



# Town Council Meeting Minutes

Thursday December 17, 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 (arrived at 7:15 p.m.), Councilor Vaillancourt, and Assistant Town Manager/Finance Director Paul Micali. Town Manager Eileen Cabanel was excused.

## Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

## Announcements

Town Offices will be closing at 1:00 p.m. on Thursday, December 24<sup>th</sup>, and will be closed on Friday, December 25<sup>th</sup> for the Christmas holiday. The offices will also be closed on Friday, January 1<sup>st</sup> in observance of New Year’s Day. The Transfer Station will be open on Thursday, December 24<sup>th</sup>.

The Town Council will conduct budget meetings on Thursday, January 7<sup>th</sup>, Monday, January 11<sup>th</sup>, Thursday, January 21<sup>st</sup>, and Monday, January 25<sup>th</sup> at 6:00 p.m. in the Matthew Thornton Room.

Regular meetings of the Town Council will be conducted on Thursday, January 14<sup>th</sup> and January 28<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room. The FY17 proposed budget will be finalized, if necessary, at the January 28<sup>th</sup> meeting.

The Public Hearing on the proposed FY17 budget is scheduled for February 11<sup>th</sup>.

*There being no objection, the Council went out of the regular order of business to take up Recognitions, Resignations and Retirements.*

## Recognitions, Resignations and Retirements

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

*Submitted by Human Resources Coordinator Sharon Marunicz*

Town Council to present awards in recognition of years of service to the following employees:

<b>Fire:</b>	20-Year Plaque	Lt. Thomas J, Dalton, DOH 7/2/1995
	25-Year Watch	Asst. Chief Richard W. Pierson, DOH 9/10/1990

Brian Borneman, Assistant Chief, Merrimack Fire and Rescue, stated Lt. Dalton was hired full-time in July of 1995, and promoted to Master Firefighter in July of 2000. He was promoted to Lieutenant in November of 2014. Lt. Dalton is an EMTI and a Certified Firefighter III, Company Officer I and II, and a Hazardous Material Technician. He also holds a Bachelor of Science Degree in Industrial Engineering from the University of Massachusetts, Lowell. He currently serves as the C Shift Lieutenant and is the department’s Forestry Officer.

Assistant Chief Borneman remarked Lt. Dalton has been a great Firefighter and now Lieutenant for this community. His ability to maintain focus and remain steady and calm in emergency situations is a

1 testament to his quiet confidence and is an asset not only to the men and women he serves with and  
2 supervises, but the entire Town of Merrimack.

3  
4 *A plaque in recognition of his 20 years of service to the Town of Merrimack was presented to Lt.*  
5 *Thomas Dalton.*

6  
7 Chairman Harrington noted Assistant Chief Richard W. Pierson was unable to be in attendance. He will  
8 be presented with a watch in recognition of his 25 years of service to the Town of Merrimack.

9  
10 **Police:** 20-Year Plaque Mptl. John A. Dudash, DOH 12/31/1995  
11 Lt. Matthew J. Tarleton, DOH 7/2/1995

12  
13 30-Year Clock Lt. Paul A. Trepaney - DOH 9/9/1985  
14 Lt. Daniel Edmonds – DOH 9/3/1985  
15 Chief Mark E. Doyle – DOH 8/11/1985

16 Chairman Harrington noted Master Patrolman John A. Dudash and Lieutenant Matthew J. Tarleton were  
17 unable to be in attendance. They will be presented with plaques in recognition of their 20 years of  
18 service to the Town of Merrimack.

19  
20 Lieutenant Paul A. Trepaney is retiring, and received a clock in recognition of his 30 years of service to  
21 the Town of Merrimack during the Employee Recognition Breakfast.

22  
23 Judith A. York, retired Secretary for the Legal Division, received a clock in recognition of her 30 years  
24 of service to the Town of Merrimack.

25  
26 Police Chief Mark E. Doyle commented it seems like yesterday that he and Lieutenant Edmonds were  
27 hired by then Captain Mulligan who took a risk and put an ad in the Lowell Sun. A few from  
28 Massachusetts came up to apply, and here we are 30 years later.

29  
30 Lt. Edmonds was hired in September of 1985 and went to the 74<sup>th</sup> New Hampshire Police Standards and  
31 Training Academy. He has served the community and the Police Department as a Patrolman, Detective,  
32 Master Patrolman, Patrol Sergeant, and a Patrol Lieutenant. He has always been one who has stepped  
33 up to fill a void. When it was recognized there was a void relative to technology and computer skills in  
34 terms of someone being able to coordinate all of that, Lt. Edmonds was the one the department tapped  
35 into.

36  
37 He was also the Accident Investigation Team Commander, an Honor Guard founding member, and  
38 worked diligently with the vendor for our Identi-Kit training to make sure our officers are as well trained  
39 as they should be. He is extremely trained in a number of areas. He has an Associate Degree in  
40 Criminal Justice from Hesser College, attended Babson College, and graduated from the New England  
41 Institute of Law Enforcement Management, has over 2,500 hours of in-service training over the last 30  
42 years, was Police Officer of the Year in 1996, received the Meritorious Service Award, the Chief's  
43 Achievement Award, the Life Saving Award, several distinguished unit actions, the Purple Heart for  
44 being injured on duty, and the Exceptional Service Award.

45  
46 He has worked diligently with the department's computer vendor to ensure the system is updated to the  
47 point where it is tweaked necessarily to allow the officers to do the work they need to do to continually,  
48 effectively, and efficiently serve the community of Merrimack. He worked to develop a problem-  
49 solving model through a grant with Michigan State University on a project regarding domestic violence.

1 He also wrote a paper back when he was promoted to Sergeant, which was titled Why I Want to be a  
2 Merrimack Police Sergeant. Interestingly enough even before he became that individual who we tapped  
3 into for the coordinator of our technology direction and our vision, he wrote this: “Relative to  
4 technology, using these concepts and lessons learned to the community’s benefit because they are part of  
5 the problem-solving equation.” That really sums up what his commitment and level of dedication has  
6 been to not only the Police Department, but to everyone in the community.  
7

8 Chief Doyle noted today was Lt. Edmonds last day on the job. When he leaves he leaves with the  
9 knowledge, skills, and abilities that he has learned and developed over the last 30 years, and also leaves  
10 with institutional memory of the Merrimack Police Department. Chief Doyle commented we can  
11 backfill the skills and the knowledge and training, but we can’t backfill that level of institutional  
12 knowledge and history that he will walk away with. On behalf of everyone at the Police Department  
13 and the Merrimack community, he thanked Lt. Edmonds for his years of service.  
14

15 Lt. Edmonds thanked the Chief for his kind words, and recognized former Chief Bill Mulligan who is  
16 the reason he is here, Captain Mike Dudash and Captain Pete Albert, but also Mrs. Helen Cross, her  
17 Daughter Tiffany, and her two Granddaughters, and Pat Murphy. He stated these to be people he has  
18 come to know in Town. He commented he met Mrs. Cross through her Husband Brad who worked for  
19 the Police Department. He was a great friend and a good Police Officer. He has enjoyed his time in  
20 Merrimack, and thanked the citizenry for allowing him to serve them.  
21

22 To his Wife and children he stated if it were not for them behind him going the 30 years with  
23 him....thank you very much!  
24

25 Assistant Town Manager/Finance Director Paul Micali, Captain Peter Albert, and Captain Michael  
26 Dudash presented Chief Mark E. Doyle with a clock in recognition of his 30 years of service to the  
27 Town of Merrimack.  
28

29 Assistant Town Manager/Finance Director Paul Micali remarked it has been his pleasure to work with  
30 Chief Doyle over the past 11 years. He commented Chief Doyle has always been kind and the utmost  
31 professional.  
32

33 Captain Peter Albert spoke of the many years he and Captain Dudash have worked with Chief Doyle. In  
34 1985 then college student and Bradlees Security Guard Mark Doyle answered an ad in the Lowell Sun  
35 newspaper. He took the department’s written and physical exams, passed with high scores, and was  
36 invited to the oral board interview. The board was very impressed with this young man and  
37 recommended that he be hired. Joe Devine did so in July of 1985. Then recruit Doyle attended the 73<sup>rd</sup>  
38 New Hampshire Police Academy in which he graduated earning the Outstanding Officer Award. This  
39 award is given to the Officer who attempted to reach the highest levels of achievement during that  
40 Academy. He also received the Notebook Award. Back in 1985 we didn’t have computers or word  
41 processors. When a recruit was in class he had to do a lot of note taking. It was then required that they  
42 type the notes while the Cadre would come in and make them do pushups, sit-ups, and run.  
43

44 Upon graduation from the academy, then Officer Doyle completed the field training program with then  
45 FTO Mike Dudash, and worked as a Patrolman from 1985 to 1988. During that time he joined the  
46 department’s motorcycle unit. Chief Doyle was also a member of the Accident Investigation Team and  
47 the Dive Team. In 1988 he was promoted to Sergeant. He became and Assistant Squad Leader. In

1 1994 he was promoted to Lieutenant and became a Squad Commander. Captain Albert remarked he was  
2 lucky enough to be his Sergeant at the time. Many of the members of the Squad, due to Chief Doyle's  
3 mentoring and leadership were able to attain higher ranks. In 1995 the Chief obtained his Bachelor  
4 Degree from Franklin Pierce College.

5  
6 A few years later he was transferred to Detective Lieutenant and then promoted to Captain in 2002.  
7 Captain Doyle completed tours in both the Administrative and Patrol Divisions, and was promoted to  
8 Deputy Chief in 2007. He graduated from the 244<sup>th</sup> FBI National Academy in March of 2011, was  
9 promoted to Chief in April of 2011, and received the Businessman of the Year Award that same year  
10 from the Merrimack Chamber of Commerce.

11  
12 Captain Albert commented what is probably one of the most significant moments in Chief Doyle's  
13 career came when he cancelled Halloween. His popularity among the elementary schools took a  
14 significant dip. He has since threatened to cancel Christmas, and on many occasions threatened to  
15 cancel Captain Albert's Birthday.

16  
17 Captain Albert stated the Chief has lead by example. He would not ask anyone to do what he wouldn't  
18 do himself. He has mentored many, emphasizes the focus on training, and is deeply concerned about  
19 each and every member of the department.

20  
21 Captain Dudash commented it is important to let people know more about the Chief as Mark Doyle.  
22 Everyone in this Town should know he is a great person, has an unlimited amount of energy, and is  
23 always willing to help others. Mark is a leader in the State when it comes to Special Olympics. He has  
24 always supported it, he is always at the events, and he supports all of the guys who donate their time.

25  
26 Captain Dudash stated for the 30 years he has known Mark there is nobody more giving. Every  
27 Christmas Mark has given out gifts to the employees. When it comes to Birthdays there is always a  
28 Birthday cake. Captain Dudash spoke of working with Mark at the Mall on Black Friday. As they were  
29 walking around they went through the main entrance and saw the Christmas tree. On the Christmas tree  
30 were envelopes. He commented he has been seeing this for 20-30 years from Mark Doyle, at the Hot  
31 Rize Café and now at the Mall; Mark went over and picked up an envelope to ensure he can give to  
32 somebody. That is Mark Doyle. Everybody who works for him knows that is the way Mark is. He is  
33 always giving his time and something to somebody because he cares.

34  
35 The other night they were off duty and Mark mentioned he and his Wife were going to Milford to visit  
36 one of our former good morning callers who is now in a nursing home. That is Mark Doyle. He is that  
37 type of person who will go above and beyond always. He commented if you look at some of our  
38 programs such as the good morning luncheon we had today Mark Doyle is the first one to sign up and be  
39 there. He is always giving of himself to others. Captain Dudash thanked Chief Doyle for his service to  
40 the community, and on behalf of the Police Department and the community, he congratulated him on his  
41 30 years.

42  
43 Chief Mark E. Doyle thanked Captains Dudash and Albert for their words. He remarked he wants to  
44 look forward to many more years of their mentorship, and commented were it not for the both of them,  
45 their mentorship and the examples they set, he would not be where he is today. He thanked Chief  
46 Mulligan for giving them all the opportunity. He thanked his Wife, Mary for the last 29 years of  
47 marriage and the support she has provided. He remarked it is the Wives that stand behind us all.

1       **Public Works Equipment Maintenance Division:**     30-Year Clock - Brian J. Friolet, DOH  
2     5/6/1985

3  
4       **Public Works Wastewater Division:** 30-Year Clock - Lee R. Vogel – DOH 9/30/1985

5  
6     Chairman Harrington noted Brian J. Friolet, Public Works Equipment Maintenance Division, and Lee R.  
7     Vogel, Public Works Wastewater Division, were unable to be in attendance. They will be presented  
8     with clocks in recognition of their 30 years of service to the Town of Merrimack.

9  
10    Chairman Harrington spoke of the Town’s employees who were represented well by those being  
11    recognized and who are the ones that run the Town. Those individuals keep the citizenry safe. On  
12    behalf of the citizenry of Merrimack, she thanked all Town employees for their service.

13  
14    Dan Edmonds, 9 Clay Street

15  
16    Lt. Edmonds stated a desire to recognize Larry Westhome, former Lieutenant, Killkelley, Gregg  
17    Walters, Ted Dillon, and Chris Dowling for being in attendance. He thanked the Council. To Chief  
18    Doyle he stated you have been a good friend for the last 30 years, you have done good things, and he  
19    values that friendship and the memories from the last 30 years.

20  
21    ***The Council called for a five-minute recess at 7:30***

22    ***The Council reconvened at 7:40 p.m.***

23  
24    Chairman Harrington informed the viewing audience of the passing of Stephen G. Mroz. Mr. Mroz was  
25    a frequent audience member at Town Council meetings when many of the Eagle Scout project  
26    presentations were made. He was the Committee Chairman of Boy Scout Troop 424, and was also the  
27    past Grand Knight of Bishop Primeau Council 10896 Knights of Columbus at St. John Neumann Church  
28    in Merrimack. Upon his passing, on November 27<sup>th</sup>, Merrimack lost a very important mentor for the  
29    many Boy Scouts in our community. His leadership helped develop so many young men to be  
30    successful in pursuing their Eagle Scout. We wish his family and the Boy Scouts our sincere  
31    condolences, and know that he will be remembered for years to come in the lives of those boys he  
32    influenced. May he rest in peace.

33  
34    *The Council observed a moment of silence in memory of Stephen G. Mroz.*

35  
36    *The Council returned to the regular order of business.*

37  
38    **Kinder Morgan – Proposed Northeast Energy Direct (NED) Pipeline Project**

39  
40    ● **Informational Reports and Updates**

41  
42    Vice Chairman Mahon spoke of attending a meeting of the New Hampshire Municipal Pipeline  
43    Coalition at which Governor Hassan and a few of her staff members that handle environmental issues  
44    for the State and her office were present. The purpose was to discuss the information the Coalition  
45    presented the Governor regarding the discharge issues for the blowdowns for the compressor station and  
46    the meter station. A Physician from the Boston area who has been doing his own work on gathering  
47    information presented information, a copy of which was provided the Council. The Governor was quite  
48    concerned about the potential health issues that were raised in the physician’s comments. The Governor  
49    reiterated what her position has been with regard to the pipeline in the State of New Hampshire.

1 Vice Chairman Mahon commented a lot has been made about this opposition that is talked about. He  
2 requested those reading the letters do so carefully because they are opposed because certain questions  
3 haven't been answered and certain issues haven't been dealt with by Kinder Morgan. They are opposed  
4 to the pipeline going forward at this time unless and until they are more forthcoming with information  
5 and answers to the questions. It is not an unqualified opposition.  
6

7 The Governor also made clear her role as the Chief Executive Officer for the State; that she has other  
8 responsibilities with regard to other issues in the State. She has to take the whole totality of the issue in  
9 hand and take a look at it, and in the end determine what is in the best interest of the State.  
10

11 Vice Chairman Mahon spoke of two representatives from Kinder Morgan attending the most recent  
12 Conservation Commission meeting. They were in attendance to discuss conservation land and  
13 mitigation issues. With regard to mitigation, when pressed, they said what they felt was involved was  
14 barely an acre and a half. Vice Chairman Mahon reminded the Council this is a straight and narrow line  
15 50' wide that they are talking about impacting on the piece of property at the intersection of Naticook  
16 and Continental Boulevard.  
17

18 They were looking for a response from the Commission within 30 days. Chairman Tenhave pointed out  
19 that was probably not going to happen. It had to do more with the calendar than anything else. The  
20 representatives were insistent on the 30 days. Chairman Tenhave let it go at that, and had nothing to  
21 offer in terms of what we might consider for the mitigation.  
22

23 Councilor Vaillancourt spoke of having attended the December 3<sup>rd</sup> Site Evaluation Committee (SEC)  
24 public information sessions along with a few of her colleagues on the Council. They sessions were in  
25 regard to the Certificate of Site & Facility to be filed with the New Hampshire SEC by the pipeline now  
26 that the application has gone in. They held an open house on one floor of the building where  
27 information was provided and they had a project overview, with a panel of 9, where the representatives  
28 from Kinder Morgan provided the overview, which is a report the Council has seen on numerous  
29 occasions. There was then a question and answer period, which was moderated by Kathleen McGuire, a  
30 retired New Hampshire Superior Court Judge.  
31

32 Following the question and answer period was a time for public comment. Questions from the audience  
33 were handed to Lucas Meyer and another representative from Kinder Morgan before they were  
34 presented to the panel to answer. A lot of members of the public came forward. There were a lot of  
35 comments that have been heard before, but there were also some good new points that were made.  
36 There were a few union members in attendance. Councilor Vaillancourt stated her understanding there  
37 have been some contracts signed with some New Hampshire unions. Some members of unions spoke  
38 regarding the temporary jobs that would be afforded them as a result of this project. Councilor  
39 Vaillancourt remarked the majority of public comment provided was in opposition. She stated her belief  
40 the meeting would be transcribed and provided to the SEC.  
41

42 With regard to the recent Conservation Commission meeting, Councilor Vaillancourt noted the 1.5 acres  
43 of disturbance that was being discussed with regard to mitigation, is permanent impact. That does not  
44 take into account the amount of temporary impact that will result from the project. The representatives  
45 indicated the temporary impact would be addressed by bringing the area back to its natural state onsite.  
46

47 The Conservation Commission will meet again on Monday, December 21<sup>st</sup> at 6:30 p.m. in the Memorial  
48 Conference Room. There will be an item on the agenda for the Commission to meet with  
49 representatives of Kinder Morgan related to the survey agreement for Commission parcel 2B-358-1.

1 Kinder Morgan has requested the Commission agree to sign a survey agreement. The property is  
2 located off of Continental Boulevard. There is a conservation restriction on the Deed, which will be  
3 discussed at the Commission meeting.

4  
5 Chairman Harrington stated earlier in the day an application was received from Kinder Morgan for a  
6 Right-of-Way Permit. According to Town Ordinances, they have every right to be approved for this  
7 purpose. Because of the complex nuances of our Kinder Morgan relationship, the Town Manager would  
8 like to know if there are any questions/concerns of the Council, prior to approval.

9  
10 Councilor Boyd commented he thought the testimony provided by the consultant for the Merrimack  
11 Village District at the SEC public information session was absolutely fantastic.

12  
13 Chairman Harrington noted additional correspondence was received from Jeff Strong, Inspection  
14 Foreman, Public Works Department Highway Division, stating Kinder Morgan must meet all of the  
15 requirements mandated by the Ordinance such as insurance, more specificity related to streets and  
16 location and the scope of work. The scope of work is written “We are going to be surveying the edge of  
17 roads. We will also be surveying existing features for aerial targets like the corner of stop sign lines  
18 painted on roads, manhole and storm drains, these may be a half mile away from our proposed center  
19 line location. We will also be surveying the control points along streets and right-of-ways.” There is the  
20 need for more specificity with regard to location, and if they are in fact only taking photos, that should  
21 be identified as well.

22 Chairman Harrington noted it is pretty clear in terms of the requirements, and as was mentioned, legally  
23 they have the right because it is a road. That is what needs to be very specific.

24  
25 Councilor Vaillancourt stated she is vehemently against it. She commented she does not know enough  
26 about the legalities regarding this to really have an educated opinion one way or the other. She is not  
27 comfortable with them moving forward with something like this. She remarked Jeff Strong had  
28 indicated the scope of work looks like a request for a blanket permit request for anywhere in the Town  
29 right-of-way. We clearly, on this permit request, don’t have the information that we need in order for  
30 our Public Works Department to approve it. For that fact alone, she is not in favor of it. She questioned  
31 if that information were to come forward from Kinder Morgan, as it should, would the Council revisit  
32 the issue again as a Council.

33  
34 Chairman Harrington stated her understanding that legally they have every right to request a right-of-  
35 way permit. However, she believes it reasonable to hold them to the letter of the law/Ordinance  
36 including specificity over what streets and in terms of the scope of work; literally have them put in  
37 writing “taking pictures”. Also to make it clear to them they are not allowed to go on properties. She  
38 remarked although she understands the concern, it is a legal process the Council cannot stop. However,  
39 the Council can request specificity.

40  
41 Councilor Vaillancourt questioned where the impression came from that photographs would be taken.  
42 Chairman Harrington stated the Town Manager had a discussion with John Proulx, Land Agent,  
43 Tennessee Gas Pipeline, a subsidiary of Kinder Morgan. When asked if it was John Proulx that stated it  
44 would be photographs, Chairman Harrington indicated it was.

45  
46 Councilor Vaillancourt commented the general conditions under the Right-of-Way permit talk about  
47 pavement to be excavated, cut, and removed, etc. His telling the Town Manager over the phone that all  
48 that will take place is the taking of photographs is not good enough. Chairman Harrington stated

1 agreement. Councilor Dwyer remarked, at this point, the Council has not seen a completed application  
2 form. Chairman Harrington stated it was emailed out. What was received is not complete.

3  
4 Councilor Koenig stated his belief the point being made is if they in fact present the Town with a valid  
5 permit request we should follow our laws, rules, and regulations, and grant them that. But as has been  
6 pointed out, they do have to provide information on what they intend to do. That is clearly outlined in  
7 the Ordinance. He remarked there is no reason we should treat them differently than we do Comcast,  
8 Eversource, or any other entity that wants that kind of an effort.

9  
10 Chairman Harrington restated her direction is to provide guidance to the Town Manager to convey to  
11 Kinder Morgan the request for additional specificity in terms of the site, the scope of work, and they are  
12 to reiterate, in writing, that they are not allowed on any land off of the right-of-way.

13  
14 ● **Action Items**

- 15 - Continue to press Kinder Morgan for a Public Meeting in Merrimack - **Meeting held 3/26/15**
- 16 - Place an action item on Feb 12th agenda requesting the council to take no action regarding request  
17 from Kinder Morgan to survey town-owned parcels until Merrimack Public Meeting - **Completed**
- 18 - Place NED Pipeline Update on future council agendas - **Completed 2/12/15**
- 19 - Update list of properties that directly about proposed pipeline route with a list of properties that fall  
20 into pipeline hazard zone - **Completed**
- 21 - Consider consultant to:
  - 22 - Research communities' property value effects of recent pipeline installations - **Engaged Avitar**
  - 23 - Evaluate impacts on the sewer line - **Engaged Wright Pierce**
  - 24 **Reviewed first draft. Final Report should be provided by 6-5-15.**
- 25 - Support Conservation Commission's efforts to update data for environmental impacts on HHNP and  
26 Gilmore Woods - **Ongoing**
- 27 - Support Merrimack Village District's efforts to protect Wellhead Protection Zone and Aquifer  
28 Protection Zone - **Ongoing**
- 29 - Request Kinder Morgan list of abutters notified of project and requests for permission to survey – **At**  
30 **the 4/28/15 meeting, Town Manager Cabanel asked Jim Hartman, Kinder Morgan Principal**  
31 **Land Specialist, for map and lot numbers of affected land owners and was denied the request.**
- 32 - Work with property owners to develop a list of who has been notified of the project and requests for  
33 surveys - **Completed**
- 34 - Maintain contacts at FERC and NH Congressional delegation - **Ongoing** (NH delegation attends  
35 Managers meetings)
- 36 - Consult with PSNH (Eversource) regarding where they are in the process with Kinder Morgan and  
37 Public Utilities Commission - **No response - No contract between parties (4/23/15)**
- 38 - Consult and share information with large companies (A-B/InBev, Elbit, Premium Outlets, Fidelity,  
39 PanAm, PSNH, Pennichuck, etc.) - **Meeting held 2/26/15; will be ongoing**
- 40 - Section 106 of the National Historic Preservation Act of 1966 (NHPA) - **Pending formal**  
41 **application**
- 42 - Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal  
43 Delegation
  - 44 - Letter to Governor - **Letter sent 4/14/15**
  - 45 - Letter to Congressional Delegation - **Letter sent 4/14/15**
  - 46 - Letter to Local Reps - **Letter sent 4/14/15**
- 47 - Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan –  
48 **Ongoing (between the Town's legal counsel and Kinder Morgan's legal counsel). The**

1 **agreement is being “actively worked”. Two issues remain; the confidentiality piece and access**  
2 **to adjoining properties (10-22-15).**

- 3 - Town Council Letter to the FERC re: Town and TGP Survey Access Agreement Negotiations -  
4 **eFiled 9/4/15.**
- 5 - Town Council Letter to the FERC re: Amherst Alternative Route 1 Impacts to the Town of  
6 Merrimack - **eFiled 9/4/15.**
- 7 - NH Municipal Pipeline Coalition Letter Re: Oversight of FERC and Approval of Gas Pipelines  
8 **(9/14/15)**
- 9 - Letter to FERC re: Additional Scoping Comments from the Town of Merrimack specific to a Meter  
10 Station sited in Town - **eFiled 9/30/15**
- 11 - Letter to FERC re: Response Request from TGP and Request for Additional Extension of Scoping  
12 Period - **eFiled 10/16/15**
- 13 - Town Council Workshop with Kinder Morgan representatives - **held 10/8/15**
- 14 - Notice received indicating Kinder Morgan’s intent to file a formal application with the FERC on  
15 November 20<sup>th</sup>. Once received the FERC has 10 business days to act on it. If they act on it within  
16 those ten days, that starts the clock running on the 21-day filing period for intervener status. The  
17 Town’s legal counsel has been preparing the Town’s request to be designated as interveners.
- 18 - The Merrimack Village District (MVD) received a formal request from Kinder Morgan to attend one  
19 of their meetings - **Meeting scheduled for 4:00 - 6:00 p.m. on December 3<sup>rd</sup> in the Matthew**  
20 **Thornton Room.**
- 21 - Notice received (TGP) will hold public information sessions to present information regarding the  
22 Application for a Certificate of Site and Facility to be filed with the New Hampshire Site Evaluation  
23 Commission (SEC) - **Hillsborough County session scheduled for Thursday, December 3, 2015,**  
24 **Hampshire Hills, 50 Emerson Rd., Milford, NH**
- 25 - Town Council asked to consider signing on to a letter written by the Northeast Municipal Gas  
26 Pipeline Coalition, Municipal Coalition Against the Pipeline and the New Hampshire Municipal  
27 Pipeline Coalition letter to the FERC and to the Federal Congressional Delegation Members of  
28 Massachusetts and New Hampshire requesting the FERC combine the proposals for additional gas  
29 pipeline capacity into New England into one consolidated review - **Council authorized Chairman**  
30 **Harrington or Town Manager Cabanel to sign on behalf of the Council (11-19-15)**
- 31 - Application received for Right-of-Way Permit **(12-17-15)** - **Town Manager to convey to Kinder**  
32 **Morgan the request for additional specificity in terms of the site, the scope of work, and they**  
33 **are to reiterate, in writing, that they are not allowed on any land off of the right-of-way.**

### 34 35 Comments From the Press and Public

36  
37 Gina Rosati, 15 Dunbarton Drive

38  
39 Clarified the job of the Merrimack Town Council would be to represent the Town of Merrimack and the  
40 people of Merrimack. The Merrimack Village District, the Merrimack Conservation Commission, the  
41 Merrimack School Board, and the Merrimack Town Council have all come out in opposition to the  
42 proposed NED pipeline. However, at the last meeting, there was one person that argued for Kinder  
43 Morgan as opposed to for Merrimack. She stated that concerned her greatly. She commented on having  
44 gone through the meeting minutes and highlighted things, and that she later received an email that made  
45 her even more uncomfortable. She remarked she wonders where loyalties lie; if we are being  
46 represented the way she wants to be represented.

47  
48 She requested Councilor Dwyer be recused from further Kinder Morgan discussions. She stated she is  
49 not comfortable that he is working in Merrimack’s best interest.

1 Ms. Rosati provided Chairman Harrington with materials. Chairman Harrington stated, with due  
2 respect, this is the Public Comment section of the meeting, and she would not answer anything or make  
3 a comment without being able to review any information. She stated she could not speak for any of the  
4 other Council members. She added Ms. Rosati had every right to say anything she wished, but no one  
5 on the Council need respond. She requested Ms. Rosati speak into the microphone and state what she  
6 had provided.

7  
8 Ms. Rosati stated she provided Chairman Harrington with a copy of examples of reasons why she  
9 believes Councilor Dwyer's loyalties are not as much with the people of Merrimack as they are with  
10 Kinder Morgan. She commented the Council just talked about John Proulx, and clearly he has made no  
11 secret that he is a friend of John Proulx. At the last meeting everything that was said Councilor Dwyer  
12 argued that no Kinder Morgan, no Kinder Morgan, no Kinder Morgan. She stated she provided a copy  
13 of the minutes so that they could be reviewed.

14  
15 She stated that in further discussions if we have a motion to intervene, she is concerned, he voted against  
16 the last letter, if he votes against this one. She reiterated she is very concerned, and commented  
17 everyone else on the Town Council has stated the Council is opposing this, yet Councilor Dwyer fights  
18 for Kinder Morgan. She stated she would like to know since the citizenry voted for him to represent the  
19 people of Merrimack, is he representing the people of Merrimack or is he representing Kinder Morgan.

20  
21 When asked, Chairman Harrington stated what was submitted were minutes of the Town Council  
22 meeting of Thursday November 19<sup>th</sup> and also a picture from a Facebook page. Councilor Boyd called  
23 for a Point of Order. He questioned if the meeting minutes had been approved, and was told acceptance  
24 of those meeting minutes was on the agenda.

25  
26 Wendy Thomas, 10 Wildcat Falls, Merrimack

27  
28 Stated her opinion it is beyond reprehensible that any Council member would laugh at a resident's  
29 comments. She spoke of having attended the rally in Concord on Friday the 11<sup>th</sup> to present the over  
30 10,000 signatures on a petition opposing the pipeline to Governor Hassan. A few hundred people were  
31 there. She stated her belief the Governor as well as a few other elected officials got the idea. There  
32 were a lot of concerns about land and eminent domain expressed as well as health and impacts on the  
33 environment. There were quite a few elected representatives there that spoke. Their concerns were  
34 again eminent domain, health, and environment. There are currently a few bills in process most having  
35 to do with eminent domain. One of the elected officials reminded everyone that surveyors need to have  
36 a license to survey in New Hampshire. Even if licensed in other states, they must be licensed in New  
37 Hampshire to survey.

38  
39 Residents of Merrimack have the right to go up to any survey team and request to see the New  
40 Hampshire license. If they do not have one or they cannot provide one, then you can kick them off your  
41 land. You can call the police because they are breaking the law.

42  
43 Ms. Thomas stated the Governor was not there. Her representative took the petition. She is unsure if a  
44 statement has been issued since that time.

45  
46 Councilor Boyd stated his father is a land surveyor. He requested Ms. Thomas be a little cautious about  
47 her comment only because growing up his Dad used to take his brother out in the field with him at the  
48 ages of 10, 11, and 12, and used to send him 400 yards down a line holding a rod and say find the bound

1 and put it there. He stated his brother certainly was not licensed in any capacity, but he was helping his  
2 Father, who was licensed go about the task of accomplishing the job that was assigned to him.

3  
4 Ms. Thomas stated her belief it is the team that needs to be licensed not necessarily every single person,  
5 but she may be wrong.

6  
7 Councilor Boyd responded he is just saying there could be a team of rodmen that don't necessarily need  
8 to be licensed, they are just there to do labor work to assist whoever the license....

9  
10 Ms. Thomas interjected and stated she would have to read the law, she does not know what the law  
11 states. If the law states that everyone needs to be licensed then everyone needs to be licensed.

12 Councilor Boyd responded that he accepts the point.

13 Ms. Thomas stated if you are going to confront someone else on a survey team please do it with  
14 someone else as a witness. This is obviously a very heated topic and people sometimes don't behave the  
15 best they can.

16  
17 James Ferreira, 7 Maryann Lane

18  
19 Remarked to Chairman Harrington's last point in regard to whether we are legally able to withstand  
20 survey rights, she is correct we're not. North Reading along with other small towns in Massachusetts  
21 has denied public survey rights to Kinder Morgan regardless of the law. Kinder Morgan is now  
22 spending money to go through the courts to get that overturned. They will be overturned, but it is  
23 another roadblock. He commented they put the Council and Merrimack's residents through difficulties  
24 for the better part of a year so why not throw another curveball at them and make them do that.

25  
26 He commented they are actually withholding dividends in quarter 4 to help raise money and solidify the  
27 company. It is the first time they have done so in years. It is either \$.11 or \$.13 a share, which equated  
28 to almost \$300 million. To date, 70% of land owners in New Hampshire and about 62% in  
29 Massachusetts have denied survey rights. Councilor Boyd suggested their bond rating is much more  
30 worthy of attention than a cut in a dividend because a cut in a dividend would indicate that they are  
31 looking to retain capital to be able to do what they need to do. Mr. Ferreira responded part of the  
32 reasoning for retaining some of that dividend profit was to stabilize another company that they actually  
33 purchased about 50% of. They are not using it to fight necessarily the NED project, but they had to do  
34 that to balance out their portfolio to stabilize that other company because it was kind of heading south.  
35 Vice Chairman Mahon commented the stock price is down 65% since April.

36  
37 Gina Rosati, 15 Dunbarton Drive

38  
39 Stated the price of the pipeline has all of a sudden dropped from \$5 billion down to \$3.3 billion, and that  
40 is because only the market path has actually been approved for investors and that is the part that goes  
41 from Wright, New York to Dracut, MA. The part that goes from Pennsylvania to Wright, NY has not  
42 yet been approved by their investors.

43  
44 Appointments – None

1 **Public Hearing**

2  
3 **1. Public Hearing – NH Highway Safety Agency Grant for Merrimack Police Department**

4 *Submitted by Lieutenant Paul Trepaney*

5 The Town Council will hold a public hearing to consider the acceptance and expenditure of a grant  
6 in the amount of \$7,547.28, from the New Hampshire Highway Safety Agency for the Merrimack  
7 Police Department to pay overtime DWI patrols, pursuant to Charter Article 8-15 and RSA 31:95-b.

8  
9 Captain Michael Dudash stated for the past 15-20 years the Police Department has applied to the New  
10 Hampshire Highway Safety Agency for grant funding. This year the Department was awarded a grant in  
11 the amount of \$7,547.28 to be utilized for DWI patrols. There would be twenty 6-hour patrols that are  
12 paid by overtime. The patrols are separate from the regular shifts that are out there. It supplements the  
13 patrol force to specifically look for the impaired driver.

14  
15 Assistant Town Manager/Finance Director Micali noted there is no intent to conduct roadblocks.  
16 Councilor Vaillancourt stated appreciation for the information that was provided the Council, and  
17 questioned the spreadsheet for match tracking for personnel and other costs; specifically if that is  
18 something the Department is required to fill out, and was told that is a requirement, and is completed by  
19 Assistant Town Manager/Finance Director Micali. When asked what needs to be tracked, Assistant  
20 Town Manager/Finance Director Micali stated the number of hours, the individual officer, and  
21 associated benefits are tracked for reimbursement.

22  
23 Councilor Vaillancourt questioned the scope of services for traffic enforcement grants; specifically  
24 language that states “Departments are recommended to conduct a minimum of 3 documented stops per  
25 hour.” She questioned how that number was derived, and what would occur if the officer(s) did not  
26 encounter that number of people warranting a stop. Captain Dudash responded that is something that is  
27 asked for. It is not always possible to make 3 documented stops, but from the stats that the Department  
28 has provided for the past 15-20 years, 3 stops per hour is about right. A stop could be anything from  
29 someone with a headlight out, to speeding, to a red light violation, going over the double yellow line,  
30 etc. That is simply an approximate figure that the New Hampshire Highway Safety Agency would like  
31 to see. When asked if the Town would be in jeopardy of losing grant funding if only two stops were  
32 made per hour, Captain Dudash stated the requirements are getting tighter, and there is that possibility.

33  
34 Councilor Koenig stated every other time this has been before the Council he has asked, and been told  
35 there is no quota, restriction, etc., and that the idea is to try and improve safety on the roads. Now it  
36 sounds as if they are tightening up and we are going to try and meet quotas. He commented if that is the  
37 case he is not sure he is interested in accepting the grant funding. Captain Dudash responded he cannot  
38 say it is a quota, but what has happened from what he was told is there have been some departments in  
39 the State that have basically gone out and done zero so they came out with a number of 3 documented  
40 stops. They are not saying it has to be exactly 3, but they are looking for the Police Departments to do  
41 something, not just receive some money and do zero. It has happened in New Hampshire, not  
42 Merrimack, but it has happened in New Hampshire.

43  
44 Councilor Koenig remarked that is what he read when he read through the paperwork is that they want  
45 you to do something, they want you to document what you are doing, and if you don't have any arrests  
46 or stops then you can document that as well, and explain what was going on, e.g., for some reason traffic  
47 was down. It is not like they are going to penalize you if you don't make your 3 per hour type numbers.  
48 Captain Dudash stated agreement.

1 Councilor Koenig noted language that addresses in-kind services the Department is providing in the  
2 order off \$1,455, and questioned if there is a percentage the Department is supposed to be matching.  
3 Captain Dudash stated there to be no matching element.

4  
5 Councilor Koenig noted on Part 7, Budget, at the bottom it states: “Please also provide the amount of  
6 matching funds you intend to contribute to this project. Matching funds are your department’s  
7 contribution to this project. For example, additional enforcement patrol fuel costs, administrative time  
8 and Supervisor time that are not funded by this grant.” It says administrative cost \$1,155.24, vehicle  
9 fuel and maintenance \$300. Captain Dudash responded he believes what they are saying is if an arrest  
10 were made there would be supervisory oversight; that we wouldn’t charge for that, obviously we would  
11 use our fuel so if you were calling it matching we would be paying for the fuel and pretty much anybody  
12 else for backup officers who were part of an arrest. In other words, we would not bill for that.

13  
14 Councilor Koenig noted the Notice of Public Hearing states the public hearing is for overtime patrols for  
15 DWI enforcement by officers of our agency pursuant to RSA 31:95-b, but in the proposed solutions part  
16 5 on page 4, it says that although the focus will be on removing impaired drivers from the roadways, all  
17 motor vehicle laws will be enforced by these patrols to include the recently enacted Hands Free Law and  
18 the New Hampshire Child Safety Restraint Laws. He remarked the Department would not be solely  
19 focused on DWI and the removal of potential crash situations you are actually doing a full patrol search  
20 while you are out on the roads. Captain Dudash stated that to be correct.

21  
22 Councilor Koenig reiterated it comes across in the Public Hearing Notice that it is strictly for DWI  
23 patrols, and in the past that is what he has heard; these are officers that will spend their time focusing on  
24 DWI, and this proposed solution says they will spend their time focusing on all police work with a  
25 concentration on DWI. Captain Dudash remarked he believes it to be all motor vehicle related. He  
26 remarked most DWI arrests come from minor things. It could be someone on a cell phone, etc.

27  
28 Councilor Boyd noted language that states “If patrols result in few traffic stops please provide an  
29 explanation on the activity report as to why an officer was unable to make the recommended number.”  
30 It is not a requirement, it is recommended. He provided the example of an officer in a particular  
31 location of Town clocking drivers and not picking up anyone in which case the report would be the  
32 officer was at X road between X hour and X hour; heavily traveled road, bus stops, typical route to the  
33 Transfer Station, etc., and people were driving the limit. He imagines the New Hampshire Highway  
34 Safety Agency will look at that information in terms of driver behavior at a given time on a given day  
35 with specific conditions. Even though there may not be any complicity to whatever the recommended  
36 number is of the grant, at least they are providing data back to the people in question so that information  
37 can be filtered down not just to Merrimack but all of the other law enforcement agencies in the State.

38  
39 *Chairman Harrington declared the Public Hearing open at 8:24 p.m.*

40  
41 No public comment was offered.

42 *Chairman Harrington declared the Public Hearing closed at 8:25 p.m.*

43  
44 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept and expend a**  
45 **grant in the amount of Seven Thousand Five Hundred Forty Seven Dollars and Twenty Eight**  
46 **Cents (\$7,547.28), from the New Hampshire Highway Safety Agency for the Merrimack Police**  
47 **Department to pay overtime DWI patrols, pursuant to Charter Article 8-15 and RSA 31:95-b, and**  
48 **furthermore that the Town Manager and/or her proxy be authorized to sign any and all**  
49 **documents necessary to accept and expend said grant funding.**

1 ON THE QUESTION

2  
3 Councilor Boyd commented on having learned that Lt. Trepaney is retiring from the Merrimack Police  
4 Department. He remarked he has been a key component in a lot of the grants brought before the Council  
5 to make us one of the safety communities in the United States, but also to edify the commitment that  
6 Chief Doyle and all of us have made to community policing. He thanked him for the work he has done,  
7 and remarked he looks forward to learning who will take over for him acknowledging they are big shoes  
8 to fill.

9  
10 Captain Dudash stated that would be Sergeant Levesque, soon to be Lieutenant Levesque.

11 **MOTION CARRIED 5-1-0**

12 *Councilor Koenig voted in opposition*

13  
14 Councilor Rothhaus remarked Councilor Koenig's commentary has him questioning this grant as well to  
15 a degree. He remarked he is very frustrated over the Hands Free Law as he feels it unnecessary. Had he  
16 felt it appropriate, one of his questions would have been how many people have been ticketed for cell  
17 phone use. He stated he is supportive because he wants to believe it is for the primary purpose of DWI  
18 patrol.

19  
20 **Legislative Updates from State Representatives** - None

21  
22 **Town Manager's Report**

23  
24 The Parks & Recreation Department's new Winter Activities Brochure is now available. Printed copies  
25 can be picked up at Town Hall, Merrimack Public Library, and the John O'Leary Adult Community  
26 Center. They are also available online through the Parks & Recreation Department's website  
27 at [www.merrimackparksandrec.org](http://www.merrimackparksandrec.org).

28  
29 The Annual Holiday Parade & Tree lighting ceremony was held on Sunday, December 6<sup>th</sup>. An  
30 estimated 600 people were in attendance at the Tree Lighting.

31  
32 Update on the Bean Road and McGaw Bridge Road bridge replacements:

33  
34 **Bean Road Bridge:**

35  
36 Tree clearing is complete and the contractor is preparing for the installation of the waterline (the existing  
37 waterline runs under the existing bridge and needs to be relocated). The waterline work should last  
38 through the next couple of weeks. The contractor is installing erosion control measures to protect  
39 Baboosic Brook as they disturb each area.

40  
41 **McGaw Bridge Road Bridge:**

42  
43 Work is scheduled to begin following the closure of the bridge on December 28<sup>th</sup>. Please help spread  
44 the word of the road closure. The detour route will be signed to utilize Wire Road and D.W. Highway  
45 for the duration of the project. Tree clearing is scheduled for the 29<sup>th</sup> and 30<sup>th</sup>.

46  
47 The Planning Board granted conditional approval to the Flatley multi-family site plan at their meeting  
48 on December 15th. The project calls for the phased construction of 240 multi-family residential units,

1 and is the first phase of the mixed-use development of the property.

2  
3 The Planning Board heard presentations from the Town and School District on their proposed Capital  
4 Improvements Plans on December 15th. Memos with the Board's recommendations have been sent to  
5 the Council Chair and the School Board Chair. The Board will review the MVD's CIP in January.

6  
7 Merrimack Fire Rescue would like to remind everyone to use care when celebrating this Holiday  
8 Season:

- 9  
10 - Fresh cut Christmas trees need water daily.  
11 - Keep trees at least 3 feet from all heat sources.  
12 - Replace any lights that are worn or have broken cords or loose bulbs.  
13 - Unplug the tree lights before leaving your home or going to bed.  
14 - Blow out all candles when you leave the house or go to bed.  
15 - Do not leave cooking unattended.  
16 - Ask smokers to smoke outside and provide a large deep ashtray away from combustibles.  
17 - Treat ashes from wood stoves or fireplaces like they are not completely extinguished.  
18 - Place ashes in a covered metal bucket and store the bucket outside your home on a non-combustible  
19 surface.

20  
21 If you follow these simple tips you can ensure you and your family has a safe, enjoyable holiday season.

22  
23 Councilor Boyd stated he was driving Wire Road and saw the sign at McGaw and Wire. He questioned  
24 if there is a comparable sign at the other end; D.W. Highway and McGaw. Kyle Fox, Deputy Director,  
25 Public Works Department, responded one will be placed there.

26  
27 **Consent Agenda** - None

28  
29 **Old Business**

30  
31 **1. MYA Financial Audit Review**

32 *Submitted by Finance Director Paul T. Micali*

33 To review the financial audit statements of the Merrimack Youth Association (MYA) for the year  
34 ended June 30, 2015.

35  
36 Assistant Town Manager/Finance Director Paul Micali, stated there to be a few issues with the report on  
37 the MYA Financial Audit for June 30, 2014 provided by Melanson Heath Accountants/Auditors. They  
38 have provided a Disclaimer of Opinion, which usually is not a huge deal; however, in this instance it is  
39 important to understand why it was received. This is the second year in a row that the MYA's audit  
40 resulted in a Disclaimer of Opinion. If they were an organization seeking financing from a bank, the  
41 bank could pull financing, close out their line of credit, call lines of credit, etc. based on this Disclaimer.  
42 The Disclaimer received this year was based on the auditors not being provided with enough  
43 information to conduct the audit. What was provided the Council is not an audit but rather a  
44 compilation. They did not have enough facts to be able to report that the numbers are solid. The MYA  
45 is a \$500,000 organization. They had about \$436,000 worth of expenses during this year and about  
46 \$65,000 worth of profit.

47  
48 Assistant Town Manager/Finance Director Micali stated what concerns him about the Disclaimer is the  
49 recommendation to improve internal controls over their financial reporting. That is a material weakness.

1 When asked, he explained internal controls are procedures put in place to provide assurances the  
2 financial wellbeing of the company is looked after, e.g., cash management/documentation, expenditure  
3 management, etc. Approximately three years ago when the Town was working on the last contract with  
4 the MYA that was one of the major issues the Council was concerned with. He stated reading this  
5 documentation about internal controls, centralized set of books, supporting documents, copies of checks,  
6 invoices, bills, etc., those are all things that were discussed three years ago with the MYA. He stated his  
7 understanding it is a volunteer organization, that Ms. Golden is new in the position of Treasurer, and that  
8 there are volunteers in the position of Treasurer in each of the programs. However, it might be time that  
9 a \$500,000 organization hired a Treasurer on a part-time basis to come in once a week to do deposits,  
10 write checks, etc.

11  
12 Chairman Harrington stated her recollection that discussion had occurred previously, and she believed  
13 there to have been some assurance provided that would be done. She questioned if that has not  
14 occurred. Brian Harris, Vice President, MYA, responded it has not.

15  
16 Assistant Town Manager/Finance Director Micali stated there are some practices that need to be in  
17 place. They have the tools, the documentation, and the internal controls that were written up three years  
18 ago, which were vetted through Melanson Heath. He noted the current contract expires on June 30,  
19 2016. As of this time half of the year's payment or \$36,000 has been provided to the MYA. They are  
20 due another payment on January 8, 2016 of \$18,000 with the final yearly payment of \$18,000 in April  
21 for a total of \$72,000. He noted Item #17 of the contract (page 3 of 8) states that the MYA should  
22 "adopt and apply the internal control procedures attached immediately and provide this by each October  
23 31<sup>st</sup>". They are not compliant with that.

24  
25 Chairman Harrington stated the MYA received a letter of non-compliance in November, but that had to  
26 do with the timing of submittal of the audit.

27  
28 Mr. Harris stated the MYA did everything it could to get that audit in on time to the Town Council to  
29 show the efforts being taken to get controls in place. They were waiting for one program to get  
30 information to them, which did not happen. Without a response Tom Thornton, President, MYA, made  
31 the decision to get the information they had in. After that submittal, they were finally provided with the  
32 reports, and all of the information was provided to the Auditor. However, the information was late and  
33 was not included as part of the report.

34  
35 Assistant Town Manager/Finance Director Micali stated he has no knowledge of that, but if that is the  
36 case, he would ask the Auditor to revise his Management Letter to the MYA, actually issue financial  
37 statements and remove their Disclaimer.

38  
39 Mr. Harris questioned if the financial Disclaimer was a way for the audit firm to protect themselves.  
40 Assistant Town Manager/Finance Director Micali responded the financial Disclaimer is a way of their  
41 protecting themselves, but it is a way to make anybody who reads the financial statements aware not to  
42 rely on the numbers that are being presented. It is a way for the Auditor to tell the public you cannot  
43 rely on these numbers because he could not verify the numbers. Mr. Harris remarked he does not  
44 understand why the Auditor could not verify the numbers as he was provided with all of the information  
45 the MYA has. Assistant Town Manager/Finance Director Micali remarked now he does, which is why  
46 he was saying there is the need for the Auditor to re-issue the financial statements. He stated the  
47 Management Letter is damning; an internal control material weakness on any financial statement is one  
48 of the worst things you could possibly get.

1 Councilor Dwyer noted page 4 of the report identifies the numbers provided to the Auditors. The two  
2 big numbers that come together are the total revenue (\$501,543), total expenses (\$436,000), and a  
3 change in net assets of \$64,000. He remarked he is trying to focus on the audit recognizing and not  
4 challenging revenues and expenses. At least these numbers are the heart of the matter on how they are  
5 running. He remarked he is looking for some silver lining that can be built upon. He remarked  
6 everyone would like the MYA to have the assistance they need to become more professional because  
7 they are dealing with half a million dollars and that type of assistance is necessary.

8  
9 Chairman Harrington questioned if the numbers are accurate or not. Assistant Town Manager/Finance  
10 Director Micali stated this is what they received from the MYA and how they generated the report. He  
11 stated he is unsure of which program had not provided information in a timely manner. If it was one of  
12 the smaller programs the auditors could probably verify most of the income. If it was one of the larger  
13 ones, then they could not verify it. They verified some amount of the revenue, but could not verify all of  
14 it. Councilor Dwyer remarked his point is had there been a red flag he believes they would have pointed  
15 to that, e.g., instead of a general Disclaimer they would have been more forceful in their language.

16  
17 Assistant Town Manager/Finance Director Micali stated everybody watching these proceedings should  
18 understand there is some good that came out of this. He quoted from the report the following: “We  
19 have not identified or obtained information that indicates that fraud may have occurred.” That is a  
20 financial assurance here. They need to follow their procedures, get them up and running, centralization,  
21 get the information to the Auditor in a timely manner, and get their report reissued.

22  
23 Mr. Harris commented they have started internal controls. He spoke of having changed firms and no  
24 longer being with Vachon & Clukay. The transfer of information took time. Ms. Golden has just  
25 stepped up into the position of Treasurer. She recently came on the Executive Board. This was thrown  
26 on her to complete in 3-4 weeks’ time. He spoke of a good deal of turnover occurring at the MYA.  
27 Chairman Harrington commented that only enforces the idea of hiring a part-time Treasurer. The  
28 consistency that can be gained to ensure stability in that position is something that needs to be  
29 considered.

30  
31 Holly Golden, Treasurer, MYA, remarked one of the reasons she stepped up to be on the Executive  
32 Board was due to the fact she is an Accountant by trade. She does not perform auditing, but does  
33 financial accounting for corporations. She understands how it all works. She stated her hope, after the  
34 audit and having the findings, they can make good going forward.

35  
36 Vice Chairman Mahon stated the Council has been hearing this for 6 years. It is the same thing every  
37 year. The Town put a contract in place with the MYA three years ago, and they remain out of  
38 compliance with the contract in terms of internal financial controls. Looking at the audit statement, it  
39 appears they are not in need of the Town’s funding. He spoke of the need to be in compliance with  
40 internal financial controls, which are for the protection of the MYA and the kids they are trying to  
41 provide programming for.

42  
43 Vice Chairman Mahon suggested the first question that should be asked of the Auditor is do you have  
44 the information so you can issue us an amended report. If they can’t you don’t want to waste any more  
45 money after having spent \$14,400 to get this kind of report. He commented, from his perspective, it is  
46 exasperating. He remarked when you see the number of youth organizations around the State that had  
47 their people embezzling money from them because they didn’t have the internal financial controls in  
48 place because everybody thought everybody else was honest and they were all trying for the benefit of  
49 the kids. Times have changed and the insistence of the financial accountability has increased

1 exponentially in the last ten years. He added it is very hard to sit in this position for the time he has  
2 spent on this Council dealing with these kinds of issues, and hearing the same thing every year; the same  
3 issues and the same assurances.

4  
5 Councilor Vaillancourt stated while she agrees with a lot of what Councilor Mahon has stated, she  
6 wished to thank Mr. Harris and Ms. Golden for stepping up to leadership positions as she understands it  
7 is a thankless job. She commented they are new to this, have just stepped up, and we don't need to be  
8 beating them about the head, which she feels like Councilor Mahon just did. She stated his frustration  
9 was not with them but rather the process and what has happened. The issues raised regarding  
10 embezzlement are, unfortunately, very real. She spoke of the Council being responsible for taxpayer  
11 money going to an organization that doesn't have the checks and balances in place. She is not sure what  
12 the answer is. The Council has been hearing this for a long time. She sees a lot of progress being made  
13 and believes things are headed in the right direction. She stated her opinion the part-time paid Treasurer  
14 position might be the ticket to gain the needed stability. She remarked she personally likes the fact that  
15 the Town supports the recreation efforts of the MYA. She reiterated she would not want them to walk  
16 away from the meeting thinking the situation was being taken out on them personally. She commented  
17 she appreciates the fact they attended the meeting knowing they would probably hear it.

18  
19 Chairman Harrington stated she agrees with both of the speakers, and commented she has been on the  
20 Council long enough to have dealt with this for several years, and unfortunately it sounds as if we are  
21 killing the messenger. She remarked there is a certain amount of frustration. People come with all good  
22 intentions, but the Council has a responsibility to the taxpayers. She stated her belief 90% of the issues  
23 would be resolved through the hiring of a part-time Treasurer. She spoke of the nature of the  
24 organization; as people's children age up there is turnover. Were there a part-time person employed the  
25 MYA would not have to continually be picking up the pieces resulting from turnover as there would be  
26 consistency in that Treasurer position.

27  
28 Mr. Harris stated they do not disagree on the issue of a part-time person. But they have someone that is  
29 qualified willing to step up and take that role. He stated it was a mess, and Ms. Golden has done a  
30 fantastic job. If she is volunteering her time, while she is still here, why can't she do the job? He  
31 suggested she be given a chance before looking for someone else. Chairman Harrington responded there  
32 is a middle ground; you can still have a part-time person with people augmenting and assisting along the  
33 way. Mr. Harris stated he agrees with that, but why have two people doing the same job butting heads.

34  
35 Councilor Boyd responded because two sets of eyes are better than one. Mr. Harris remarked now we  
36 have two hands in the till. Councilor Boyd stated that would be instead of the number of organizations  
37 that have individual Treasurers. Councilor Rothhaus commented he believes Ms. Golden is qualified  
38 and the MYA does not have to hire someone. If Ms. Golden has given a commitment, hiring someone  
39 doesn't change it if that person is part-time. He remarked he can see the difficulties in having a program  
40 that won't cooperate, etc. There has to be some mechanism in place whereby if a program does not  
41 provide the necessary financial information then you prohibit the individual from operating as Treasurer  
42 for that program, and take it over. He stated if they would do that he would be much more comfortable.  
43 He is not willing to pull the plug on the contribution, but he definitely needs some assurances. If that  
44 could be a primary focus, he would be thrilled and content knowing that those priorities are taken care  
45 of. As Councilor Mahon stated it is for your protection. Even if the Town didn't put a penny into it you  
46 should really still do this and make it work.

47  
48 Assistant Town Manager/Finance Director Micali stated he and Ms. Golden met tonight. He is sure she  
49 is qualified to do it. The thing is with a volunteer it is just that a volunteer. Nothing against Ms.

1 Golden, but she is sure to have other obligations. If you are paying someone to do it, pay Ms. Golden,  
2 now they have a responsibility to the organization to get it done. The problems in the past have always  
3 been stated as the individual is a volunteer and has other obligations, etc. A paid position would provide  
4 more continuity to the program.

5  
6 Councilor Rothhaus remarked he suspects unless hiring an accountant from an established firm to come  
7 in and do that; if it is a part-time person who is certified correctly and that is the only thing they are  
8 doing, you have about as much commitment as a volunteer who is there with the same credentials and  
9 not getting paid. If hiring an Accountant from an established firm and that person is dedicating 4 hours  
10 a week to the MYA and they are working for someone and held accountable that is the only way you  
11 will have something different.

12  
13 Councilor Dwyer questioned what support there might be for a motion stating the Council would no  
14 longer be making payments to the MYA until an accountant has been hired.

15  
16 **MOTION made by Councilor Dwyer and seconded by Councilor Harrington that until such time**  
17 **as the Merrimack Youth Association hires a professional Accountant to handle their books, all**  
18 **future payments to the organization will be withheld**

19  
20 ON THE QUESTION

21  
22 Councilor Vaillancourt questioned if that is something that would be addressed with the contract. She  
23 remarked she does not know that the Town Council has jurisdiction over their Executive Board to force  
24 them to hire someone. She questioned if that is something that would have to be addressed in the next  
25 contract, and reiterated her belief the only thing the Council has control over is whether or not the funds  
26 are provided.

27  
28 Vice Chairman Mahon stated the Council ought not to be dictating how they organize their organization.  
29 What we ought to be saying is there are certain standards we want to have observed like two people  
30 signing a check and some kind of a check and balance on the process. Some of the things mentioned in  
31 the Auditor's comments have been talked about for the same period of time and it hasn't been  
32 implemented yet.

33  
34 Councilor Dwyer stated he has been on the Council for 5 years and has gone through it all too. One of  
35 the things he said many years ago was up your prices for your league so you don't need our money, and  
36 then you can tell all of us to go to heck. That has always been an option too. Then there is no contract,  
37 and there is no supervision. It is an out. Mr. Harris stated that is not the out they are looking for. They  
38 don't want to do that. They want to do it the right way. Councilor Dwyer responded then he would say  
39 order the MYA to hire an Accountant.

40  
41 Councilor Rothhaus commented if Ms. Golden gets \$5/week then perhaps that is a hired paid  
42 professional. He stated he does not get the point of the motion.

43 **MOTION FAILED**

44 **1-6-0**

45 *Councilors Harrington, Mahon, Boyd, Koenig, Rothhaus, and Vaillancourt voted in opposition*

46  
47 Chairman Harrington suggested the Town Council write a letter of non-compliance related to the point  
48 of not having internal controls, and that funding be withheld until the MYA can demonstrate they have  
49 internal controls.

1 Ms. Golden stated she has made a commitment, and they will commit to try and make that change  
2 happen. She noted she would only have 6 months before the next contract. Chairman Harrington stated  
3 she has the ability to work with Assistant Town Manager/Finance Director Micali who stated he would  
4 help her.

5  
6 Ms. Golden stated she has worked with the auditing firm in the past, and she chose them knowing they  
7 would support her and her efforts to try and get the MYA uniform and internal controls in place.

8  
9 Vice Chairman Mahon noted, per the contract, it is a 30-day notice. Ms. Golden questioned the kind of  
10 changes the Council would expect to see in 30 days. Chairman Harrington commented she had not  
11 intended a 30-day period. Speaking in regard to the expectations, Vice Chairman Mahon there are four  
12 issues identified within the Management Letter. Those are the issues the auditors believe to be the major  
13 issues. That is the starting point; those four items need to be dealt with in some fashion. He commented  
14 he realizes centralizing the books is going to be like pulling teeth, and will likely be the most time  
15 consuming piece to address. However, the other pieces are pretty simple.

16  
17 It was suggested the Assistant Town Manager/Finance Director report back to the Board in a month's  
18 time on whether or not progress has been made. If, at that time, it is reported sufficient progress has not  
19 been made, the Council could consider further action.

20  
21 **MOTION made by Councilor Harrington and seconded by Councilor Boyd that a letter of Non-**  
22 **Compliance be sent to the Merrimack Youth Association relative to contract language around**  
23 **internal controls (#17), and that payments be suspended unless and until authorization is received**  
24 **from the Council to resume payments**

25  
26 **ON THE QUESTION**

27  
28 Chairman Harrington stated the expectation would be that the Council would receive periodic updates  
29 on progress being made to implement the recommendations of the Management Letter.

30  
31 **MOTION CARRIED**

32 **6-0-0**

33 *Councilor Dwyer was not present for the vote.*

34  
35 Chairman Harrington stated her desire to continue supporting the MYA. However, stated there has to be  
36 a reckoning. Councilor Koenig remarked he has been on the Council for several years and is aware the  
37 Council has gone through this over and over again. The action being taken is not an attempt to discredit  
38 those appearing before the Council, but the Council has heard the same thing year after year. The  
39 woman that was before the Council last year had stated she was coming in new and was working on it.  
40 Councilor Koenig stated he has a lot of confidence in the abilities of the individuals now appearing  
41 before the Council, but is concerned that the same story is heard year to year; because of volunteers, etc.  
42 He stated it to be critical that controls are put in place that can be passed to the next person so that we  
43 don't have to start from ground zero each time. We have to get beyond the scenario of I just started so I  
44 don't know and I can't explain.

45  
46 He stated they are in a position where they are responsible for half a million dollars of other people's  
47 money, and they have to be responsible for that and careful for it. He commended them for their efforts,  
48 and stated his hope progress can be made.

1 **New Business**

2  
3 **1. Road Acceptance of Pollard Road and Lexi Circle**

4 *Submitted by Public Works Deputy Director Kyle Fox*

5 At the Planning Board meeting on December 1, 2015, per Subdivision Regulations Section 5.01.1(f)  
6 the Planning Board has released the performance bond in favor of the two year maintenance bond  
7 and recommended acceptance of Pollard Road and Lexi Circle by the Town Council. Acceptance of  
8 the road is conditioned upon receipt of the two year maintenance bond in the amount of  
9 \$107,574.40.

10  
11 Deputy Director Fox remarked he was before the Council to pass on the Planning Board's  
12 recommendation to accept Pollard Road and Lexi Circle, which are part of the Wildwood Acres  
13 Subdivision. Prior to this project Pollard Road was a private road that had 1 home on it. It was  
14 previously called Birch Hill Road. The subdivision as approved by the Planning Board in August of  
15 2013 and the contractor did a really nice job building it. Work started in March of 2014 and is now  
16 complete. The Public Works Department has completed all of the inspection work, and recommends the  
17 roads be accepted by the Town Council for maintenance by the Town.

18  
19 Councilor Rothhaus remarked construction of the road is complete, and questioned the purpose of the  
20 maintenance bond. Deputy Director Fox responded any time a road is accepted the Town requires a  
21 two-year maintenance bond. What that covers is any deformities in the work that show up within the  
22 first two years. Being of limited staff the Public Works Department does not have the luxury of  
23 inspecting the project full time so we rely on the contractor to build the job per specification and we do  
24 intermittent inspections as we can. The two-year maintenance bond allows us to have some security that  
25 the job will last. What you might see is a small crack might develop. We have had instances where we  
26 have had contractors go back and do some crack sealing. If the grass doesn't grow they address that,  
27 etc. It is typically very minor things if anything at all. He stated his experience has been that projects  
28 go through the maintenance bond period without any issues at all.

29  
30 Councilor Rothhaus commented he was thinking of a road where work was performed. There was a  
31 maintenance bond that covered the final coat, which was missing on that project. The work was never  
32 completed, and he believes the Town had to go in and take care of it. The cost actually exceeded what  
33 he thought was a maintenance bond. It could have been the original bond for the road. When asked, he  
34 stated he was referring to Merrill Road. Deputy Director Fox stated that had been the original bond. A  
35 maintenance bond had not been issued as the project had never been completed. When the bond was  
36 called there wasn't enough money left in the bond to cover the remainder of the work. Councilor  
37 Rothhaus noted acceptance of the road means the Town owns it. Deputy Director Fox noted until the  
38 Town accepts the road the Public Works Department cannot perform any maintenance on it. Once the  
39 road is accepted it legally becomes a Class V road instead of a private road and the Town has full  
40 maintenance responsibility for the road.

41  
42 **MOTION made by Councilor Mahon and seconded by Councilor Koenig to accept Pollard Road  
43 and Lexi Circle conditioned upon receipt of the two-year maintenance bond in the amount of One  
44 Hundred Seven Thousand Five Hundred Seventy Four Dollars and Forty Center (\$107,574.40).**

45 **MOTION CARRIED 7-0-0**

46  
47 **2. Motion to Intervene - FERC Proceedings**

48 *Submitted by Town Manager Eileen Cabanel*

49 Town Council to discuss intervening in the FERC's proceedings on the Kinder Morgan application.

1 Chairman Harrington suggested an amendment to the proposed Motion to Intervene. The Hospice  
2 facility should be added to page 2 in the listing of properties that would be impacted by the proposed  
3 route.

4  
5 Councilor Koenig questioned the reasoning for amending the document noting it is a Motion to  
6 Intervene. If the Hospice facility is not listed that does not mean the Council could not intervene on  
7 their behalf. Chairman Harrington commented given the Motion identifies the others by name and  
8 knowing one has been missed, it could easily be added in advance of submittal.

9  
10 It was noted the Docket # listed on the draft Motion was incorrect.

11  
12 **MOTION made by Councilor Boyd and seconded by Councilor Mahon that the Town Council file**  
13 **a Motion to Intervene before the United States of America's Federal Energy Regulatory**  
14 **Commission as it relates to the Application by Kinder Morgan/Tennessee Gas Pipeline Company**  
15 **LLC, Docket #CP-16-21-000**

16  
17 **ON THE QUESTION**

18  
19 Councilor Vaillancourt stated her support of the motion. She commented on the multitudes of intervener  
20 motions filed, a good many from municipalities. The Merrimack School District has recently formally  
21 filed a Motion to Intervene as well as the Merrimack Village District. By voting to approve the motion  
22 the Council would be following suit with the other municipalities in Town to engage in the process.

23  
24 Chairman Harrington stated her understanding intervener status allows the Town the legal right to  
25 express its opinion regarding the process and the information. Vice Chairman Mahon stated it gives the  
26 Town standing. If there is some objection to or some part of the law that we feel the FERC did not  
27 comply with we could proceed through the Federal Court system. However, it is necessary to  
28 understand this is an Administrative Law proceeding so there has to be an error of law in their decision  
29 before we would have any chance of success at that type of a proceeding. It was noted it is anticipated it  
30 will take a year before a decision is reached.

31  
32 Councilor Vaillancourt noted if there were hearings and the Council had not gained intervener status, it  
33 could not participate. She stated that to be very important. She noted, as a result of intervener status, all  
34 of the information that is submitted is available to the Council.

35  
36 Assistant Town Manager/Finance Director Paul Micali read the following from the FERC's website:  
37 "An intervener is an official party to the proceedings and enjoys distinct advantages over those who only  
38 file comments. Interveners have the right to participate in hearings before the FERC's Administrative  
39 Law Judges, file briefs, file for re-hearing of a Commissioner's decision, have legal standing in the  
40 Court of Appeals if they challenge the Commissioner's final decision, and are placed on a service list to  
41 receive copies of case related Commission documents and filings by other interveners."

42 **MOTION CARRIED 7-0-0**

43  
44 **3. Presentation of Proposed 2016/17 Town Manager Budget**

45 *Submitted by Town Manager Eileen Cabanel*

46 Town Manager will present her recommended 2016/17 budget to the Town Council.

47  
48 Assistant Town Manager/Finance Director Micali provided a PowerPoint presentation (can be viewed  
49 [here](#)). When looking at the budget there is the need to take into account both revenues and

1 appropriations. At a Council meeting in November there was discussion of a decrease in revenues of  
2 approximately \$300,000. Since that time other revenues have been reviewed, and increases in revenues  
3 have been identified, which will offset that shortfall of \$300,000 in insurance rebates.

4  
5 Motor vehicle permits are running at about \$4.2 million. As a result it is believed the anticipated  
6 revenue can be increased by \$175,000 above the FY16 budget. An additional \$50,000 of cable franchise  
7 fees could be allocated to General Government to make the total revenue allocation from cable franchise  
8 fees \$150,000. Currently the Town receives approximately \$360,000/year in cable franchise fees.  
9 Ambulance revenue is anticipated to increase by \$25,000. A very good job is being done of collecting  
10 those costs. The court went to electronic filing, which has increased the number of people who are  
11 paying those costs perhaps because they are receiving notification from the Sheriff. An increase of  
12 \$5,000 has been attributed to miscellaneous revenue. Revenue from sale of property has increased by  
13 approximately \$20,000. As a result, the net revenue decrease is approximately \$25,000.

14  
15 With regard to appropriations, property liability came in with a Guaranteed Maximum Rate (GMR)  
16 increase of 7% or \$15,000. The largest appropriation listed was the 53<sup>rd</sup> week of payroll at \$226,000.  
17 This happens every 5-7 years. The Town signed some very lucrative contracts for electrical and natural  
18 gas. The increase is \$18,000. Vehicle maintenance is estimated at \$17,000. Street sweeping, to go  
19 along with the permit, has to be increased by about \$7,000 (cost of \$56,000/year). Office and  
20 communication equipment is estimated to increase by \$9,000. Tipping fees are increasing \$1/ton or  
21 approximately \$34,000. The Town has signed a three-year contract to dispose of recyclables. We are in  
22 the second year of our contract, which increased to \$15/ton or \$14,000. It still takes money out of our  
23 stream (\$15 versus \$68 for a savings of \$53/ton). The rate has been increased to commercial haulers  
24 that come in and dump recycling (\$15/ton). Library materials increased by about \$6,000 (above the  
25 FY16 budget). When asked what was budgeted for FY16, Assistant Town Manager/Finance Director  
26 Micali stated it to be around \$70,000 - \$75,000.

27  
28 The GMR increase for health insurance came in at 6.4% or \$77,000. Miscellaneous wage adjustments  
29 account for \$50,000, costs associated with elections (1 additional election) increased by \$9,000. The  
30 budget for the Last Rest Cemetery increased by about \$5,000. The Cemetery has used their capital fund  
31 to perform maintenance on the Town's portion. The belief is \$5,000 would be a reasonable amount to  
32 help offset the cost for the Town portion of the cemetery. They have a plan to keep expanding more on  
33 Hill Side Terrace (back portion of the cemetery). Miscellaneous is \$33,000. That is the pluses and  
34 minuses throughout the budget. The Adult Community Center is an increase of \$7,000. The Center is  
35 looking for help in painting the inside of the building. In addition, the two glass front doors are not up  
36 to fire code and have to be replaced. Overtime was identified as \$123,000; Highway is about \$15,000  
37 (average of past 3-4 years), Solid Waste is about \$7,000. When they bring in help on a Saturday it is  
38 overtime. Although their employees work Tuesday through Saturday, if someone takes the day off, the  
39 person that provides coverage has already worked his 40 hours. The intent is to increase their overtime  
40 line to more accurately reflect actuals. Miscellaneous is \$4,000 and includes Police, Communications,  
41 Town Government, etc.

42  
43 Fire is identified as \$97,000. A review was done of the number of calls, runs, duplicate runs, and the  
44 potential for 4 new firefighters. Consideration was then given to four new firefighters for half a year.  
45 The yearly cost for four new firefighters is roughly \$372,000. They work 24-hour shifts and there are 4  
46 battalions. Half a year would cost about \$183,000. They looked at what it would take to staff the Fire  
47 Department. They figured the cheapest way to do that was to increase their overtime by \$97,000 instead  
48 of bringing in four new firefighters with benefits, etc. Total increase is approximately \$816,000 over the  
49 FY16 budget.

1 There are savings in the following areas: Debt service is being reduced (\$14,000), compensated  
2 absences is being reduced (\$14,000). There is the need to account for costs that would be incurred if  
3 those employees who are eligible to retire chose to do so, e.g., accrued sick time, vacation time, etc.  
4 Other capital/building maintenance will be reduced (\$62,000). Dispatcher/Animal Control Officer  
5 position was reduced (\$16,000). Total savings is anticipated to be \$125,000. That results in a total  
6 General Fund increase of \$691,000.

7  
8 Assistant Town Manager/Finance Director Micali stated there was an opportunity to look at the  
9 Dispatcher position and that of the Animal Control Officer through vacancies. Being proposed is  
10 reducing two part-time Dispatchers (currently vacant positions), which have been hard to fill and hard to  
11 keep people in the positions, and adding a full-time Dispatcher. That will be a net cost of \$27,000. Not  
12 wanting to increase full-time staffing, the decision was made to reduce the full-time Animal Control  
13 Officer to a part-time position at a savings of \$43,000. The net result was a savings of \$16,000.

14  
15 A slide was displayed titled Town Manager Proposed Budget – General Fund. Assistant Town  
16 Manager/Finance Director Micali explained the first column is the total appropriation the Town  
17 Manager is proposing for the General Fund. He reminded the Council the top half of the slide  
18 represented just the General Fund (all departments). The total proposed budget for FY17 is  
19 \$28,654,835. In order to do an apples-to-apples comparison from year to year the Capital Reserve Fund  
20 Deposits were removed from the proposed appropriations (\$1,612,000) as well as one-time capital  
21 building maintenance items (\$194,500), allocations associated with road infrastructure (\$750,000) and  
22 Capital Reserve Fund Expenditures (\$4,058,500; also includes State funding; for TAP Grant and 80%  
23 match for the Bedford Road bridge project). Chairman Harrington requested clarification the Town has  
24 to list monies received from the State as a capital expenditure. Assistant Town Manager/Finance  
25 Director Micali responded it is gross appropriation. The State of New Hampshire has an RSA that says  
26 Towns have to gross appropriate meaning you have to account for all appropriations. Councilor  
27 Rothhaus commented it was not long ago that it was not done this way, and in fact we held Public  
28 Hearings to do that. This is a more honest transparent way to do it, but it is a little more difficult  
29 because when you see from \$22 million to \$28 million from one year to the next it can be frightening.  
30 Chairman Harrington commented slightly over \$4 million of that is one Capital Reserve Fund, which  
31 means the monies are already in place, and will be spent. Assistant Town Manager/Finance Director  
32 Micali remarked we are spending our savings account for what we saved for, and the State monies.  
33 Total operating fund request is \$22,039,835 for the General Fund.

34  
35 The lower portion of the slide identified self-supporting funds. These are items such as outside details,  
36 the cost of which is paid for by outside vendors utilizing that service, day camp, which is covered  
37 through their revenues, fire protection services off of Manchester Street, which is provided by  
38 Pennichuck. The Town is billed and then in turn bills those who are actually involved in that fire  
39 district. Wastewater is an Enterprise Fund. Total Enterprise Fund is \$5,711,271. There is offsetting  
40 revenue of \$5,711,271. An apples-to-apples comparison from FY16 to FY16; the net increase is about  
41 \$586,000 or 2.7%.

42  
43 With regard to Capital Reserve Funds, in FY16 the Town had \$1.4 million, and is looking for an  
44 appropriation of \$1.6 million or an increase of \$166,000. Assistant Town Manager/Finance Director  
45 Micali remarked it was not long ago that the Town was only putting \$300,000 in the Capital Reserve  
46 Funds, and was still spending the \$3 million - \$4 million. The Town Manager has indicated in the past a  
47 desire to see about \$1 million put into the Capital Reserve Funds. We are trying to make up for those  
48 years where we had \$300,000 - \$500,000 that we put in.

1 With regard to Building and other Capital, it was noted renovations are needed at the South Fire Station  
2 (#2). The concept of looking at another station has been moved out another year, and there are some  
3 improvements that need to be done at the current facility. Parks and Recreation went from \$40,000  
4 down to \$3,000. Highway is a wash (\$11,000 versus \$12,000). Building Maintenance and Highway  
5 went from \$75,000, which was a roof repair, down to about \$18,500, which is a fire alarm system  
6 upgrade to code. The buildings and grounds repairs are associated with windows for the east building.  
7 Those windows are about 30 years old. Road infrastructure is zero. General Fund, before Capital  
8 Reserve expenditures is \$690,842 or a 2.89% increase. Then there are the Capital Fund expenditures of  
9 \$4,058,500 resulting in a total General Fund of \$28,654,835.

10  
11 A slide was shown highlighting the projects being proposed that would utilize funding from the Capital  
12 Reserve Fund. Under Computer Equipment; licensing/computer server upgrades (\$30,000), under Fire;  
13 pickup/forestry truck (\$85,000), inflatable boat (\$15,000); if a boat launch is not available that is the  
14 boat the Fire Department would use on river rescues. Under GIS; thermal imaging cameras (2 for  
15 \$40,000), upgrade to the GIS system (\$135,000). That expense is associated with the aerial  
16 photography. The GIS system is over 10 years old. This will be the third year of savings (\$65,000);  
17 however, \$135,000 is being utilized for the photography. Under Road Infrastructure; Souhegan River  
18 Trail (\$586,000) of that \$436,000 is TAP funds. The Bedford Road bridge (\$2,727,500) of which \$2.1  
19 million is State Bridge Aid. Under Highway; dewatering improvements (\$100,000), 6 wheel dump  
20 truck (\$170,000) and sidewalk tractor (\$125,000). Under Library Maintenance; sidewalk/parking lot  
21 repairs (\$45,000). The total is \$4,058,500. Sewer Infrastructure (\$248,000) brings the total to  
22 \$4,306,500.

23  
24 Total Appropriations to the General Fund were listed as \$28,654,835 and self-supporting funds as  
25 \$5,711,271. Grand total for all funds was stated to be \$34,366,106.

26  
27 A slide was shown providing a summary of revenues. General fund non-tax revenues will increase by  
28 \$274,905. Insurance Rebate Health Trust is a decrease of \$300,000. The Health Trust has informed the  
29 Town we will not receive a rebate next year. Capital Reserve increase is \$1,336,166. Self-supporting  
30 funds revenue is an increase of \$831,950. The grant total for revenues is \$2,443,021. Detail was  
31 provided for sale of property, ambulance fee, cable franchise fee, motor vehicle permits, and  
32 miscellaneous increases (\$274,905) and the reduction of the insurance rebate (\$300,000). The total net  
33 revenue decrease for the General Fund is \$25,095.

34  
35 Vice Chairman Mahon questioned what is seen as sale of property. Assistant Town Manager/Finance  
36 Director Micali responded sale of property is any vehicle, fixed asset that is for sale. He commented the  
37 Purchasing Agent has worked diligently. She has put stuff on eBay, Municibid, etc. We sell tables,  
38 chairs, video cameras, etc. Whatever is good enough to sell, based on the municipal law that says if it is  
39 bought with appropriated dollars from taxpayers you need to have an auction to sell it. We utilize every  
40 auction imaginable. When asked, he stated the amount is based on a moving average. It was noted if a  
41 property were taken for Tax Deed it would be included under that category.

42  
43 The slide titled 2016 Proposed Tax Rate lists the subtotal for appropriations (\$34,366,106). From that  
44 the total revenue number (\$18,413,354) is subtracted. Overlays are listed as \$375,000. Next December  
45 the Town will undergo a revaluation. Property values are anticipated to increase, which necessitates  
46 planning for additional abatements. Veterans' credits are approximately \$691,000.

47  
48 Total to be raised by taxes is \$17,018,752. That is divided by the value, which is \$2,967,701,632 to  
49 come to the Town Tax Rate of \$5.73, which represents an increase of \$0.24.

1 Assistant Town Manager/Finance Director Micali spoke of pending items. We are in the second year of  
2 the State budget. The only two items of revenue the Town receives from the State are Rooms & Meals  
3 and Highway Block Grant. There is always discussion of whether we will get more or less. The Town  
4 is negotiating 6 union contracts.

5  
6 A slide was provided indicating how the 2015 tax bill is broken out. Another showed the typical bill for  
7 a home with an assessed value of \$250,000.

8  
9 Chairman Harrington questioned the amount of the unreserved fund balance. Assistant Town  
10 Manager/Finance Director Micali responded it is approx. \$5 million. When asked what the  
11 recommendation was with regard to the percentage of the operating budget that should be maintained in  
12 the unreserved fund balance, he stated it to be 4-8%. The current balance is slightly above 4%.

13  
14 Councilor Dwyer stated he is not comfortable with an overtime number of \$500,000 for the Fire  
15 Department. The cost will go from \$500,000 to nearly \$600,000. He questioned if it would not make  
16 sense to hire four additional firefighters and reduce the overtime budget to a more reasonable number.  
17 He questioned at what point you can say overtime is not necessary because the department has sufficient  
18 manpower. Chairman Harrington remarked it is a reasonable question, and that is the type of  
19 information that will have to be presented to the public. Assistant Town Manager/Finance Director  
20 Micali stated the Fire Chief and his two Assistant Chiefs will be able to present that. He commented the  
21 department will be able to provide a more detailed accounting during its presentation. He commented  
22 on the discussions around the cost of additional firefighters and the numerous emails that went back and  
23 forth around overtime costs; coverage for sick, vacation, and personal time. Then there is coverage for  
24 worker's comp., military leave, etc. The total that they arrived at was just over a \$97,000 increase.  
25 Councilor Dwyer remarked the only other benefit is if you have a high overtime budget, and keep the  
26 same personnel, the most glaring benefit is no additional costs related to pension, health benefits,  
27 retirement, etc. Those are the numbers that stay more even over the years.

28  
29 Vice Chairman Mahon commented there are two apartment complexes out there that are 500 units  
30 potentially. The other single-family home projects that are out there add another 150 residential units.  
31 Councilor Boyd commented at least in the south end the project has a fire station nearby. Councilor  
32 Dwyer remarked the argument can be made now that the department is already down 4 firefighters, so it  
33 is not far-fetched to say within 3-5 years 8 more positions will have to be filled, Vice Chairman Mahon  
34 did not agree with 8.

35  
36 Assistant Town Manager/Finance Director Micali stated the current cost to add one additional firefighter  
37 is approx. \$94,000 (fully loaded).

### 38 39 Minutes

40  
41 Approve the minutes from the Town Council meetings of November 5, 2015 and November 19, 2015.

### 42 43 November 5, 2015

1 *The following amendments were offered:*

2  
3 Page 1, Line 46; replace “pre-application” with “application”  
4  
5 Page 4, Line 43; correct spacing  
6  
7 Page 17, Line 24; replace the sentence that reads: “She remarked she gets the impression the Town  
8 receives a lot of calls it is not equipped to answer.” with “She asked if the quantity of calls was the  
9 issue.”

10  
11 Page 18, Line 12; replace “Councilor Rothhaus” with “Councilor Boyd”

12  
13 Page 18, Line 15; replace “she” with “he”

14  
15 Page 20, Line 9; replace “Operation Safe Commute” with “Merrimack Safeguard”

16  
17 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of**  
18 **the November 5, 2015 Town Council meeting as amended. MOTION CARRIED 6-0-0 Councilor**  
19 ***Dwyer was not present for the vote.***

20  
21 November 19, 2015

22  
23 **MOTION made by Councilor Mahon and Seconded by Councilor Boyd to approve the minutes of**  
24 **the November 19, 2015 Town Council meeting as presented**

25  
26 ON THE QUESTION

27  
28 A discussion ensued regarding the wording on Page 3, Line 40, which reads “Kinder Morgan does not  
29 want to build this pipeline.” Councilor Boyd stated he could not have said that as it was in the theme of  
30 that is the business of what they do. He suggested replacing that wording with “Kinder Morgan is in the  
31 construction business.” Councilor Vaillancourt stated even though that is not what he meant, she  
32 believes that to be what he said. Councilor Dwyer responded he cannot believe he said the words  
33 Kinder Morgan does not want to build this pipeline because they do. That is what they do. He reiterated  
34 the wording is not what he said. Councilor Vaillancourt reiterated she thinks it is not what he meant, but  
35 it is what he said. Councilor Dwyer stated a need to correct the wording because it is not what he meant.  
36 What he intended to say is Kinder Morgan is in the pipeline business; that that is what they do. On its  
37 surface it is a contradiction of what he believes.

38  
39 Councilor Dwyer also noted the sentence that reads: “The letter is deceiving, that sentence makes it  
40 sounds like Kinder Morgan wants to build this pipeline for profit, etc.” He stated it to be unacceptable  
41 to just state “etc.” when he said all kinds of things. He remarked “You guys said the Star Bangled  
42 Banner was playing in the background as I was speaking. We could add that in there too.” He  
43 commented of course they want to do it for profit, they are a private enterprise in the business of  
44 constructing pipelines.

45  
46 Vice Chairman Mahon requested the Clerk go back and review that portion of the meeting, and make the  
47 changes to that. He suggested it may be that paragraph should be transcribed verbatim. It was  
48 suggested Councilor Dwyer speak with Becky Thompson, and resolve the issue.

49

1 A question was posed regarding incorporation of a link to a presentation that was provided the Council.  
2 Assistant Town Manager/Finance Director Micali stated the link could remain for use in the electronic  
3 copy posted to the Town's website, and a hard copy can be attached to the paper copy of the minutes.

4 **MOTION WITHDRAWN**

5  
6 **MOTION made by Councilor Dwyer and seconded by Councilor Mahon to table the minutes until  
7 the next regularly scheduled meeting. MOTION CARRIED 7-0-0**

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

10  
11 **Comments from the Public**

12  
13 James Ferreira, 7 Maryann Lane

14  
15 Asked if the Thorntons Ferry School is going forward with the Preschool program. Vice Chairman  
16 Mahon stated the Council is not aware. Councilor Vaillancourt offered to help get him in touch with  
17 someone who could answer his question.

18  
19 Mr. Ferreira commented on having attended Council meetings pretty steadily for the past six months.  
20 He remarked he has learned a lot, appreciates everything the Council has done this year and the amount  
21 of time members have put in with the various projects.

22  
23 **Comments from the Council**

24  
25 Councilor Boyd thanked his colleagues for observing a moment of silence in memory of Stephen Mroz.  
26 He noted the day following his funeral was the actual construction of the bridge along the trail in Grater  
27 Woods. His Son said we are going to go ahead because that is what my Father would want to do. He  
28 remarked it is a tremendous testament of character that Stephens's Son, Joseph preceded with the  
29 construction. He could have taken some time and mourned the loss, but he had a mission to complete.  
30 Joseph deserves a lot of credit for following through and completing that project. Councilor Boyd  
31 expressed his condolences to Joseph and his family. Chairman Harrington commented she heard about  
32 45 volunteers showed up to help.

33  
34 Councilor Boyd noted Joseph Parker's archery platform is completed, and is visible from Naticook  
35 Road. He spoke of how nice it looks coming from both directions.

36  
37 Councilor Boyd stated the United States Senate Youth Program is a unique educational experience for  
38 outstanding High School students interested in pursuing a career in public service. The program will run  
39 in March of 2016. Two student leaders from each state are nominated and selected and spend a week in  
40 Washington experiencing national government in action. It is sponsored by the Hearst Foundation.  
41 Each delegate is awarded a \$5,000 college scholarship. Councilor Boyd remarked he is pleased to  
42 announce that Merrimack's Jacob Marcus was one of two selected to attend this program and receive a  
43 \$5,000 scholarship. Jacob is a Senior at Merrimack High School.

44  
45 Councilor requested the letter of recommendation by Principal Ken Johnson be entered into the record  
46 as it illustrates the quality student that Jacob is, but it also is illustrative of the type of students we have  
47 here in the Town of Merrimack. He congratulated Jacob and his parents.

1 *The letter reads as follows:*

2

3 *To Whom It May Concern:*

4

5 *Articulate, thoughtful, and responsible are words that come to mind when I think of Jacob Marcus.*  
6 *Jacob is a member of the Class of 2016 in excellent standing. He is an active and highly visible member*  
7 *of our school and a fine ambassador for the Merrimack community at-large.*

8

9 *To date, Jacob has taken full advantage of his high school experience and he has demonstrated an*  
10 *unmistakable pattern of success. In the area of academics, Jacob ranks among the top fifteen of his*  
11 *class; he has nearly exhausted our Honors and Advanced Placement course, and his name is ever-*  
12 *present on the High Honor Roll.*

13

14 *This past year, Jacob was elected to several leadership positions including the following: president of*  
15 *the National Economic Summit team, president of the band, and he was elected to serve as the student*  
16 *body representative on the School Board. He founded the Young Politicians Club this year, and he*  
17 *became active in the community by serving as one of Merrimack's community organizer for a leading*  
18 *presidential candidate.*

19

20 *Indeed, Jacob has been honored with many awards for academic achievement; he is a member of the*  
21 *National Honor Society, and he is on pace to become a New Hampshire Scholar; he is also a highly*  
22 *valued member of the band, our Student Council, and our Student Congress. Some additional honors*  
23 *worth specific mention include; Scholar of the Month in Social Studies, World Language and*  
24 *Mathematics; Outstanding Student in Spanish for which he received the Rensselaer Medal; he is a two*  
25 *time member of the National Young Leaders Conference, serves on countless committees, and, of course,*  
26 *Jacob is ever-present on the Principal's All-Academic Team. These awards alone distinguish him from*  
27 *so many of his illustrious peers.*

28

29 *As demonstrated heretofore, Jacob was born to lead. He humbly makes positive suggestions to improve*  
30 *the school's climate, he exudes a mature personality, and his work ethic is worthy of emulation. He has*  
31 *a genuine passion for learning, understands commitment as demonstrated by his tireless work with the*  
32 *band, and, on each and every level of activity he is engaged and always challenging himself.*

33

34 *Jacob is very interested in politics and law and plans to pursue a career in one if not both of these fields.*  
35 *Heretofore mentioned, he continues to strive for academic excellence and takes on a rigorous course*  
36 *load – especially in the area of government and Social Studies. Stated succinctly, Jacob Marcus*  
37 *personifies Merrimack High School's very best.*

38

39 *If you have any additional questions about this quality person and outstanding student, please do not*  
40 *hesitate to call me.*

41

42 *Thank you for your attention to this letter. Sincerely, Kenneth W. Johnson”*

43

44 *Councilor Boyd spoke of the Explorer's program that is offered through the Scouting program. The*  
45 *Daniel Webster Council has been promoting Exploring for several years. They have an award called the*  
46 *William H. Spurgeon III Award, which is given in recognition to an individual who has contributed*  
47 *significant leadership to the Explorer program. The Daniel Webster Council's awardee was*  
48 *Merrimack's own Christopher Wyman. Chris is active with the antique firetruck we have in Town and*  
49 *with the Auxiliary program. He also serves as an investigator with the State Fire Marshall's Office. He*

1 and his Wife have been very actively involved in the Explorer's Program for well over ten years. They  
2 have put together programming for boys that are interested in exploring and focusing on a specific  
3 career choice. Obviously with Chris being active with Fire prevention and public safety that is where  
4 his interests have brought him to the Explorer program. He was recognized in November for the level of  
5 leadership and mentoring young boys in fire prevention/public safety.  
6

7 Councilor Boyd stated a desire to recognize Chris for the work he has done with the program, and  
8 congratulate him for winning an award that exemplified the type of leadership they seek from mentors in  
9 the Explorer program.

10  
11 Councilor Boyd wished a Merry Christmas, Happy Hanukah, and Happy New Year to the residents of  
12 Merrimack and his colleagues on the Council.  
13

14 Councilor Vaillancourt stated the project to expand the parking lot at the Horse Hill Nature Preserve  
15 (HHNP) is moving forward. The Conservation Commission is currently working on a Charge for the  
16 HHNP Sub-Committee. The Commission has had new volunteers come forward to participate on the  
17 Sub-Committee. Several people have expressed interest in the work of the Grater Woods Sub-  
18 Committee as well.  
19

20 The Conservation Commission, however, is still in need of volunteers. Councilor Vaillancourt  
21 commented she believes people may think you have to know everything about conservation before  
22 signing up, and that is not the case. The Commission welcomes the opportunity to train volunteers. The  
23 Commission meets twice a month. Residents can volunteer for as much or as little as they have time for.  
24 The Commission is in need of 1 full-time member, and 3 alternate members.

25 Councilor Rothhaus remarked earlier in the evening it was mentioned that the entire Council had been  
26 opposed to the pipeline, and he wished to clarify he is not opposed to a pipeline running through our  
27 country, he was opposed to the locations that were chosen and spoken of in Merrimack.  
28

29 Councilor Rothhaus wished his colleagues and the community at-large a Merry Christmas and happy  
30 holidays.  
31

32 Vice Chairman Mahon spoke of having attended the quarterly meeting of the Nashua Regional Planning  
33 Commission (NRPC) Commissioners at which a presentation was provided by a resident of Hollis  
34 regarding the Hollis Energy Committee. Hollis is using wood pellet furnaces in some of their Town  
35 buildings, and it is being proposed to utilize a wood chop generation facility to heat some of the schools.  
36 He commented when he heard the number he believed it would even give Hollis pause. It is a pretty  
37 ambitious project that will probably get funded eventually. It could get done this year.  
38

39 The NRPC Bicycle Pedestrian Plan was accepted. There was considerable discussion about bicycle and  
40 pedestrian access throughout the region particularly some of the work that is being done in Nashua,  
41 which has a lot more compact area to deal with. One of the things brought up was the Souhegan River  
42 Trail that we will be funding. He noted the newsletter, which is the program highlights, is on NRPC's  
43 website. They talk about helping to develop a GIS map on the project. There is a very ice map they  
44 have put together that will be available once that project gets underway in the spring.  
45

46 There was an Energy Facilities Advisory Committee update. They are still in the data gathering/data  
47 resource mode. It is likely they will bring additional information forward at the March meeting.  
48

1 Vice Chairman Mahon remarked this evening the Council has heard about the HHNP, Wasserman Park,  
2 Conservation Commission volunteers and committees. He commented isn't it great that we have the  
3 ability to do this and we have these facilities and amenities available to the community. It is something  
4 we have been working on for a long time, and all of a sudden it is all coming together. That critical  
5 mass is there. He commented it is awful to have the problem of you've got to build a bigger parking lot  
6 so people can walk on the 540 acres behind my house.

7  
8 He commented when the Conservation Commission was talking about the parking lot expansion at the  
9 HHNP. They looked to lessons learned when the parking lot was put in at Wasserman Park. That was  
10 helping them to think about materials and some of the things they could use; low cost/no cost things that  
11 they could use in order to take care of that parking lot. Those kinds of connections and things that are  
12 there are really working to the advantage of the residents of the Town and offering a lot of opportunities  
13 for people to really get to know each other and take advantage of the trails and things we have in the  
14 community.

15  
16 Councilor Koenig wished his colleagues and residents of Merrimack happy holidays and a great New  
17 Year.

18  
19 Councilor Dwyer stated the desire to clarify he is for pipelines in America, has been for infrastructure in  
20 America as well as New Hampshire, but what he would like to think is his voting and words have also  
21 been united on the Council on Kinder Morgan from day 1 that it be done right; that we oppose it from  
22 being in our nature preserves, that we oppose it from being in our wellhead protection areas, and that we  
23 make sure that we hired a lawyer and ensure everything was done and in place. He remarked he can get  
24 a little bent out of shape when accusations fly about where his loyalties lie, he would think his loyalties  
25 lie on the record and the votes that we have taken for almost a year now. As far as energy in America he  
26 is all for it, he would like to stop buying from foreign sources and overseas.

27  
28 He commented, even when a solar project came up on the Council regarding Pennichuck, we tried to  
29 everything we could to bend over backwards to see if we could make it work. It didn't work but this  
30 Council has always taken Merrimack first, and he would like to think that is what we have been doing  
31 here.

32  
33 Chairman Harrington wished the citizenry of Merrimack and her peers happy holidays.

34  
35 **Adjourn**

36  
37 **MOTION made by Councilor Dwyer and seconded by Councilor Mahon to adjourn the meeting.**  
38 **MOTION CARRIED 7-0-0**

39  
40 *The December 17, 2015 meeting of the Town Council was adjourned at 10:31 p.m.*

41  
42  
43  
44 Submitted by Dawn MacMillan