

**Joint Meeting
of the
Merrimack School Board and Merrimack Town Council
November 14, 2017 at 7:00 p.m.
Matthew Thornton Room – Merrimack Town Hall
PUBLIC MEETING MINUTES**

Present: School Board Chair Barnes, School Board Vice Chair Schneider, School Board Members Guagliumi and Thompson, Superintendent Chiafery, Assistant Superintendent for Curriculum McLaughlin, Assistant Superintendent for Business Shevenell, Student Representative Puzzo, Town Council Chair Harrington, Vice Chairman Mahon, Councilors Dwyer, Koenig, Boyd, Albert, and Town Manager Cabanel

School Board Member Schoenfeld was excused from the meeting.

1. Pledge of Allegiance

School Board Chair Barnes led the Pledge of Allegiance.

2. Public Comments

Nicole Tomaselli of 11 Knollwood Drive thanked the groups for the joint meeting and expressed her appreciation for the attention being given to the water in the schools. Her concerns were for the children's health and property values. The past eighteen months with no action have been very frustrating for her.

Kathy Stack of 7 Knollwood Drive stated that her well is contaminated and she has been unable to get answers or help when she has reached out to the state and local agencies. She wants to see action by the members of the joint meeting in regards to the water contamination. This is a serious health concern.

3. Update on Water Conditions in Merrimack, Review of School District's Vested Concern and Town Council's Efforts on Quality Improvements

Chair Barnes invited Merrimack Village District (MVD) Executive Director Ron Minor and Commissioners to the table. She thanked them for their participation and noted that the school district is a large consumer of MVD water and very interested in hearing the MVD's report on their long-term goals and potential solutions to the water contamination. Chair Barnes noted the school board is very concerned about student safety and solutions.

Town Council Chair Harrington stated that the Town Council has been carefully following this issue for a long time. The contaminated wells are not connected to the MVD but those with contaminated wells should contact Town Manager Cabanel and supply their names and addresses.

Town Manager Cabanel stated that the Town Council, out of necessity, has taken a more active place at the table; however, they have no jurisdiction over the MVD, Department of Environmental Services or Saint Gobain. The Town Council is actively pursuing the problems with contaminated wells that lie just outside the plume area and has begun a process that involves conversations with an attorney. At this time these conversations cannot be made public.

Water Commissioner Lon Woods thanked Chair Barnes for the invitation to attend the meeting.

He noted his agreement with the sentiment expressed earlier and stated the MVD's concerns about water quality for its rate payers. Their perspective is to look at the aggregate water use and monitor it for a variety of contaminants.

He cited the example of MVD and Town Council cooperation several years ago when the issue of road salt became a concern. In regards to this most recent problem, the MVD is in conversations with a large cooperation in town and the MVD attorneys have given the cautious sense that progress is being made.

The MVD was first alerted to the PFOA problem on February 29, 2016; approximately nineteen months ago. This problem has been foremost in the minds of the MVD commissioners since its inception. At this time there are no long-range plans or suggested solutions being discussed. The engineering outfit has been made aware that they need to be mindful of the larger group of PFOA contaminants that might be in the water. Until the MVD has a better sense of the extent of contamination, there will be not solutions put in place.

Town Councilor Peter Albert stated that he and Town Councilor Boyd will be liaisons for the Concerned Citizens Water Board and he asked that the MVD also have someone represent them on this board.

Town Councilor Albert asked if the MVD has a list of the houses on Joppa Road that Saint Gobain is fighting against paying for these homeowners to connect to the MVD water supply and was told yes.

Town Councilor Albert thanked the MVD commissioners for attending the meeting and noted the importance of continued communications from them with the Town Council and the community.

Town Councilor Albert asked if the MVD is considering lowering the standard of PFOA's from 70 ppt.

Water Commissioner Woods responded that the MVD is not allowed to access private property without the homeowners consent. The Environmental Protection Agency, Department of Environmental Services and the State set the PFOA ppt. guidelines.

In regards to the Concerned Citizens group; they have not yet invited the MVD to their meetings.

The MVD was asked at the last board of commissioners meeting to work harder at keeping the community informed. It has been put up as an agenda item.

There have been no discussions involving the MVD lowering the ppt. acceptable levels. Currently the aggregate ppt. levels in Merrimack are in the low twenties. This does not include wells four and five. These wells have not been tested since they were taken off-line. The MVD does not have permission to turn them on as the state is now overseeing these wells.

Town Councilor Boyd asked if there were any constraints on community members putting forth a warrant article for consideration at the next water district meeting to provide a specific PFOA level or standard.

Water Commissioner Woods responded that the only constraint is that a warrant article must be put forth by a Merrimack citizen.

School Board Member Thompson reminded Water Commissioner Woods that at a previous school board meeting he had asked if the MVD had polled their users as to what they want for an acceptable level of PFOA's. He would prefer a number closer to zero.

School Board Member Thompson then noted that the meeting time of 4:00 pm is inconvenient to most people and a good faith move would be to change the meeting time to later in the day.

Water Commissioner Jack Balcom stated that the issues are the water quality and the contamination of it by a local company. The MVD lawyers are actively engaged in addressing the problem. The 70 ppt. is not the focus of talks; overall water safety is.

Water Commissioner Balcom expressed concern that some residents are worried that the water is not safe to drink and this is not true.

Board Member Thompson asked that the water aquifer be looked at as a whole. He does not think that man-made elements should be in the water at all.

Board Member Guagliumi stated that the 70 ppt. is not as relevant to her as the fact that the man-made contaminants are in the water and the impact on the students' safety is still unknown. With the school district such a large customer, the minimum she expects is that water filters be installed in the schools and the polluter be approached to make reimbursements towards this.

Town Councilor Jackie Flood asked who tests the MVD water and how often. She sees no action with the exception of the distribution of bottled water. She asked if the MVD is able to represent the residents whose wells have been contaminated.

MVD representatives responded that MVD employees test the water monthly.

The MVD has been compiling lists of affected wells and provided them to the DES.

Water Commissioner Woods stated that they are as equally frustrated with the slow progress towards resolution as are the residents of the community of Merrimack.

School Board Vice Chair Andy Schneider noted that after testing the water in the schools, the School Board is in discussions on what tangible solutions might be put in place. He welcomed the MVD to attend future school board meetings with updates.

Water Commissioner Woods responded that, while this is a problem that is important to be addressed, the amounts of contamination have not changed their way of doing business.

School Board Vice Chair Schneider suggested that the MVD take a pro-active approach and ask the residents if they want to spend a large sum of money to address the problem.

Town Councilor Nancy Harrington proposed having a questionnaire asking residents their opinions on the issue. She expressed high regard for the MVD commissioners; but noted their lack of communication with the community.

Town Manager Cabanel stated that the question should only be asked of MVD customers.

School Chair Barnes responded that private well owners still send their children to the schools, eat at local establishments and so consume the water anyway.

Board Member Guagliumi disagreed with waiting for the election to get community input as the information would be too late for the budget season.

Town Councilor Tom Koenig brought up the bigger picture of all of the possible pollutants in water and advised caution while the MVD completes their review.

School Board Chair Barnes commented that the communications piece is very important. If the MVD were to move their meetings to the Town Hall and allow them to be shown on the closed circuit cable that it would help the residents to stay abreast of the progress.

Water Commissioner Woods responded that the time change was made in order to have certain MVD employees, such as biologists, in attendance during their work day.

School Board Chair Barnes reiterated her comment that the MVD meetings be moved to the Town Hall for broadcast purposes.

School Board Chair Barnes suggested that a central filtration system might be a more valuable purchase.

School Board Chair Barnes questioned if the MVD decision was to purchase a water filtration system for just the two contaminated wells what was the timeline for design and installation.

Water Commissioner Woods responded that the timeline as he understands it is approximately two and a half years for wells seven and eight.

Town Councilor Finlay Rothhaus suggested that the School Board move ahead and purchase water filters for the schools and write a warrant article.

Town Councilor Boyd asked Water Commissioner Balcom when they decided that this was a crisis situation.

MVD commissioner Jack Balcom responded that as soon as they were made aware of the problem, that MVD put their engineers to work on the problem. The process moves slower than one might expect.

Town Councilor Boyd suggested that this was a great opportunity for the MVD to communicate what they have done to the Merrimack residents.

Water Commissioner Balcom responded that the commission would be agreeable to having occasional meetings on the closed circuit television.

Town Councilor Albert asked if the MVD has a plan in place once all legal proceedings are finalized and approvals are given.

Water Commissioner Woods responded that a plan is in progress and declined to speak about what it might cost.

School Board member Thompson made a clarification. The water filtration system that the school board is looking into is not just to eliminate PFOA's, but all contaminants possible to filter.

Town Councilor Flood asked if the DES and Attorney General are involved in negotiations with Saint Gobain in regards to wells four and five and was told no.

Town Councilor Flood expressed serious concern about the strong handed approach taken by Saint Gobain on the impact their actions have had on the local water supply.

Water Commissioner Woods stated that despite their reluctance early on, Saint Gobain did accept responsibility for the contamination.

Board Member Guagliumi reiterated her request for reimbursement for the water filtration in the schools by Saint Gobain and asked the Merrimack Village District to keep in mind during negotiations.

School Board Chair thanked the MVD representatives for their time and noted that there is a common goal between the MVD and the Town.

The MVD commissioners promised to continue to work with the Town Council and School Board.

4. Merrimack Safeguard Update Including Long-Term Commitment to Merrimack Middle School (MMS) Student Resource Officer (SRO)

School Chair Barnes invited Assistant Superintendent for Curriculum Mark McLaughlin, Safeguard Chair and Police Chief Denise Roy, Merrimack Police Detective Tom Prentice and Nashua Youth Council Executive Director Betsy House to the table.

Assistant Superintendent McLaughlin opened the presentation by noting the power of partnership. The drug-free grant was written over ten years ago. Its purpose was to support the

implementation of the School Resource Officer (SRO). The grant will expire in 2019 and new funding is needed to maintain this much needed position.

Police Officer Prentice and Director Houde attended a national coalition academy in 2009 that was very helpful in defining the steps they needed to take to create an action plan and logic model. The local problems with prescription drugs and alcohol were identified through youth surveys and addressed with support from community businesses in how they displayed some of their products. Drug take-back days have been very successful. There is now a permanent take-back box in the police station.

The intent of the grant was to shift the community's perception. Data collecting supported the value and need for the SRO as did a parent survey. Long-term data results reveal that teens are making healthier decisions.

Assistant Superintendent McLaughlin lauded the Town Council and the school board for their early support of having a middle school SRO. Their continued support is an important sign to the grantors and appreciated.

Assistant Superintendent McLaughlin stressed the importance of the partnership between the school district and the police department. The second part of the grant contained a requirement that the district demonstrate how they would continue to support the SRO position. Merrimack did this by showing a sliding scale of monetary support between the town and the school district budgets.

As more of the grant funds are freed up, other initiatives can be considered. They include the New Hampshire Teen Institute Leadership Team, Mental Health Committee, and the Patricia Conrad, PhD Provencher Training.

The Provencher Program would fill the void when Merrimack Safeguard is disbanded. It provides training in specialized coping skills to high risk seventh grade students who have been identified through substance risk profile scales. These trainings are delivered by trained school staff.

School Board Chair Barnes noted that Town Manager Cabanel had emailed the School Board members with a document on potential funding resources in order to continue the SRO position.

Vice Chair Schneider stated that he has enjoyed the privilege the past five years of being a School Board liaison to Merrimack Safeguard. He noted that the entire community has gotten behind this initiative.

Vice Chair Schneider expressed his complete support for a move to transitional funding of the SRO. He would like to see some of the other initiatives explored.

Town Councilor Rothhaus would like to see the SRO program continue and would vote to continue to participate in its funding. He would like to see the school district also participate in the funding.

Town Councilor Boyd asked Ms. Houde to elaborate on a point she made about the grant amounting to one million dollars.

Ms. Houde responded that the grant is in its eighth year and the annual amount the town receives is \$125,000.

Town Councilor Boyd expressed his support for Project Safeguard and the continued funding for the SRO.

Town Council Chair Harrington asked Police Chief Roy if the high school SRO has noticed a difference in the students who have had exposure to the middle school SRO.

Police Chief Roy has heard broad anecdotal comments throughout town on the positive tone set in middle school by the SRO.

Town Council Chair Harrington expressed her support for the SRO and would vote to continue to fund the position going forward.

Town Councilor Albert has observed some very positive situations with the middle school SRO and prefers the role of the SRO in the school instead of pulling officers from the street to deal with complaints.

Police Chief Roy added that Detective Prentice in his role as the SRO is completely invested in the students and has established lines of communication with students that have been invaluable.

Assistant Superintendent for Curriculum McLaughlin stated that Merrimack Safeguard is not an arm of the school district. It is a community grant comprised of twelve sectors of the community; one of which is the school board. The community must decide on the continuation of Merrimack Safeguard.

Town Councilor Albert asked if there is a mechanism in place that addresses physical, domestic or sexual violence impacts on students.

Assistant Superintendent for Curriculum McLaughlin responded that often, substance abuse stems from an earlier situation students struggle with. Merrimack Safeguard is almost morphing into a prevention program. An example of this is the creation of the Mental Health Committee.

School Board Member Thompson stated this appreciation for the police department and the town for their involvement in having the SRO in the district.

Chair Barnes thanked everyone for their work.

5. Election Facilities Review

Chair Barnes noted the inability of Town Moderator Lynn Christensen to attend the meeting and tabled this agenda item.

6. Fields Needs Review

Chair Barnes invited Director of Parks and Recreation Matt Casparius, Planning and Building Committee Chair Rich Hendricks, Merrimack Youth Association (MYA) President Tom Thornton, and Merrimack High School Athletic Director Mike Soucy to the table.

The field study begun in 2010 and all agree that there are not enough fields or viable field options in the town. There is a possibility that one rectangular field could be situated at the Thorntons Ferry Elementary School. A turf field at the high school is also a possibility and has been investigated.

The Timmons Property can accommodate one field but it was discounted due to its accessibility. It would create a very dangerous traffic situation as it exists now.

MYA President Thornton stated that his organization always prefers rectangular fields. The lacrosse program is still growing and the soccer program numbers over 800 participants in both the spring and fall. The MYA and the high school share a field at Reeds Ferry Elementary School. Volunteers have kept the field watered at Wasserman Park.

This past year the town pulled out of its involvement at Anheuser Busch. It was not cost effective.

There is a strong need for fields across multiple sports.

Newly hired Merrimack High School Athletic Director Mike Soucy added that eighteen home soccer games had to be played outside of Merrimack and cost about \$6,000. This also resulted in a decrease in fan attendance. There are also transportation issues for younger students when games and practices are off-site.

Board Member Thompson noted his involvement with the MYA as a soccer coach and would like to pursue surveying the Timmons Property as to its feasibility for two utility fields and parking. The School Board has given its approval for the Parks and Recreation Committee to survey the land, with no cost to the school district.

Board Member Thompson noted that the 2010 Field Study called out for 23 fields. This was before Merrimack had a lacrosse program and the second largest soccer program in the state. He encouraged the town to re-visit its efforts to conserve land and move more towards multi-purpose use land.

Town Councilor Albert asked about the possibility of selling the Timmons property and using the proceeds to purchase a more suitable piece of property.

Discussion ensued on the pros and cons of using but not owning various field sites in Merrimack.

Town Councilor Rothhaus expressed criticism of the YMCA for allowing its property to deteriorate. He would be in favor of the town acquiring this site for field use.

Town Councilor Rothhaus noted that there was about a \$25,000 cost difference between the standard and turf fields annually. Paying out \$6,000 to use outside fields reduces this difference.

Town Councilor Rothhaus named several sites where fields might go. They include an area near Atherton, John Lane, Chamberlain Road and the Horse Hill Nature Preserve.

Town Councilor Albert asked if the school district would be interested in selling the Timmons property.

Planning and Building Chair Hendricks noted that area towns host events that bring in people and they raise substantial amounts of money. Merrimack has the hotels and restaurants but not the number or quality of fields available to participate in such events.

Chair Barnes commented that the selling of the Timmons property has never been brought up. The school board has given permission to the Parks and Recreation committee to survey the site for field use.

Board Member Thompson spoke as a Parks and Recreation sub-committee member. They have reviewed various plots of land and has discussed the selling of the land, however selling was never raised to the School Board.

Town Councilor Rothhaus noted the liability of students transporting other students to off-site locations.

Chair Barnes asked Board Member Thompson if the sub-committee has reviewed the entire 2010 field study and investigated the viability of all of the properties.

Board Member Thompson replied that the Flatley site is an area of interest. No action has been taken. The DES has asked Flatley to look at remediating the property due to the water contamination issue.

Town Councilor Boyd suggested exploring the potential of developing the Mast Road parcel and State of New Hampshire parcel off Back River Road.

Chair Barnes asked if the 2010 Field Study will be formally updated.

Board Member Thompson responded that the current document is a viable working document and he would rather move forward chipping away at it instead of taking the time to update the existing document.

Chair Barnes disagreed and suggested that there should be regular joint board meetings and the field study should be a regular agenda item. What is currently missing is the action items agreed upon by the joint board.

Director of Public Works Kyle Fox agreed that the field study should be updated, but the sub-committee is still investigating the properties and not yet ready to make the updates.

Town Manager Cabanel shared that the town has \$124,000 in the Capital Reserve Fund set aside for athletic fields.

Town Councilor Boyd added that there is another \$400,000 in an account titled Land Bank.

Chair Barnes thanked everyone for their participation.

7. O’Gara Drive Transition Plan including Update on Skate Park Relocation

Chair Barnes invited Town Manager Cabanel and Director of Parks and Recreation Casparius to the table.

Town Manager Cabanel shared that the town had received grants in 1973 for the cost of construction for four tennis courts and a natural ice skating rink; and in 1988 a grant to rehab the tennis courts and add lights. An “In Perpetuity” clause went unnoticed for several years.

The Town has a long-term lease agreement with the school district to use this property for recreational uses. Problems occurred when the town added the skate park and basketball courts. Everything became wrapped into the In Perpetuity clause.

Unravelling the clause took several years.

The Town Council approached the school board on how the land should be returned. The response was to return the parcel to its natural state.

Two deadlines are now looming. The lease the town has with the school district expires in July 2018. A site visit by a federal government representative in 2016 resulted in permission for the Town to demolish the tennis courts, as they are now considered obsolete. This left the ice skating rink, skateboard park and basketball court standing. These cannot be demolished until the lease agreement with the school district expires.

Chair Barnes asked if the lights on the tennis courts would also be removed and was told yes.

Town Manager Cabanel presented three options for the relocation of the ice skating rink. The Town Council will be selecting from these options.

A proposal to overlay the ice rink with sand volleyball courts is also being considered.

The cost to remove the basketball courts would be minimal. An estimate to demolish both the tennis and basketball courts would be about \$20,000. The estimated cost for a full-sized basketball court is about \$45,000. The MYA has set aside \$10,000 towards funding this and has agreed to have the basketball court at its location.

The skateboard park will be demolished after the lease expires in July 2018. The Town boards would have to decide on spending about \$150,000 to build a new one in a different location. This would need to go on a warrant article.

Board Member Thompson asked if the cost of demolishing the tennis and basketball courts separately is more expensive than both at the same time.

Town Manager Cabanel responded no. The person doing this work has been very generous to the Town in the past with his time and equipment.

Board Member Thompson asked about the School Board allowing the Town to extend the lease.

Town Manager Cabanel and Town Council Chair Harrington both expressed concern about the “In Perpetuity” clause and do not want to extend the lease or establish a new one.

Once the lease has expired the town could enter into a new agreement with the School Board that covers liability for the skateboard park. This would be considered a management agreement.

As of this date, the School Board has not voted to use this land for any other purpose.

Board Member Thompson stated he is in favor of the Town continuing their use of the parcel for the skateboard park until the School Board needs it.

Town Councilor Boyd asked the School Board to consider short-term arrangements with the Town to continue the use of the skateboard park.

Board Member Guagliumi would like to see the Town Council return to the School Board with a specific question as to how they would like to use the parcel.

Town Councilor Koenig stated that the town is not interested in extending the lease. New arrangements after the lease expires can be then considered.

Town Manager Cabanel stated that there are specific questions that can be asked before the lease expires.

Vice Chair Schneider stated the skateboard park has been a hotly discussed item on social media. It is currently on school district owned land and per the RSA’s it is located in a drug free zone. The RSA requires it be monitored, something not currently done.

Discussion ensued in regards to the future existence and location of the skate park; if it is to stay in existence.

Chair Barnes asked if the basketball court construction at MYA could begin before the existing one is demolished.

Town Manager Cabanel responded that she would rather not go this route and jeopardize the terms of the existing lease or create a new problem situation with the federal government.

Chair Barnes withdrew the question.

School Board Member Thompson stated his observation that the community appears to be in favor of having a skateboard park.

Chair Barnes asked how the tennis court demolition would impact school traffic and safety.

Town Manager Cabanel would coordinate with Superintendent Chiafery and come up with a time for their demolition.

School Board Member Thompson acknowledged the donations of equipment to the skateboard park from the Flerra family.

5. Election Facilities Review

Chair Barnes re-opened this agenda item.

Town Councilor Chair Harrington stated that at a presentation given by Town Moderator Christensen to the Town Council that the new procedures using the schools yielded no problems. It was noted that new voting booths are needed.

Superintendent Chiafery agreed that pre-planning was crucial to a smooth voting process. She stressed the importance of strong partnerships in doing business.

7. Approval of Joint Town Council and School Board Minutes

- **December 10, 2015 Minutes**
- **June 14, 2016 Minutes**

Town Councilor Boyd moved (seconded by School Board Member Guagliumi) to approve the minutes of the December 10, 2015 joint meeting.

The motion passed 8-0-2. Town Councilor Albert and School Board Member Thompson abstained.

Town Councilor Boyd moved (seconded by School Board Vice Chair Schneider) to approve the minutes of the June 14, 2016 joint meeting.

The motion passed 7-0-3.

9. Public Comments

Merrimack resident Corie LeBel 26 Beebe Lane spoke about the recent School Board ruling that school bus drivers are no longer allowed to bring their older children with them on their routes.

Assistant Superintendent for Business Shevenell responded that bus drivers are allowed to bring their own children of the same age level with them.

Ms. LeBel noted that there is currently a severe shortage of bus drivers and this creates difficulties for many bus drivers.

Chair Barnes responded that this will be addressed the next morning and that Assistant Superintendent for Business Shevenell will be directly involved in the discussion with the bus company management.

Chair Barnes added as a point of clarification that no vote was taken on this issue by the school board.

10. Motion to Adjourn

Town Councilor Boyd moved (seconded by Town Councilor Albert) to adjourn the meeting.

The motion passed 10-0-0.