Town Council Meeting Minutes

Thursday July 21, 2016, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Eagle Scout Candidate Daniel Figueroa, Troop 424, led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on Thursday August 18th, September 8th, and September 22nd at 7:00 p.m. in the Matthew Thornton Room.

In partnership with the Merrimack Parks and Recreation Department, the Merrimack Police Department will be hosting their first National Night Out on Tuesday, August 2nd between the hours of 6:30 p.m. and 10:00 p.m. at Watson Park. National Night Out day is observed annually on the first Tuesday in August. It is a community police awareness-raising event in the United States. National Night Out was created to increase awareness about police programs in communities. Some of these programs include: Drug prevention, Town watch & Neighborhood watch.

This year with the help of the Merrimack Parks and Recreation Department, there will be a movie "ZOOTOPIA" playing on the lawn at the Abbie Griffin Park starting at 8:00 p.m. At 6:30 p.m., while you are waiting for the movie, there will be an egg toss contest for all ages, so please come join us and be part of this big community event.

Chairman Harrington informed the viewing audience of the First Battalion 3rd Marines Battle of Fallujah Reunion Welcome Ceremony to be held in honor of Tim Gibson on July 22nd at 10:00 a.m. at the Gibson Memorial Field. Fifty marine veterans that fought alongside Merrimack's Tim Gibson will be converging on Merrimack to play in the Annual Tim Gibson Memorial Softball Tournament.

Chairman Harrington stated E. Coli results from the Souhegan River at Watson Park have been elevated. Anything over 100 creates a red flag for swimming, and it is presently at 461. This has been advertised in local media, through a NIXLE announcement, and is posted. The Souhegan River is tested weekly.

Chairman Harrington stated Item #1 under Old Business and Item #3 under New Business have been tabled until the Council's August meeting. Issues related to Item #4 under New Business have been resolved, and the item removed from the agenda.

Town Manager Cabanel stated she, Kyle Fox, Director, Public Works Department (PWD), Dawn Tuomala, Town Engineer, and Vice Chairman Rothhaus met with the Lake Naticook Conservation Association (Association) the prior Tuesday to discuss the issue of the Lake Naticook boat ramp. Director Fox produced a new, more detailed plan that better delineates methods by which silt can be removed.

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Vice Chairman Rothhaus remarked the concern expressed by the Association was that the riprap they used to make the boat ramp is itself filling up with silt, which would eventually wash into the lake. They also spoke of the buildup of silt that has accumulated over the years. The plan presented outlined leaching catch basin(s) that would have a sump at the bottom to hold silt and debris. When that fills it will leach into the surrounding soil. If it overflowed it would go down trenches on either side of the new boat ramp, which will be paved leaning to one direction so that runoff would go into a relatively flat area to be absorbed. The Association seemed to be quite happy with the plan.

Chairman Harrington stated her understanding the plan has been approved by the New Hampshire Department of Environmental Services (DES) Wetlands Bureau, and changes would not have to go through the approval process. Town Manager Cabanel stated that to be correct. Vice Chairman Rothhaus added the DES portion was only 400± sq. ft. at the bottom of the ramp that impacted the water upstream.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington stated the Council received copies of letters addressed to the Merrimack Village District (MVD) from Saint-Gobain contesting responsibility for well #s 4 and 5. They suggest contamination is probably due to a nearby landfill. The DES is continuing to pursue responsibility by Saint-Gobain for those wells.

Town Manager Cabanel stated Saint-Gobain has been meeting with the DES. The DES is requiring Saint-Gobain to produce the documentation on which they are basing their lack of responsibility toward wells 4 and 5. One such piece of documentation is a report that was done in the late '90s by a consultant hired by the MVD. She noted a copy of the report was provided to her earlier in the day. However, she has not yet had the opportunity to review it.

Chairman Harrington stated blood testing has started, and to date eight (8) Merrimack residents have signed up.

Chairman Harrington spoke of the Press Release that was put out earlier in the day by the NHDES related to results of stack emission testing at Saint-Gobain. The results showed low level concentration of PFOAs, which translate to less than 2 ounces of PFOA being released per year. These emissions do not violate any ambient air quality standard; State or Federal. However, they continue to pursue this. Saint-Gobain has agreed to clean these residuals from the stacks and perform new emissions testing in early August. The NHDES is also seeking formulation details from suppliers to Saint-Gobain to determine whether the chemicals being supplied to the company contained any PFOAs or PFOSs.

Councilor Boyd remarked he had the opportunity to attend the Governor's meeting on Friday, July 1st. At the meeting were representatives from Amherst, Bedford, Litchfield, the New Hampshire Department of Health & Human Services (DHHS), DES, and the MVD. The Governor introduced the players and provided a broad overview of her understanding of the issue. She drew upon her experience with what occurred over at the Pease Air Force Base. The Governor allowed Clarke Freise, Assistant Commissioner, DES, to basically drive the entire meeting.

Councilor Boyd stated he did not glean anything new from that meeting. His feeling was the meeting was more of an opportunity for the Governor to meet with the communities and get a first-hand impression of what had been going on and what DES and DHHS was doing as it related to these communities. He stated her primary concern to have been around process; wanted to ensure the

communities, particularly Merrimack and Litchfield, felt that the DES and DHHS were open and transparent. He had expressed, from Merrimack's perspective, the DES has been extremely forthright in communicating everything they have been doing on a weekly basis. He alluded to the Tuesday call the DES has with the affected communities, which keeps the communities in the loop. The Friday reports regarding PFC levels in the wells is another good communication.

Councilor Boyd stated one of the things that was discussed related to blood testing. Assistant Commissioner Freise commented that even though, as it related to the MVD, the data was less than 70 parts per trillion (ppt), there wasn't a precise amount that we could point to. They felt with some assurance that people in the MVD did not need to go through blood testing. Councilor Boyd raised the question of whether or not they would consider doing a random sampling of the users of the MVD. That would result in a quantifiable indicator that it may not buttress the data they don't have, but at least it confirms the assumption they are making that MVD users don't have to get their blood tested. The Governor was very receptive to that as was the DHHS, but that comes at a cost, which he acknowledged. He stated that it would at least give the community of Merrimack and particularly the users of the MVD some assurance that the impact to them has been diminished or minimalized. He felt that was well received.

Councilor Boyd spoke of the letter from Senator Ayotte to the Centers for Disease Control (CDC). The genesis of the letter was a culmination of the discussion that occurred at the Governor's meeting. Bedford Councilor Chris Bandazian raised the issue of whether there is anything the towns can do to engage federal officials beyond reaching out to the EPA. Dr. Chan suggested communicating with the CDC and bringing awareness to them that this just isn't an environmental issue it is potentially a health issue. The more information the CDC can produce as it relates to impacts to people's health, the better off the State will be in terms of being able to better manage PFCs. After the meeting Councilor Boyd ran into one of Senator Ayotte's aids, mentioned the suggestion to him, and her office was kind enough to get that letter out.

Councilor Boyd stated the Governor wanted to provide assurance she is committed to making sure DES is providing timelines not just for the Town of Merrimack, but for Litchfield, Bedford, and Amherst with some of the impacts they may be experiencing. There is a commitment to providing bottled water for residents whose wells are impacted. They are working hard to take away the fact that this is an emerging science, and use that science; start quantifying it to gain hard data.

He spoke of information communicated to him that was predicated on a meeting that was supposed to occur on July 18th. As it related to Saint-Gobain's letter regarding the landfill and how they were not going to consider looking at the old landfill because of presence of PFOAs, Assistant Commissioner Freise indicated to him that they have information that contradicts what Saint-Gobain is saying. He remarked what Saint-Gobain was saying is correct, but from using the test pits and the test wells, they were able to identify a specific contaminate in the wells that were up around Saint-Gobain that were not present in the test wells that are on the old landfill.

It was noted private well owners whose wells tested over 70 ppt were offered blood testing. Residents whose wells tested above 70 ppt have been contacted. The DHHS website has a link to information on the Perfluorchemical (PFC) Blood Testing Program.

Comments from the Press and Public

Jim Bollengier, 36 Constance Street

Stated he is part of a group called the Merrimack Water Contamination Action Group. He informed the Council the group would be submitting an agenda item for the August meeting. The group has gathered approximately 238 signatures on a Petition requesting the Council take action to get Saint-Gobain to take certain action. Mr. Bollengier spoke of having attended a recent meeting in Litchfield during which he heard Mr. Freise speak. He also attended the MVD Commissioners' meeting on Monday at which a discussion occurred that indicated the DES and Saint-Gobain had left them out of the loop on some design program. The Superintendent of MVD will be taking that up with DES.

At the Litchfield meeting the design issue came up, and although DES has not published their slides to that meeting one of the bulleted items in the presentation stated Saint-Gobain is reviewing the design, and they would like to have it completed so that an interim and long-term solution to the water contamination issue is available in August. Mr. Bollengier remarked nowhere on the slide did it mention the MVD.

Mr. Bollengier remarked one of the issues covered by the Petition is blood testing. A lot of people in Merrimack and the surrounding communities do not believe this has been a real issue since 2014, they believe they have been drinking this contaminate since Chemfab was here in 1984. Some people are very concerned about their children and their pets.

<u>Recognitions, Resignations and Retirements</u>

1. **Recognition of Town Committee Member's Years of Service**
   Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
   The Town Council to present a plaque to Eber Currier in recognition of his combined 32 years of service as a past member of the Merrimack Conservation Commission and a current member of the Agricultural Commission.

Mr. Eber Currier was unable to be in attendance. Chairman Harrington will personally present to him a plaque, which reads:

"Presented to Eber Currier in recognition of your volunteer service to the Town of Merrimack for over 30 years of combined service as a member of the Merrimack Conservation Commission and the Agricultural Commission.

We wish to extend to you our sincere appreciation for your continual commitment and hours dedicated to enhance the quality of life for the Merrimack community.

Presented on behalf of the Merrimack Town Council, on this the 21st day of July 2016."

Vice Chairman Rothhaus commented Mr. Currier's service to the community goes beyond the committee appointments and participation in the master planning process. He spoke of how his own children enjoyed the field trips to the Currier Orchards. That is something Mr. Currier has done for many years. Vice Chairman Rothhaus stated his appreciation for everything Mr. Currier offers the community.

Robert McCabe, Chairman, Agricultural Commission, stated the Commission would like to thank Eber Currier and his family for the vision of starting the Commission. Mr. Currier wanted to have a voice

for the farmers in Town, and have the farmers education the townspeople. He thanked him for his vision and sincere interest.
Tim Tenhave, Conservation Commission, stated Mr. Currier's last meeting with the Commission was on June 17, 2013. While he may no longer be participating in the meetings his legacy lives on. A number of the current Commissioners had the pleasure of being part of his commission throughout the years. He instilled in them a lot of the qualities that he felt were most important for members of the Commission. Those members have tried to instill those qualities on the newer members of the Commission. Eber has left a legacy that will follow for years and years to come. Mr. Tenhave commented he always thought Eber was the conscience of the Commission.

Mr. Tenhave remarked Eber felt strongly that the Commission is a successful body in making a difference in our community. When he saw the opportunity to have an Agricultural Commission he championed that effort.

He first started working with Eber in the early 2000s while part of the Greens Pond Committee. Eber was a member of the Conservation Commission. When the committee needed input from the Commission you could feel Eber's input coming through the words of the members of the Commission that attended the Greens Pond meetings because Eber felt passionate about the property and how to manage it.

Chairman Harrington remarked Mr. Currier is a man of great integrity and one who has given a great deal to this community.

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

The library's lower level suffered extensive flooding during Monday's storm. Staff acted quickly to remove materials and equipment from affected areas to prevent further damage. The library closed early on Monday, and the lower level has remained closed to the public while the area is drying out. The Children's Services Department has been operating from the Teen Area on the Main Floor, and any changes to the Summer Reading Event locations will be updated on the website events calendar. Town Manager Cabanel stated the expectation the Library will be reimbursed through the filing of a property & liability insurance claim.

On July 19th, the Planning Board granted conditional final approval of a site plan for Verizon Wireless to construct a new 100' tall cell tower on land owned by MVD off Turkey Hill Road (water tower site). The Planning Board will hold an initial workshop discussion (brainstorming and concept development) on August 2nd for developing new language to encourage redevelopment of underutilized sites such as the former Shaw's and Merrimack Hotel parcels, and others the Board feels may be appropriate.

The PWD is pleased to announce the hiring of Dawn Tuomala as Town Engineer and Deputy Director of the PWD. Ms. Tuomala brings more than 30 years of experience in the field of engineering and surveying, and will make a great addition to the Public Works team.

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The Bean Road bridge is drawing nearer to completion. The contractor's current schedule calls for the bridge to be open to traffic in mid to late August. Once the opening date is known, the PWD will schedule a ribbon cutting ceremony.

The McGaw Bridge Road bridge is back in full construction gear. The bridge is expected to open to traffic in early November.

Consent Agenda - None

Old Business

1. **Target Shooting on Town Owned Land**
   Submitted by David Elliott
   To have a discussion with the Town Council regarding target shooting on Town owned land

Tabled until the August meeting.

New Business

1. **Eagle Scout Project Proposal**
   Submitted by Life Scout Daniel Figueroa
   Eagle Scout Candidate Daniel Figueroa from Merrimack Boy Scout Troop 424 is proposing to build the Parks and Recreation Department the sponsorship recognition sign for the entrance to the future Dog Park at Wasserman Park.

Life Scout Daniel Figueroa stated the proposed project to be the construction of a sponsorship recognition sign for the entrance to the future Dog Park. Being proposed is a 6' x 8' sign that would list all sponsors that have donated funds towards the construction of the park. The main sponsors would be listed in the middle of the sign (the greater the contribution the higher the sign placement). Each individual sponsor logo for the center of the sign would be made out of a vinyl or other signage material and would be attached to ¾" plywood (elevated off the sign). Bronze biscuit sponsors would be listed on a raised board so they could be removed and/or changed around as needed. The area at the bottom of the sign would be for "Part of the Pack" sponsors; people who have donated $150 or more. The names will be attached to a board and covered with plexiglass.

Fundraising efforts such as bake sales, car wash, etc. will occur in September. It is hoped the construction of the sign will take place in October, and installation will take place when the park itself is completed.

When asked if the roof would extend over the front, Life Scout Figueroa stated the intent for it to extend 1' in each direction.

Councilor Dwyer stated the project was presented to the Parks and Recreation Committee, and a good deal of discussion occurred regarding sponsorship, e.g., the priority it would take for those listed on the center, and the ability to change out the names on the bottom after a period of time. There was a great deal of input and the presentation was well received. The committee is supportive of the project.

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Councilor Vaillancourt encouraged Life Scout Figueroa to advertise the dates and times of the fundraisers. She suggested he contact the Parks and Recreation Department for assistance in that endeavor.

Chairman Harrington questioned if the exact location for the sign is known. Councilor Dwyer responded as the landscaping is not yet done the fence is not up, etc.; it is more a concept of the location at this point. Chairman Harrington questioned where the sign would be stored when complete, and was informed Matt Casparius, Director, Parks and Recreation would store the sign.

Town Manager Cabanel noted the bids for the park came in significantly higher than expected. The Town is working with local contractors to try and make some modifications so that the park can go forward. There are some challenges in terms of funding. Anyone wishing to donate to the park is encouraged to do so.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Rothhaus to endorse and support the sponsorship recognition sign for the entrance to the future dog park at Wasserman Park as proposed by Eagle Scout candidate Daniel Figueroa from Merrimack Boy Scout Troop 424. <u>MOTION CARRIED</u> 6-0-0

2. Committee Appointments

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
The Town Council to consider appointing the following individuals to Town committees, pursuant to Charter Article 4-8:

- Paul Drone - Agricultural Commission (Full member)
- Curtis Conrad - Technology Committee (Full member)

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Rothhaus to appoint Paul Drone as a full member of the Agricultural Commission and Curtis Conrad as a full member of the Technology Committee. <u>MOTION CARRIED</u> 6-0-0

3. 1st Annual Update on Lake Naticook

Submitted by Lake Naticook Conservation Association
To update the Town Council on Lake Naticook water quality, including milfoil mitigation efforts.

Tabled until the August meeting.

4. Lake Naticook Boat Ramp Discussion

Submitted by Lake Naticook Conservation Association
Discussion regarding the Lake Naticook Boat Ramp located at Veteran's Memorial Park.

Removed from the agenda.

5. 2016 Business Expo / Fall Festival

Submitted by Merrimack Chamber of Commerce President / EDCAC Member Dawn Shepherd
Town Council to be presented with the details of the upcoming 2016 Business Expo / Fall Festival scheduled for Saturday, October 1, 2016.

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Ms. Dawn Shepherd, President, Merrimack Chamber of Commerce/Member, Economic Development Citizen Advisory Committee, spoke of discussions concerning the Merrimack Chamber becoming more involved with the Business Expo. The Chamber will take over the registration and handling of finances. The Chamber has an online registration system, which will make that an easy task to undertake.
It was noted the information provided with the agenda packet (attached) highlighted revenue and expenses from last year's event the surplus generated by the 2014 and 2015 events ($1,153.86), which will be utilized for this year's event.

The information also addressed advertising techniques that have and have not been successful in the past, and what would be utilized for this year's event. Also noted was the desire for participation by Merrimack restaurants. The event is intended to take place from 10:00 a.m. - 2:00 p.m. on October 1st at the James Mastricola Upper Elementary School (JMUES).

Councilor Vaillancourt stated she is pleased the Chamber will be participating in the event. When asked, Assistant Town Manager/Finance Director Micali stated the event is fully funded by the participants' fee. Mr. Shaw has been very conscientious around understanding what revenue was being generated and was available to expend on the event. Expenses do not exceed revenue. Over the past few years the event has resulted in a surplus. When asked how the funds are managed, he explained the Town deposits the funds into a special deferred revenue account earmarked for the Business Expo.

Councilor Dwyer spoke of the remarks in Mr. Shaw's letter relative to the time and funds expended on advertising, which did not accomplish his goals. Councilor Dwyer spoke of his experience working on the Expo., and commented 80% of what they did was advertise; if you can't tell the community it is happening, it will not be successful. He stated advertising is a critical element. Ms. Shepherd suggested the intent of the comments was that there is the need to address advertising more strategically, and learn from forms of advertising that were not successful in previous years. Vice Chairman Rothhaus stated his impression of the comments in the letter to be that the signs that were used were too cluttered, and too much for people to read when driving down the road.

6. John O'Leary Adult Community Center Agreement

Submitted by Town Council Chairman Nancy Harrington and Town Manager Eileen Cabanel
The Town Council to consider renewing the lease agreement with the John O'Leary Adult Community Center.

Town Manager Cabanel stated the desire to update the agreement, which expired on June 30th. The proposed changes include changing the reference from "Merrimack Adult Community Center, Inc." to "John O'Leary Adult Community Center, Inc." and changing the effective period of the agreement so that it begins on July 1, 2016 and ends June 30, 2019.

Town Manager Cabanel stated her appreciation of the relationship the Town continues to have with the Adult Community Center (Center). She remarked collaboration and communication has only improved over time. She stated her personal opinion the seniors need a safe and accessible place to gather, and expressed her gratitude for the opportunity provided.

When asked, Steve Dembow, Coordinator, Adult Community Center, stated the name changed around 2002.

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Councilor Flood questioned if there is a current financial statement available and if all audits are up to date. Assistant Town Manager/Finance Director Micali stated the Town is working with the Center's Treasurer to obtain additional information. Given the small size of the Center, were an audit to be performed by an outside firm, the cost would likely equal the revenue received for the year. The Center has its own Audit Committee. Monthly financial statements are provided to the Town's Finance Department, and the Deputy Finance Director puts them together in a financial statement for his review. This year the Town is requesting more in depth information relative to invoices and some receipts to ensure everything is being handled the way it should. As of last year, all of the information was in his office. They are working towards getting this year's resolved.

Larry Vigezzi, President, Adult Community Center, stated annual audits are conducted. He is one of the auditors that signs off on those. He and two others spend a great deal of time reviewing invoices, checks, bills, etc. Now that the fiscal year has ended they have worked with Assistant Town Manager/Finance Director Micali and received his guidance. A request was made that they change the software system they utilize to be in line with what the Town uses. That was done. With the help of the Treasurer they are looking to implement a more detailed structure of accounting for revenue and expenses, which will make the auditing functions easier.

They elected and will be updating the Bylaws in September. A Deputy Treasurer was elected to implement new rules and regulations. Although the center is small in terms of revenue/expenses, they contacted an insurance company regarding the possibility of becoming bonded. Bonding is extremely expensive. The insurance company provided guidelines on generally accepted accounting practices, e.g., two signatures on a check versus one, annual audits being done and shared with the Town, etc. They are looking at and implementing the guidelines/recommendations provided.

Councilor Flood questioned who is responsible for the recycling bin located onsite. Mr. Dembow spoke of having been contacted by Councilor Flood and made aware of her belief it was uncharacteristic of the site. She had requested the bin be removed. It was removed, which resulted in a lot of pushback from the seniors and others who regularly used it. There is a very small revenue stream that results from the sale of that paper product. The tonnage would otherwise end up in the transfer station, which would then be hauled away at a cost. The bin was brought back by popular demand.

Councilor Flood stated her opinion bins of that type are more appropriately located in an industrial area. She expressed concern for the two residences across the street as well as the Congregational Church that suffer with the view of the bin. Mr. Dembow stated he has never received a complaint from the church or the residents. He spoke of the amount of use the bin receives noting it is emptied weekly.

Councilor Flood stated she would like to see that moved. She suggested it could be located at the top of Church Street. Mr. Dembow responded he believes that to be a dangerous spot for cars coming out, and the ones that come around and then go down D.W. Highway south. Councilor Flood requested they give consideration to an alternate location. Mr. Vigezzi stated they could look into that.

Councilor Vaillancourt stated she is all for recycling and encouraging people to recycle. As a Town Council member she has not heard any complaints regarding that. She personally would like to see a conversation had outside of a Council meeting to see if a compromise can be reached.

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Mr. Vigezzi stated they would be glad to look at the location suggested. The property belongs to the Town, and they will abide by the wish of the Council. He commented they have approached the seniors on a few occasions regarding moving the bin, which they were not happy with. He reiterated if it is something the Council wants it is something they will do.

When asked if she is comfortable with that, Town Manager Cabanel stated she was, and suggested perhaps she or she and Councilor Flood could visit the Center and talk with the seniors to understand their thoughts, e.g., why that location is convenient, if it could be locate elsewhere, etc. She suggested the Center could look at the location suggested, and the PWD could be asked to review the area from a safety perspective. Mr. Dembow reiterated it is not only the seniors who utilize the bin, it is also folks that come up from the Library parking lot and have to pass through Church Street in order to get back to Baboosic Lake Road.

When asked if the desire would be for both the bin and the dumpster to be removed from the site, Councilor Flood stated that would be her hope.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Dwyer to approve the renewal of the lease agreement with the John O'Leary Adult Community Center, Inc. <u>MOTION CARRIED</u> 6-0-0

Assistant Town Manager/Finance Director Micali commented there is a good deal of construction occurring at the Center. All of the ceiling tiles over the ballroom have been removed. The grid that supported the suspended ceiling has been removed, and a new grid installed. New LED lights are being installed. The lights can be dimmed, individually controlled, and will result in an energy savings. The interior has been painted. There is an emergency lighting project that quotes are being sought for. Since the facility is being used more as a rental facility the Fire Department recommended the emergency lighting and the lighting plans are reviewed. Seven windows will be replaced. The front entryway door is being replaced.

Assistant Town Manager/Finance Director Micali commented with every project comes some surprises. With the removal of the ceiling tiles what became visible was plastic covering over insolation, which is discolored. An air quality control individual was brought onsite. The tests have come back, and indicated the air quality in the Center is better than the air quality outside of the building. Remediation plans for the discoloration (very well contained mold) are being reviewed. It may be that because it is sealed the best course of action is to continue air quality testing on a regular basis. Another option would be total remediation. The available options are being reviewed, and a recommendation will be forthcoming. The Town is involved as the owner of the building.

The John O'Leary Executive Committee has donated the funds necessary for a new sound system at the Center, which is being installed. They have also donated the window furnishings.

Mr. Dembow spoke of the collaborative effort of the users of the Center and people and businesses located in the community with regard to donating towards the necessary repairs, etc. For example, all of the HVAC venting materials have been donated by a Town business, the P.A. system is going to be installed at cost and no labor cost, etc.

Councilor Dwyer stated, as a steward of the property, he would not want to take the approach of simply monitoring the air quality. Having identified the issue, he would like to see it remediated completely.

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The consensus of the Council was for the mold to be remediated.

Town Manager Cabanel commented it will be a challenge to identify the source of funding for a cost that could be in the area of $20,000. A review of the budget will be done to identify areas where funding could be identified, and the work will be completed.

7. Merrimack Youth Association Agreement

Submitted by Town Council Chairman Nancy Harrington and Town Manager Eileen Cabanel
The Town Council to discuss and consider the renewal and approval of a three year contract with the Merrimack Youth Association.

Town Manager Cabanel stated the proposed agreement would be for a period of three years (July 1, 2016 through June 30, 2019), would further define "Merrimack youth" to be "residing" in Merrimack, calls for monthly installments as opposed to quarterly installments, and would allow for one additional sign to be placed on the backstop of Veteran's Park. All other language remains the same.

Tom Thornton, President, Merrimack Youth Association (MYA), stated the MYA continues to work on its internal controls, and utilizes Melanson Heath for its audits.

With regard to signage, Convenient MD donates a good deal of funds to the baseball program. The desire is for the sign to be up for a three-month timeframe (April to July). The program receives approximately $3,000 (3 yr. commitment). Those funds will be applied towards lighting at the Marquette building off Continental Boulevard. Town Manager Cabanel questioned the dimensions of the sign, and was informed it is likely 6' x 10'.

Councilor Vaillancourt questioned the benefit of monthly installments, and the reasoning for moving from quarterly payments. Town Manager Cabanel spoke of issues experienced in terms of timing, e.g., getting paperwork to auditors and having the auditors able to turn the information around quickly. She added there was a quarterly payment on October 1st, and an obligation MYA had to the Town as of October 31st. If the obligation was not met, the Town would have to wait until the next quarterly due date to withhold funds if deemed necessary.

Councilor Boyd thanked Mr. Thornton for taking the lead with this organization, and everyone that has stepped up to hear the feedback provided by the Council and do something about it. At the end of the day it is about the volunteers out there volunteering and the kids we are trying to provide a service to. He is pleased to see an agreement free from drama and inclusive of the internal controls requested, come before the Council for approval.

When asked about the need for language delineating Merrimack youth as residents, Assistant Town Manager/Finance Director Micali commented in the world of sports, especially at the youth level, everyone is looking for a competitive edge for their sons and daughters. There are some in other communities that do not have a youth program in some of the sports Merrimack offers, and they want to come over to Merrimack. While discussing this, he and Mr. Thornton spoke of the possibility that the individual coming to the program from another community may be taking a spot away from a Merrimack resident. They felt if best for a Merrimack youth to be more defined as a resident of the Town of Merrimack. There are some youth that are residents of the schools in Merrimack, but reside in another community.

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Councilor Vaillancourt remarked it is not a huge number of students that fall into that category. She stated her belief there may be people from other towns, regardless of whether or not their children go to Merrimack schools, who would love to participate in this well run and cost effective program. She remarked Merrimack tax dollars go into this program so Merrimack residents are entitled to this program.

Chairman Harrington questioned how the scenario of a divorced family would be handled. Mr. Thornton stated if a single parent resides in Merrimack, the child(ren) is legitimately a resident of Merrimack. Mr. Thornton commented there are a lot of different scenarios that are consistently juggled.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Dwyer to renew and approve the three year contract with the Merrimack Youth Association, and furthermore that the Town Manager be authorized to sign the document. <u>MOTION CARRIED</u> 6-0-0

8. Proposed Change to Chapter 183, Vehicles and Traffic [First Reading]
Submitted by Police Chief Mark E. Doyle
The Town Council to consider the proposed change to Chapter 183 – Vehicles and Traffic, of the Town Code, pursuant to Charter Article V.

Mark Doyle, Chief, Merrimack Police Department, stated what was before the Council was a requested change to Chapter 183 - Vehicles and Traffic; specifically to add a section under the schedule of stop intersections, which would include a stop sign installed at the intersection of Island Drive at D.W. Drive. The sign would be on Island Drive as you approach D.W. Drive traveling westbound toward D.W. Highway.

A resident of Island Drive approached the Highway Safety Committee in June to speak to this issue. The members of the Committee believe it important to not simply deny a request that did not meet the standards identified in the Manual on Uniform Traffic Control Devices (MUTCD), but to instead hear the concerns expressed by residents. In this particular case, although the standard wasn't met in terms of traffic volume, the concerns were validated by the Director of the PWD having assessed the intersection.

As you approach that particular intersection traveling west on Island Drive where it intersects with D.W. Drive there is a section of the road to the immediate left that traffic traveling north on D.W. Highway will periodically take to divert itself or maybe even move around the traffic especially during rush hour, at a high rate of speed down that particular, very narrow, public way. Because of the safety concerns that are present at that particular time it warrants the installation of the stop sign.

The Highway Safety Committee advised the resident a stop sign would be installed at that location temporarily. Albeit unenforceable, it would bring people up to speed, from an educational perspective, that the sign exists.

Councilor Vaillancourt commented it is a really unusual intersection and difficult to navigate. She stated she is always appreciative when the legitimate concerns of residents are heard, and that even though it didn't meet the hard and fast rule for where a stop sign would apply, the concern was viewed as valid.

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<u>MOTION</u> made by Councilor Dwyer and seconded by Councilor Boyd to move to Public Hearing the proposed change to Chapter 183 – Vehicles and Traffic, of the Town Code, pursuant to Charter Article V. <u>MOTION CARRIED</u> 6-0-0

9. Acceptance of NH Fish and Game Department Grant for the Merrimack Police Department
Submitted by Lieutenant Brian Levesque
The Town Council to consider the acceptance and expenditure of a grant in the amount of $1,080 from the New Hampshire Fish and Game Department for the Merrimack Police Department to conduct (6) 4-hour OHRV patrols in various areas of Town, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Brian Levesque, Merrimack Police Department, stated the grant in the amount of $1,150 is for 6 four-hour patrols with the Off Highway Recreational Vehicles (OHRV) using the department's ATVs to patrol conservation areas in Town as well as other areas known for riding to provide education and enforce safety issues. When the patrols were conducted last year, the department issued 8 warnings for trespass violations; typically on conservation areas where motorized vehicles are prohibited.

Councilor Vaillancourt questioned if there would be communication with the Conservation Commission should the Council approve the request. She spoke of the long-standing relationship the Commission has had with Lieutenant Tarleton doing similar work on behalf of the Commission. She requested there be some type of communication with the Commission regarding this. Lieutenant Levesque stated if it is the pleasure of the Council, they can ensure an email is sent out when the patrols are set up.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Rothhaus to accept a grant from the New Hampshire Fish and Game Department in the amount of One Thousand Eighty Dollars ($1,080) for the Merrimack Police Department to conduct (6) 4-hour OHRV patrols in various areas of Town, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any paperwork necessary to perfect the grant. <u>MOTION CARRIED</u> 6-0-0

10. Acceptance of a Donation for the Merrimack Police Department
Submitted by Lieutenant Brian Levesque
The Town Council to consider the acceptance and expenditure of a donation from an anonymous resident in the amount of $1,150 for the Merrimack Police Department that will be used to purchase trauma bags for the patrol vehicles, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Brian Levesque stated the donation came from a resident wanting to make a donation and remain anonymous. He explained to the donor some of the needs of the department that they currently cannot fulfill. One of the issues is trauma bags inside of police vehicles. With the amount of violence happening, in general, with mass casualties, the desire is to have trauma bags in patrol vehicles. The trauma bags would consist of pouches for magazines for the weapons, tourniquets (2), chest seals for gunshot victims, bandages, etc. The items would be those that would be deployed at the scene well before any EMS response.

Councilor Dwyer questioned if the vehicles are equipped with first aid kits, and was informed they have very basic first aid kits. Lieutenant Levesque noted there are a lot of studies that show the

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immediate first aid care is necessary, e.g., you would not be able to do a tourniquet with a normal bandage.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Dwyer to accept a donation from an anonymous resident in the amount of One Thousand One Hundred and Fifty Dollars ($1,150) for the Merrimack Police Department that will be used to purchase trauma bags for the patrol vehicles, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager be authorized to sign any documents necessary to accept the donation, and that the Chief and/or his proxy write the anonymous resident a very nice thank you letter. <u>MOTION CARRIED</u> 6-0-0

11. Consideration of Contribution Assurance Program (CAP) Agreements – Workers' Compensation Program & Property-Liability Program

Submitted by Town Manager Eileen Cabanel

The Town Council to consider signing a Guaranty Maximum Agreement for Property Liability and Workers Compensation with Primex.

Town Manager Cabanel stated the Town has participated in the Contribution Assurance Program (CAP) offered by Primex for Property Liability and Workers Comp insurance since 2011. The last contract with Primex was for a three-year period for an 8.0% cap per year for Workers Compensation insurance through 2016 and a 7.0% increase for Property & Liability insurance.

This year Primex is offering a two-year contract with a 10% maximum increase each year for Workers' Compensation and a 9% increase for Property & Liability coverage. Coverage would continue through June 30, 2019.

Town Manager Cabanel noted the New Hampshire Municipal Association's Property & Liability portion of their offerings have been eliminated by the Secretary of State and the Attorney General's Office. She stated her belief the Workers' Compensation insurance has either also been eliminated or at least pulled back significantly.

There are a number of communities who are concerned about this because there now doesn't appear to be a competitive edge for municipalities. A group of communities have joined and are trying to partner with a private insurance company to put together one of these pools. Town Manager Cabanel stated her opinion, having worked with Primex for 25 years, their rates are fair. Workers' Compensation for instance is done in a manner in which each category of employee is assigned a percentage that needs to be paid based on safety, e.g., someone who works in an office, their Workers' Compensation would likely be less than 1% whereas a police officer or firefighter would have a higher percentage. That rating occurs every year for every community; there is a list of percentages for each employee type. The municipality itself, based on its own historical claim experience, is then rated. The employee's wages is multiplied by the rate for the type of position, and then multiplied by an experience modification factor. That customizes it to the community based on its own experience.

Town Manager Cabanel stated Merrimack is at .51 or 51%. Instead of paying 100% of the premium, we would pay 51% because of our good experience.

Town Manager Cabanel commented, in the past, she has gone out to bid for Property & Liability insurance for a municipality she worked for previously. However, she had not realized at that time,

and does now, that there are certain immunities that are garnered by Statute, and maximums that are paid out for claims if you belong to a truly municipal pool. What is meant by that is that there cannot be any profit in it. It has to be on the backs of the taxpayers. When a person goes to court they are looked at as not deep pockets and taking money out of the pockets of shareholders, but as a true municipal pool. For that reason, and aside from the fact that there isn't really another option at this point, she stated her comfort level with Primex and their Property & Liability program.

It was noted the Town has blanket insurance over various buildings and vehicles owned by the Town.

Councilor Dwyer remarked in the professional opinion of management it is believed we are getting the best deal we can. It is a very limited market. We don't have the freedom to get 10 quotes from 10 different insurance companies because there aren't insurance companies that will insure us.

Assistant Town Manager/Finance Director Micali stated it has been put out to bid and private insurance companies will not bid it because they can't touch the $275,000 liability that we have because of the pool and being a municipality. There is only one company now that can offer that to the Town.

Councilor Vaillancourt stated municipalities are a very unique risk, and there aren't markets for it. She stated Primex is a very stable company. She remains hopeful there might be a market for municipalities in the future, but at present there is nothing. She stated her opinion the rating increase for the Town's particular risk doesn't appear to be out of whack at all.

The following resolution was read into the record:

Resolution to Enter Primex
Property & Liability Contribution Assurance Program (CAP)

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Property & Liability Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of the Property & Liability Contribution Assurance Program (CAP). The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Vaillancourt that the Town Council authorize the Town Manager to sign the Guaranteed Maximum Agreement for Property & Liability with Primex. <u>MOTION CARRIED</u> 6-0-0

The following resolution was read into the record:

Resolution to Enter Primex
Workers' Compensation Contribution Assurance Program (CAP)

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Workers' Compensation Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of the Workers' Compensation

Contribution Assurance Program (CAP). The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex.

MOTION made by Councilor Boyd and seconded by Councilor Vaillancourt that the Town Council authorize the Town Manager to sign the Guaranteed Maximum Agreement for Workers' Compensation with Primex. MOTION CARRIED 6-0-0

Addendum to Town Manager's Report

Town Manager Cabanel stated the Town has been setting funds aside for the purchase of Self-Contained Breathing Apparatus (SCBA) in the amount of approximately $80,000/year. For the past few years Assistant Fire Chief Borneman has continued to apply for grant funding. This year the Town was awarded the grant. The grant total is approximately $317,000. The Town will be responsible for 10% matching funds. The result will be that the Town of Merrimack will have the most up-to-date and safe SCBA equipment possible, and will be able to purchase the equipment right away. Town Manager Cabanel congratulated the Fire Department and Assistant Chief Borneman in particular. The presentation will be made at the next meeting of the Town Council.

Councilor Flood questioned how many would be purchased. Although she was unable to cite the exact amount off the top of her head, Town Manager Cabanel stated there to be a significant number. There is a requirement for a certain number on each truck; every vehicle for every person, volunteers, etc. Were the Town to purchase them outright fewer units would have been purchased. More detailed information will be provided during the presentation.

Town Manager Cabanel commented during budget meetings, the Council expressed concern if the Town did not purchase the equipment when the grant funding was not received, that firefighters might not have the adequate equipment to be safe. At that time Assistant Chief Borneman stated what the firefighters had was perfectly sufficient and that he preferred to utilize the remaining two opportunities to apply for grant funding. He wished to purchase the total number of units needed at the same time. Although the Town appropriated funds for the expense, he didn't want to purchase any until they could all be purchased and all firefighters could receive the new equipment at the same time. What will be purchased are units that are greatly enhanced.

Minutes

Approve the minutes from the Town Council meetings of June 23, 2016.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting minutes of the June 23, 2016 Town Council meeting of as written. MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd commented on the previous Sunday, Fox 25 News did a story on the best places to go mountain biking, and they highlighted Merrimack New Hampshire. They interviewed Matt Caron, Vice Chairman, Merrimack Conservation Commission.

Councilor Boyd stated on July 6, 2016 he and his wife formally adopted a 14-year-old girl by the name of Jade. Jade gave them the opportunity to give her a new middle name. Jade Elizabeth Boyd is now officially a member of the Boyd family. Councilor Boyd remarked he and his wife have been fostering Jade since August of last year when she was 13. He commented he has become a changed man over the last 9-10 months. Jade has just completed her first year in the Merrimack public schools. He spoke of how well she performed in school, and of how proud he is of her accomplishments particularly coming into a new community, new everything, and being able to do so well. He remarked he cannot express how thrilled he and his wife are to be Jade's parents.

Councilor Boyd spoke of the guidance Councilor Dwyer provided him with all aspects of the adoption process; something that he will be forever grateful for.

Councilor Vaillancourt noted the Conservation Commission met on July 18th. At that time the Commission approved/accepted a few trails recommended for approval by the Grater Woods Sub-Committee. She spoke of how fortunate Merrimack is to have the trail system it has.

The Commission voted for the Chairman to write a letter of support for the Souhegan River Trail.

A new member has joined the Wildcat Falls Sub-Committee. The Conservation Commission itself has open positions; two full-time and 1 alternate.

The Commission conducted its Annual Meeting. Matt Caron was re-elected as Vice Chairman. In the absence of a nomination for Chairman, the Commission is currently without a Chair. Election of a Chairman will be an item on the Commission's next meeting agenda.

Councilor Vaillancourt informed the viewing audience that it is with mixed feelings that she officially announces her resignation from the Town Council effective today. She is moving out of Town in a few months' time, and will no longer be eligible to sit on the Council. She thanked all of the residents who have supported her 24 years of public service to the Town of Merrimack. Chairman Harrington wished her well.

Residents interested in being considered for filling the vacancy on the Council should send a letter of interest to the Town Manager by August 3rd. Interviews will be conducted by the Council on August 8th and 9th. The final determination/vote will be made during the Town Council meeting on August 18th.

The Council expressed its gratitude to Councilor Vaillancourt for her service to the community.

<u>Adjourn</u>

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Vaillancourt to adjourn the meeting. <u>MOTION CARRIED</u> 6-0-0

The July 21, 2016 meeting of the Town Council was adjourned at 9:43 p.m.

Submitted by Dawn MacMillan

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