ten-Year
6 Plan to the Capital Improvements Plan (CIP); the wish list in order of how things will occur. It is a good
7 document, but the projects are not necessarily completed in the years and amounts that are identified.

8
9 Mr. Roache commented the other thing to remember is that the NRPC goes through the cycle of
10 updating all of the documents every two years. Anything sitting out in the Ten-Year Plan will be
11 discussed again in two years. A lot of effort is put into projects that are important and should be kept on
12 the radar, but really what matters is the document that looks at the four-year window.

13
14 At the regional level, they look at all of the projects in the Long-Range Plan and rate them against
15 criteria such as safety, maintenance, mobility, etc. Through weighting a ranking or scoring is developed.
16 When the process was undertaken the last time, the widening of the Turnpike ended up as the #6 ranked
17 project in the region. That was put up to the NHDOT for consideration in the Ten-Year Plan. At one
18 point it was on an unfunded priority list by the House and then the Senate put it back into the Ten-Year
19 Plan as a funded project.

20
21 Since we have an unsigned Ten-Year Plan, why did this project jump into the TIP? The TIP can trump
22 the Ten-Year Plan. It is the more important document of the two. The NHDOT came to the NRPC and
23 said we would like to start working on the widening of the Turnpike and proposed the amendment to the
24 TIP. They can do it, any of the communities can come forward with a project they would like to see
25 programmed and request that it be put into this document. When the NHDOT comes forward the NRPC
26 and the Transportation Technical Advisory Committee (TTAC) review the proposal with the NHDOT
27 and Federal Highway and make a recommendation to the full NRPC Commissioners, the full MPO and
28 act on that recommendation. That is the way this project came in. It is in the draft Ten-Year Plan that is
29 not signed, but it was sort of advanced by the NHDOT into the TIP.

30
31 Councilor Rothhaus stated his understanding, without the RPCs saying yes this is a project we want
32 done, even though it is in the State's Ten-Year Plan, it would not get done. Mr. Roache stated the
33 purpose of the MPO (NRPC serves in that capacity) is to give the communities a voice in decision
34 making on transportation projects. There is a misconception out there a lot of the time that NRPC is sort
35 of this group of planners who may lean a little bit to the left and like bike lanes and sidewalks, and they
36 are out there pushing projects. Really instead what they do is try to produce information that helps folks
37 like Deputy Director Fox who serves on the TTAC and those who serve on the Commission make
38 decisions that are based on the data that the NRPC produces for them. In answer to the direct question;
39 yes if, based on the information, the 13 communities come together and say we don't think this is a good
40 idea, they vote a project down. An example of when that occurred is in 2012 with the amendment for
41 the toll issue. Councilor Rothhaus commented that is when he learned a project not supported by the
42 NRPC would not go through. Mr. Roache remarked it is the getting together of the 13 communities on a
43 project to agree that it is either a priority for the region or it is not.

44
45 Mr. Roache remarked he believes, as a whole, the widening would probably be supported by most of the
46 communities. The toll issue has a good many in the region concerned about the way it has been
47 handled.

1 Councilor Mahon stated the widening project only goes from Exit 11 to 101 in Bedford. Mr. Roache
2 spoke of an error that was not corrected to the Town Council; the original request/report from the
3 NHDOT stated from Exit 11 to 293. When the issue was raised, they conducted a review, which
4 resulted in the response the language should have stated Exit 8. A new notice was placed on the NRPC
5 website indicating the change. Councilor Mahon stated his understanding the request is to do what he
6 would call preliminary engineering work, which is to go through and review what has to be done as part
7 of the project so that they can begin preparing bid documents, etc. Mr. Roache stated the impression to
8 be accurate; it would be for preliminary engineering and environmental permitting.

9
10 Councilor Mahon commented the dead silence in this whole thing is where is the toll plaza. During the
11 discussion of the Ten-Year Plan statements were made that it would have to be moved far enough south
12 to mollify the Federal Transit Authority so that the State would not have to repay the Federal money
13 they received to put in Raymond Wieczorek Drive. Going back 5-6 years ago, the proposal was to put
14 the open road tolling plaza at exit 10. He stated his presumption somewhere during the preliminary
15 engineering a site will be chosen for the open road tolling.

16
17 If the tolls at Exit 11 are removed, it would not make sense to have a toll plaza further up the road to try
18 to capture the traffic if you are trying to capture the revenue at Exit 10 for those visiting the outlets, as
19 was stated during the Ten-Year Plan discussion at the House. That traffic would go up to Exit 11. The
20 900 pound gorilla that is not in the room is where is the proposal to place the toll plaza.

21
22 Mr. Roache stated that information is not yet known. What is known is it is in the draft Ten-Year Plan
23 to be signed by the Governor. It shows preliminary engineering in 2015, construction in 2016, 2017,
24 and 2018, but there is no description of where. Clearly they have to come out with this. If you are
25 going to construct it that soon you have to know where you are going to do it. Councilor Mahon stated
26 it to be his humble opinion that, at this point, this is the only leverage for the community on the toll
27 plaza; the open road tolling.

28
29 Mr. Roache stated the two-year transportation planning cycle he spoke of will include adoption of a new
30 Metropolitan Transportation Plan and a new TIP. The earliest it could happen would be September.
31 Most likely it will occur at the December meeting. In that timeframe, that is where we will have to
32 consider the projects coming from the draft Ten-Year Plan into the TIP and make that decision. There
33 will be a Public Hearing on that at the NRPC office. The Council will be kept informed. Mr. Roache
34 stated if he knows anything about where it is going to go he will be sure to be in touch with the Council.

35
36 Town Manager Cabanel stated her understanding the public hearing process for this particular project
37 has already opened and closed and the board has already voted on moving it forward. Mr. Roache stated
38 that to be correct. He remarked on this particular piece, the widening, that did open and close, and what
39 was approved was the preliminary engineering and the Right-of-Way; no construction funds. The Ten-
40 Year Plan doesn't show any construction so as of right now there will not be a construction phase in this.
41 When they do the update to the document in the September to December timeframe, there is still no
42 construction for this particular piece of the project. When they decide the construction phase is ready to
43 move forward, there will be another opportunity for this piece to have a public hearing and state what
44 you want. Again the MPO has to agree to this.

45
46 Councilor Dwyer remarked when you see that \$3.2 million total proposed TIP funding, that is an
47 engineering cost. That is not bridge making, pavement, nothing; it is strictly engineering costs from Exit
48 8 to 293. Mr. Roache stated that to be correct. Councilor Dwyer asked for clarification that has been
49 funded in the budget. Mr. Roache stated it is going into the TIP. Councilor Dwyer questioned, if the

1 Governor signs it, does it mean that \$3.2 million will be bid, there will be plans, and the \$3.2 million
2 would be committed to the engineering work that is done from Exit 8 to 293. Mr. Roache responded the
3 \$3.2 million is committed once the amendment is approved by all four MPOs across the southeast
4 portion of the State regardless of whether or not the Governor signs it.

5
6 Councilor Dwyer added they have the money to spend and they will spend it, but it is not known when
7 the next phase would be funded and actually constructed. Mr. Roache responded, according to the Ten-
8 Year Plan, in the timeframe of 2020-2022. Councilor Dwyer commented this is where the life of
9 politics comes into play, where the Executive Council and Legislators have a role. He remarked, in his
10 personal opinion, Governor Sununu may have had a great idea, but in reality ten-year plans are not
11 worth the paper they are written on. In our form of government the Legislature funds the budgets so to
12 make these plans ten years in advance when politics is the heart of legislating the money to be spent,
13 those toll booths in Bedford may or may not be moved. We are going to expend \$3 million on
14 engineering, but the political decisions should be made; are you moving the toll booth. If you don't
15 actually move the toll booth then the widening project becomes moot. Will it really be moved when the
16 politicians get the information and are told it will be \$25 million to move the toll booths. That is when
17 the politicians enter the picture. The plan is a wish list. He would rather see the four-year plan. Across
18 the country we all rely on Federal dollars for highway funds, we should be budgeting and planning only
19 four years ahead. Let's attack the red list bridges first, the largest most important projects.

20
21 Chairman Harrington and Councilor Mahon spoke of the need to have the preliminary engineering
22 completed in advance of any application for Federal funding.

23
24 Deputy Director Fox commented the TTAC voted to recommend to the full Commission that the project
25 be adopted into the TIP. The rationale used by this technical committee was in line with congestion,
26 capacity, etc. The project is intended to widen the two-lane sections of the Turnpike to three lanes.
27 Without the preliminary engineering that widening cannot take place. He commented if you were to sit
28 on top of the Wire Road or Baboosic Lake Road bridges you would see congestion on the Turnpike in
29 Merrimack is a problem. Chairman Harrington remarked the project is still a good idea regardless of the
30 tolls. Mr. Roache added technically you could do this project without touching the tolls. Councilor
31 Mahon stated there is no road toll revenue coming from the sale of motor fuels that will support the
32 project they want to do. All of this is contingent upon toll increase on the Turnpike. Councilor
33 Rothhaus remarked he believes it to be a necessary project, but the funding mechanism is what gives us
34 all heartburn.

35
36 Mr. Roache reiterated the next opportunity to talk about the big picture is in that September to December
37 timeframe, and he will keep the Council informed. Councilor Mahon remarked it will be interesting to
38 see when the break-even point comes in the cost of relocating the tolls as to what they would have to
39 repay the Federal Government for Wicczorek Drive. He explained if they toll the exits they will have to
40 repay the Federal monies.

41 42 **Selection of Vice Chair of Town Council**

43
44 Chairman Harrington noted Section 4-3 of the Town Charter, states: In the event of a vacancy occurring
45 in the office of Chair, the Vice Chair shall serve out the unexpired term." As a result, the position of
46 Vice Chairman is vacant.

1 **Councilor Dwyer nominated Councilor Mahon**

2
3 ***Vote on the election of Councilor Mahon to the position of Vice Chairman of the Town Council***

4 **6-0-0**

5 *Councilor Mahon declared Vice Chairman of the Town Council.*

6
7 **Minutes**

8
9 Approve the minutes from the May 22, 2014 Town Council meeting.

10
11 *The following amendments were offered:*

12
13 Page 2, Line 27; replace the word “superseded” with the word “superceded”

14 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to approve the minutes**
15 **of the Town Council meeting conducted on May 22, 2014 as amended. MOTION CARRIED 6-0-**
16 **0**

17
18 **Comments from the Press** - None

19
20 **Comments from the Public** - None

21
22 **Comments from the Council**

23
24 Councilor Mahon shared fond memories of time he was able to spend with Councilor David Yakuboff.
25 He first met Dave while they were running for the Charter Commission. Councilor Yakuboff was bound
26 and determined to be the Chairman of that commission, and strongly desired a city form of government
27 with a Mayor and Council. To his disappointment, Councilor Mahon was elected Chairman. However,
28 about two meetings into the process while explaining some of the nuances between the city and town
29 forms of government, the look in Dave’s eyes suddenly changed as he understood the complexities of it
30 all. By the end of the discussion he appeared pleased someone else was in the position of Chair.

31
32 When councilor Mahon later encouraged him to fill an unexpired term on the Town Council, Dave
33 questioned what sent him in his direction. Councilor Mahon had responded it was because he knew him
34 to be an individual who listened, was willing to state his opinion, and willing to change his mind. That
35 was one of the many things Councilor Yakuboff brought to the Council. Councilor Mahon spoke of
36 projects that were well served by Councilor Yakuboff’s efforts, such as the library roof project where a
37 proposal brought forward by Councilor Yakuboff spurred the roofing contractor into a revision of his
38 original plan. Councilor Mahon remarked the Council is a lot poorer for the fact it will no longer have
39 that kind of insight.

40
41 Councilor Mahon spoke of his experience with Ruth Liberty having served with her on the 4th of July
42 Committee. He commented she was a relentless fundraiser, and enjoyed very good personal
43 relationships with townspeople. When she moved out of town it was very difficult for her having been
44 her a long time and having devoted so much time to the Town. She had a love for this Town. He
45 commented for a prime example of how someone has left their mark on a community all you have to do
46 is look at Abbie Griffin Park.

47
48 He reiterated the community is poorer for the loss of these individuals. They have left legacies that can
49 be admired and serve as memories.

1
2 Chairman Harrington commented as she was listening to the Life Scout that presented earlier in the
3 evening she could not help but think Dave wants her to tell him to go see Paul.
4

5 Councilor Rothhaus remarked he had known Councilor Yakuboff for a number of years. His first
6 opportunity to work alongside Dave was on the Charter Commission. Dave truly enjoyed being part of
7 that process. He spoke of the interview process for Councilor Yakuboff's appointment to fill the
8 remainder of a term on the Council and how animated the process became. Councilor Boyd commented
9 he ran into Dave the day after he was appointed, and told him of the book "Don't Fight with the Pigs"
10 written by a Harvard Professor, which relays if you do fight with pigs you get dirty. Dave would often
11 remind him of the advice he had given.
12

13 Chairman Harrington remarked she received an e-mail from Dave on June 2nd because he knew she was
14 a bit anxious about the position of Vice Chairman. She had responded don't you ever be absent from a
15 meeting. He commented had responded "You are more than qualified for the position, and I will help
16 you in any way I can." She is still holding him to that.
17

18 Councilor Koenig remarked he probably knew Dave the least of any of those on the Council. They met
19 while running for election. He has enjoyed working alongside him, and in doing so realized how
20 dedicated he was to the Town of Merrimack and to doing the best he could for the community. It was
21 stated at one point in the past couple of weeks that he felt strongly that people shouldn't serve on a board
22 or committee if they had an agenda. It was pretty clear to him that Dave did not come necessarily with
23 an agenda except to do what was good for the Town of Merrimack, which is one of the things he
24 appreciated most about working with him and serving alongside him on the Council. He stated his
25 appreciation of having had the opportunity to work with Dave, and remarked he is sure the Town of
26 Merrimack will miss him terribly. He wished his family well.
27

28 Councilor Koenig commented he had a few opportunities to interact with Ruth Liberty; each time being
29 a pleasant experience. He remarked it was nice to have her impact and influence on the Town of
30 Merrimack.
31

32 Councilor Boyd stated his first introduction to Dave was more of an observation as neither of them knew
33 of each other. He was a newlywed and he and his wife had just purchased their home around the time
34 the Charter Commission was going through their elections. One day on his way to work he saw this big
35 burly guy putting up his Dave Yakuboff Charter Commission signs. Having an interest in politics he
36 took note of signs, etc. He could not help but notice Dave was the only one he was aware of that put up
37 signs. That made him determined to get to the polls to vote for him as he was impressed with how
38 passionate he was about wanting to serve on the Commission.
39

40 Councilor Boyd remarked when he was first elected to the Council and the budget process was
41 underway, Dave invited him to his office where they stayed for 3.5 hours while Dave educated him on
42 the municipal budget. That was his first real exposure to a municipal budget. His first impression of
43 Dave back in 2005 held true 6 years later as there was a guy that didn't know him from a hole in the
44 wall and was willing to take time out of his schedule to sit down with him, answer his questions, and
45 give him the overview of the budget. To this day he remains grateful to him for being not just a friend
46 and colleague but a mentor. He commented it would be an understatement to say he will miss Dave, but
47 not an understatement to say that this body and the Town are definitely missing someone who cared
48 about his community. Councilor Body spoke of the phrase that truly describes Councilor Yakuboff
49 "Leadership is the person who quietly works behind the scenes...".

1
2 Councilor Dwyer remarked he got to know Councilor Yakuboff when he lost to him during the
3 appointment process. He commented he will never forget the look he got; like Dwyer, I know you, you
4 are that full-page ad guy. When he won the seat on the Council the group met for an event at Watson
5 Park. As the new guy he had a bit of the feeling of odd man out, and Dave was the one who befriended
6 him right away, which is something he will never forget. From there they just hit it off; after a very
7 short period with Dave you felt like you had known him for a great many years. Dave was involved in
8 and loved this Town. It was where his heart was at. He will be greatly missed.

9
10 Town Manager Cabanel spoke of the opportunities she had to work with Dave, and how she found him
11 to be a voice of reason. She remarked one of the things he talked about most was how much he loved
12 his family. He had this wonderful, large family. A large addition was constructed on the back of his
13 home to accommodate the many family gatherings. She remarked Dave was a very special person who
14 will be missed terribly.

15
16 Director Micali remarked he and Dave first met 10-11 years ago as acquaintances. When he ran for the
17 Charter Commission he had placed a sign on a gentleman's lawn on Wire Road. Driving by that sign all
18 of the time he wondered who is this guy wanting to run for Charter Commission. His father requested
19 they stop in at All Basic one day so that he could ask Dave a question. Dave would stop whatever he
20 was doing to talk politics with anyone at any time. He had a way to make you feel as though you were
21 the only one there. Director Micali remarked he talked with Brian Snell today who commented to him
22 you would not believe the number of dollar bills that were signed that we found, and he kept them all.
23 He spoke of how Dave will be missed.

24
25 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting.**
26 **MOTION CARRIED 6-0-0**

27
28 *The June 26, 2014 meeting of the Town Council was adjourned at 9:18 p.m.*

29
30
31 Submitted by Dawn MacMillan