

Approved: April 14, 2016

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Town Council Meeting Minutes

Thursday March 24, 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 Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Vaillancourt, Town Manager Eileen Cabanel and Assistant Town Manager/Finance Director Paul Micali. Councilor Rothhaus arrived at 9:10 p.m.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

On Wednesday, March 30th a non-meeting will be conducted at 6:00 p.m. and a non-public meeting at 6:30 p.m. in the Town Council Chambers.

The Annual Town Meeting/Voting Day is scheduled for Tuesday, April 12th from 7:00 a.m. to 7:00 p.m. at the James Mastricola Upper Elementary School (JMUES) All-Purpose Room located at 26 Baboosic Lake Road.

Regular meetings of the Town Council will be conducted on Thursday, April 14th and April 28th at 7:00 p.m. in the Matthew Thornton Room.

The Voters Guide will be mailed to all residents early next week.

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

• Informational Reports and Updates

Chairman Harrington noted the Council's receipt of a letter the New Hampshire Municipal Pipeline Coalition (Coalition) wishes to submit to Governor Hassan, Senators Shaheen and Ayotte, and Representatives Kuster and Guinta. The letter states in part: "We have shared concern that a portion of the pipeline's gas would be exported. There was a recent press release from Senator Markey of Massachusetts "appears to confirm my long-standing warnings that the ultimate goal of some natural gas pipeline proposals being made in New England is not to help our residents, but to use New England as a throughway to export U.S. national gas to Canada and ultimately to overseas." We ask that you take the same position as Senator Markey regarding the exporting of gas using NED.

Chairman Harrington questioned the will of the Council relative to authorizing the Town Manager to sign the letter on behalf of the Council.

MOTION made by Councilor Vaillancourt and seconded by Councilor Boyd to authorize the Town Manager to sign the letter on behalf of the Town Council

ON THE QUESTION

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Councilor Vaillancourt stated one of the arguments in support of the proposed NED Pipeline was that the gas is needed here in the region. There has been what she believes to be substantial information brought forward that indicates indeed there will be export from the proposed pipeline, which she believes negates the argument that the gas will benefit the New England region. She stated her support of the work of the Coalition.

Councilor Boyd remarked it serves as a reminder to the Federal Energy Regulatory Commission (FERC) that their job is to validate that a need does exist. The letter showing testimony that would suggest otherwise is important for the FERC to hear.

Vice Chairman Mahon commented what drove this was the move to intervene by Irving Oil. They specifically stated it was for the export of gas. That is why they had an interest in the proposed NED pipeline. When this was broached with the Governor she was unconcerned at that time.

Councilor Dwyer commented he does not believe the letter means a lot. He supports infrastructure throughout the country whether this proposed pipeline comes to fruition or not. The future exportation of our resources to Central America, Latin America, or Europe, to him, is a positive thing for our economy nationally. Predicting who or what we will ever export is so premature at this stage in the game that a letter from politicians citing how we are against it seems silly to him.

MOTION CARRIED 5-0-1

Councilor Dwyer Abstained

Councilor Dwyer stated he abstained from voting rather than voting against the motion as he is not against his colleagues voting to support something they believe to be positive. The fact that he does not put any strength in the letter is why he abstained from voting.

Chairman Harrington stated the previous evening's presentation on Perfluorooctanoic acid (PFOA), which was provided by the New Hampshire Department of Environmental Services (NHDES), is available for viewing on Channel 20. A link to the PowerPoint presentation is posted on the Town's website. She also stated a link to the handouts that were provided would be posted on the Town's website the following day.

Comments From the Press and Public

Kim Kojak, 142 Camp Sargent Road

Noted she is the Chair of the Merrimack Democratic Committee, and commented she is pleased the Council will be looking for solutions to the issue regarding the single polling location. It is her hope the Council can agree there is a need for more than 1 polling location. She would also like to see the Town return to the hours of 6:00 a.m. to 8:00 p.m. to make voting in Merrimack easier for all residents.

John Hanson, 9 Walden Drive

Echoed the remarks made by Ms. Kojak, and stated his hope whatever plan is put in place to make voting less egregious than it was in the last election also addresses the concern expressed that some voters may have been turned off. He would like to see a plan that would look to grab those voters that might have been turned off and turn them back onto it. He commented on the electronic signage that

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could be seen in Town regarding the water presentation, which was an event that was well advertised and well attended. He would like to see a plan to address the voting issue also address advertising to proactively work to encourage increased voter attendance.

Matthew Murray, 3 Eagle Drive

Commented he waited in line for well over an hour and a half to get from his home to the High School and back. He is aware of others who waited in line for an hour, couldn't get in to vote, and turned away. Having a single polling location makes great press because you are the biggest location in the country, but it is horrible for the people who reside here as they can't get to the polling location. He suggested the Town go back to having 3 polling locations, and stated his support of expanding the hours noting during the last two major elections the hours were extended on the spur of the moment.

Recognitions, Resignations and Retirements

Recognition of the Retirement of Town Employee

1. Recognition of Town Employee Leaving Employment

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present a recognition award to Kevin Chambers in recognition of more than 10 years of service to the Town of Merrimack Fire and Rescue Department. Kevin resigned effective March 4, 2016.

Mr. Chambers was unable to be in attendance. He will be presented with a plaque recognizing his dedicated service to the Town of Merrimack as a member of the Town of Merrimack Fire & Rescue Department from January 1, 2006 through March 4, 2016.

Chairman Harrington thanked Mr. Chambers for his service to the community, and wished him well in his future endeavors.

Appointments

1. Annual Review with the Highway Safety Committee

Submitted by Highway Safety Committee Chairman Mark Doyle

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Highway Safety Committee. This agenda item is to highlight the committee's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Mark Doyle, Chairman, Highway Safety Committee (Committee), stated the Committee consists of 10 members; 4 citizens-at-large and 6 governmental representatives, and is authorized by RSA 239-B, which establishes Highway Safety Committees in all of the communities in the State pursuant to the National Highway Safety Act of 1966. The Committee's charge is to address issues and develop strategies to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

The Committee met on three occasions in 2015; March 20th, June 18th, and September 23rd. The Committee handled a number of issues, most of which centered on signage requests in various

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neighborhoods. Specifically, the Chelsea Drive area, on Valleyview Drive, which resulted in the adoption of an Ordinance relative to the thru traffic issue, Penny Lane, and Manchester Street, which was exacerbated by virtue of the waterline main construction that was being conducted and then the repaving and actual improvement of the road, and a number of stop sign requests that continue to be reviewed on Island Drive at D.W. Drive, in the Westborn Drive and Lamson Drive area, Sandhill Drive, at Bishop and School Street, which was addressed with the School District, and at Chelsea Drive and Jessica Drive at the Meadow-Woods complex.

In all of those cases, no further action relative to installation of stop signs was warranted. Speeds were generally perceived to be faster than they actually were. The Committee was able to collect specific data relative to vehicle counts, traffic, and speeds through the data collection device that can be moved around Town quite efficiently and effectively to gather the data necessary to provide reports not only to those making the inquiries to the Committee, but also to the members of the Committee themselves.

The Committee looked at a line of sight issue on Greenleaf Street where it rides up to the back side of Dahl Road. The Committee is in the early discussion stage of a re-engineering design of D.W. Drive at Horseshoe Pond and Island Drive. That is the area directly across from King Kone where D.W. Drive shoots off, goes down, and intersects with Island Drive and the access to Horseshoe Pond. Almost directly across is that sort of cut-through, which comes up to D.W. Highway, and then there is another egress that goes out northbound onto the D.W. Highway where there is a stop sign. It is a little complicated, and there have been some concerns expressed from some of the residents at Island Drive as well as Horseshoe Pond indicating getting out onto D.W. Drive is problematic, and getting out onto D.W. Highway is even more so. Particularly in the summer months, traffic can get a little congested in that area. The Committee will lean on Kyle Fox, Deputy Director/Engineer, Public Works Department, for direction moving forward.

The Committee talked about traffic backups that periodically occur at Amherst Road and on Turkey Hill Road. We have a very committed and competent traffic officer in the morning, and traffic moves very well when she is there. On the occasion where she is out ill or has a day off and we have an officer there, things still work pretty well, but there are occasions when officers have to be pulled away to other scenes. The Committee will do all it can until a long-term solution is in place. The issue is discussed continually; what can be done at that intersection without making it a burden for the neighborhoods around there.

The Committee discussed signage on Wilson Hill Road. Deputy Director Fox has authorized signage improvements on the S curve as you head out westbound and come back into Town. There have been a number of accidents in that location, almost always due to excessive speed. Aside from re-engineering that road, the short-term fix is to make sure there is enough cautionary signage to inform those who may not be familiar with the road design that there are some aggressive turns coming up and to watch their speed.

There was one sidewalk discussion that came up at Heron Cove down off of Manchester Street that the Committee handled in terms of getting some information from the folks at Heron Cove. The folks at the Town government level and at the PWD had an opportunity to speak with them as well regarding the opportunities, if any exist, relative to installation and erection of sidewalks along that stretch of the road. He commented it is interesting how the design is currently with that section as you come from Al Paul Lane and head out toward Nashua. What everyone likes to refer to as a sidewalk is an actual

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path that runs along that Stabile property in the woods and then kind of stops just this side of Heron Cove. Heron Cove designed their own path that runs from their second entrance south towards the Nashua line to the bridge at Pennichuck Brook. There was some talk about connecting the two. That issue is being left to the folks at Heron Cove to address as the part they want sidewalk installed on is actually on their property. Some of the other engineering issues that go along with construction of sidewalks, etc. are things that will come down the road when there is a long-term plan to redesign and rebuild Manchester Street.

With regard to signage requests, the Committee relies on very clearly specified criteria regarding signage placement and installation identified in the Manual of Uniform and Traffic Control Devices (MUTCD). That is not to say the Committee does not entertain those requests. Residents should continue to feel comfortable enough to come to the Committee with a concern. If they have what they perceive as a safety concern the Committee will, at the very least, look into it. There may be those occasions where it may not subscribe to the criteria in the MUTCD; however, collectively the 10 members of the Committee may decide it is warranted regardless. The Committee will try to create some kind of guidelines for residents to reference when they want to come before the Committee whether it is for a stop sign or other sign.

The Committee is discussing what can be done to take advantage of opportunities through the Highway Safety Committee, e.g., grants, etc. to focus on some specific issues relative to traffic safety in Town be it stop lights, traffic signals, or distracted driving enforcement. These are things that are really high on their radar. Some of the most recent data that has come in has indicated, since the State adopted the Statute restricting the use of mobile hand-held devices in cars, they have started to see a drop off in the number of accidents caused by distracted driving. What is being seen is that after the initial crunch and efforts put out regarding enforcement of that Statute, things happen to drop off in terms of the enforcement piece. In order to continue to maintain that particular driver behavior that is desired the enforcement piece has to continue.

Councilor Boyd remarked last year the Council spoke of the obstruction coming off the F.E. Everett Turnpike onto Raymond Wieczorek Drive, and asked if there was follow up with that in terms of the ability to reduce the berm to increase the line of sight. Chief Doyle stated the conversation is ongoing. Some signage was changed. The New Hampshire Department of Transportation (NHDOT) has stated they will monitor the traffic and continue to address safety issues, if they do avail themselves, so we could look at reducing the berm. There have not been any reported accidents at that location, which is not to mean that action would not occur in the absence of an accident. He reiterated the NHDOT's position is they will continue to monitor the area and ensure if there is a safety issue it will be addressed.

Councilor Boyd questioned if the Committee is fielding sign requests for repair/replacement of existing signage or maintenance, e.g., trimming of shrubbery, etc. Chief Doyle stated those to be the simpler fixes; residents can contact the PWD.

Councilor Koenig commented on the sight issue at Exit 13, and his familiarity with the dangers of that area. Chief Doyle spoke of a discussion he had with the Bedford Police Chief, Bill Lambert from the NHDOT, and a Lieutenant from the State Police Department shortly after that exit was constructed. At that time, it was decided they would look at the signage to ensure it was appropriate. Regular users of that road are familiar enough to recognize the need for the over the shoulder look, and those coming

northbound will do the same. The wildcard is the individual who is not familiar with that location or the individual who is either impaired or distracted. He commented he is unclear on what would lead to a decision to look deeper at that area. Councilor Koenig commented the discussion of lowering the berm and increasing the sight distance is a good idea for improvement. He does not know how to measure whether that is enough improvement to resolve the issue.

Councilor Vaillancourt remarked the signage in the area is confusing, particularly to new drivers. The sign instructing drivers who are changing lanes to yield the right-of-way is small in size. Chief Doyle stated the area is one the Committee will continually review, and will have on its agenda for the upcoming year to discuss it again with the NHDOT. Councilor Boyd suggested a rumble strip would be helpful.

Public Hearing

1. Public Hearing –Pole License Amendments

Submitted by Assessor Loren Martin

The Town Council will hold a public hearing, pursuant to the provisions of RSA 231:163 and 43:2, for the purpose of considering amending all existing pole licenses to include language regarding taxation pursuant to RSA 72:23 and will also consider adopting a revised Pole and/or Conduit License form which will include language regarding taxation pursuant to RSA 72:23. The hearing is being held to determine if it is in the best interests of the public good to amend the pole licenses so that they are consistent with the property taxation statutes (RSA 72:23).

Loren Martin, Assessor, stated as a result of pending litigation with Fairpoint Communications, it has become apparent that some or all of the existing pole licenses in Town may not contain language regarding taxation pursuant to RSA 72:23. Amending the agreements would ensure the Town is aware of all users in the public right-of-way as it is the Town's duty to manage this function. Currently the Town assesses all of the structures within the public right-of-way; poles, conduits, transmission lines for the electric company, etc. The Town was assessing a public right-of-way to Fairpoint, for example, in 2011 and 2012. As a result of the litigation it became apparent Towns didn't have the necessary language in their license agreements to ensure you could tax them as well as all of the users in the public Right-of-Way. It was taken off to try to minimize the litigation and the impact to the Town, but this would resolve the issue, and allow the Town to become aware of all users, and the ability to tax all users for the public Right-of-Way.

Chairman Harrington stated what is being discussed is amending existing agreements. Any new agreements would include this new language.

Chairman Harrington declared the Public Hearing open at 7:40 p.m.

No one from the public expressed a desire to speak.

Chairman Harrington declared the Public Hearing closed at 7:41 p.m.

MOTION by Councilor Mahon and seconded by Councilor Dwyer that, pursuant to the provisions of RSA 231:163 and 43:2, the Town Council has determined it would be in the best interests of the public good to amend all existing pole licenses issued by the Town of Merrimack

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through March 24, 2016 to include language regarding taxation pursuant to RSA 72:23. As a result of the Public Hearing, the Town Council has found that it is in the best interest of the public good to amend these existing pole licenses, and further the Council has found it to be in the best interest of the public good to adopt a revised pole license form to be used by the Town of Merrimack, effective March 25, 2016, that includes the same language noted above for all future pole licenses to be issued in the Town of Merrimack. **MOTION CARRIED 6-0-0**

Legislative Updates from State Representatives - None

Town Manager's Report

As the Conservation Commission spoke about during its annual meeting with the Council, the Commission is about to go out to bid for a parking lot expansion project at the Amherst Road Parking Lot for the Horse Hill Nature Preserve (HHNP). This project will occur on the Town owned portion of the preserve. The Commission has done the preliminary wetlands check by a Wetland Scientist, had conversations with and included input from the abutters, and worked with Deputy Director Fox to generate a bid package.

Consent Agenda - None

Old Business

1. NH HeartSafe Community Presentation

Submitted by Fire Chief Michael Currier

The Town of Merrimack to be presented with a plaque from the State of New Hampshire for the Town Council acceptance to adopt the New Hampshire HeartSafe Community Initiative in 2015. This program is designed to strengthen the chain of survival for victims of cardiac arrest by focusing on training members of the community in Cardio Pulmonary Resuscitation (CPR) and Automatic External Defibrillation (AED) use.

Richard Pierson, Assistant Fire Chief, spoke of Merrimack receiving the New Hampshire HeartSafe Community Award presented by the New Hampshire Bureau of Emergency Medical Services (EMS) and the American Heart Association. It is the diligence and hard work of Firefighter/Paramedic Jeremy Penerian that lead to this award.

Jeremy Penerian commented he started the process two years ago with the hopes of getting the program going so we could have a better chance of survival for cardiac arrest in Merrimack. It is basically to strengthen the chain of survival. We have a lot of great equipment, and great people; Firefighters/Paramedics, EMTs, and great Officers that know how to do CPR. The big thing is getting people trained on the street; lay people that can start CPR early. That is what makes a huge difference. A big portion of that was achieved through conducting CPR classes.

Bureau Chief Nick Mercuri, New Hampshire Bureau of EMS and William Wood, Coordinator for Preparedness and Special Projects from NH EMS and Nancy Vaughn, Director of Government Relations for New Hampshire Founders Affiliate of the American Heart Association presented the Council with the award.

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Bureau Chief Mercuri noted Merrimack is the 25th community within the State to be able to earn the award. What it really means is that chain of survival is very much strengthened within the State. He remarked this chain of survival is hard to follow if we don't have good citizen access early CPR. We can have the best equipment, the best trained professionals, but it has to start with the community effort. He applauded the Fire Department and Firefighter/Paramedic Penerian for the work that has been done.

On behalf of the Town Council, Chairman Harrington thanked Firefighter/Paramedic Penerian for his efforts in this regard.

2. Polling Location Discussion

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

In a combined effort, the Town Council, Police Chief, Town Moderator and Town Clerk/Tax Collector will review the suggestions received from residents as well as discuss and determine the location(s) where future elections will be held.

Chairman Harrington spoke of the problem that was identified as a result of the February 9th Primary Election. Various individuals including the Police Chief and election officials were asked to meet and gather information relative to alternatives. Chairman Harrington stated the Council would not discuss the problem that arose, but would instead focus the discussion on possible solutions.

On February 10th, a link was established on the Town's website as a conduit for receiving suggestions from the citizenry. The effort resulted in receipt of 68 submissions; 51 related to additional polling sites; 2 suggested Shaws, 4 suggested increasing the polling hours, 10 suggested keeping 1 polling location, but changing the traffic pattern, 5 had complaints, but no suggestions, 2 provided their names stating a willingness to volunteer in the future, 6 referred to the Council as morons or idiots, and 1 referred to the Council as geniuses.

Chairman Harrington questioned the will of the Council with regard to additional polling locations. Councilor Dwyer stated his recollection that in 2012 it was not really a set policy, but rather an experiment. The Methodist Church was no longer available as a polling location as it was no longer compliant, and leaders in Town brought forward the recommendation of utilizing the High School. At no time was there an open discussion identifying a new procedure/location. This has been tried on 3 occasions, and he is of the opinion it will never work. He commented the decision was never intended as a cost-saving measure; the Town will pay whatever it takes to run elections.

Councilor Koenig stated his agreement more than 1 polling location is needed. He remarked the changes were made for reasons that were somewhat beyond our control, and some of the issues that have come up are that those multiple locations are not necessarily available during the times that we have elections. The question becomes do we change the polling locations on an election-by-election basis and confuse people as to where they are supposed to go by having a single polling location at some times and multiple polling locations at other times or do we find availability. That is not an easy thing to do for all of the election times that we have throughout the year between Town, State, and Federal elections. He reiterated it is not a matter of simply saying we want 2 or 3. While he accepts and appreciates everyone's input that we should go back, nobody has a clear answer of how we should do that.

Vice Chairman Mahon stated agreement; it is not as simple as it might appear. There are a lot of pieces that have to fit together not the least of which is finding adequate personnel that meet the criteria required by State law to man multiple locations.

The consensus was that more than 1 polling location is needed when it comes to Federal elections.

Chairman Harrington questioned whether those multiple polling locations should be used for the Town and State elections as well. When asked for predictions relative to voter turnout at the Town's April 12th election and the September Primary Election, Town Moderator Lynn Christensen stated, in 2006 the Town election, which included a vote on the Library, resulted in a voter turnout of 13,000. There were 11,000 in the following year's election. From there voter participation dropped down to 5,000 - 7,000. Last year and the year prior there were 3,500 - 4,500. During the September Primary Election voter participation has been under 4,000. Back in 1996 voter turnout was 7,000; however, that was quite unusual. The Town has seen as few as 1,200.

For the General Election in November, the Town has experienced anywhere from 8,000 to 15,000 depending on whether or not it was a Presidential year. Councilor Koenig remarked there is also the Federal Primary in late winter/spring. Moderator Christensen stated participation in that election has run from 6,000 - 11,000. When asked, she stated voter turnout was just under 10,000 in the recent election. Four years ago participation was also just under 10,000. In 2012, it was 6,000, and in 2008 (non-incumbent year) it was 11,000.

Moderator Christensen stated it is a four-year cycle and there are a total of nine elections. There is one year where there are four elections (this year; Presidential Primary, Town, State Primary in September, and General Election in November). Every other year there is only 1; the Town. On the fourth year there are 3; Town, State Primary, and State General.

Chairman Harrington remarked she requested Diane Trippett, Town Clerk/Tax Collector, gather information on the implications of different methodologies, e.g., impacts on responsibilities related to the checklist, etc., if the Town were to switch between a single polling location for Town elections and multiple locations for Federal elections. The information she gathered was included as part of the Council's agenda packet. There is a way to do that; however, it would result in an increased workload. There is also a question of available resources, e.g., some individuals working the polls are required to reside within the area of the polling site. Moderator Christensen remarked there may be superfluous people that are helping as Election Officials that don't necessarily need to reside in the area. The primary people need to live within the area.

Moderator Christensen stated the larger issue is going to be that of letting people know where they are supposed to vote. As soon as the Town went to multiple locations people continued to show up at the wrong place being surprised they were not on the checklist. The church continues to contact the Town indicating people are showing up there looking to vote. If you send people to one location for some elections and multiple locations for others, that will be the greatest issue.

Chairman Harrington questioned if there should be multiple locations identified for all elections to avoid confusion. She spoke of practices that could be put in place to inform the citizenry, e.g., postcards to every residence, use of electronic signage, etc. Moderator Christensen noted those mechanisms have been utilized in the past.

Councilor Dwyer commented one cannot predict voter turnout. The responsibility of the Council/Town is to conduct elections in the best way possible. He stated his desire for 3-4 permanent locations that would be used for all elections. What is of the greatest importance is that voters understand, with every election, where their polling place is. He is open to the option of longer hours. From there you make it work; we have the personnel, Police and Fire Departments, etc.

Chairman Harrington commented she had been leaning towards two options based upon the particular election, but the facts presented have changed her opinion. She remarked there will be hot button items before the voters at future elections, and rather than try to predict what will and will not increase voter turnout, she would prefer to be prepared for whatever the turnout might be.

Councilor Dwyer remarked he can guarantee there will come a time when someone approaches the Council with the issue of a small turnout at a particular location. He suggested with a known buildout number of 30,000, it is a great time to make a permanent decision, and make it work.

Moderator Christensen stated one of the keys to eliminating a lot of the parking and traffic issues is having the appropriate number of people on the checklist at the various locations. You can't just divide the Town in thirds because there are different sites with different capacities.

Councilor Boyd stated his opinion whatever locations are determined as polling locations need to be permanent. A person's right to vote is something that is cherished, and we need to honor that; ensure we have unabated, unfettered access for people to vote.

Councilor Koenig stated his belief there is a major problem that is not being addressed; most if not all of these buildings that are being talked about are not owned or directly controlled by the Town.

Chairman Harrington stated if the use of schools were suggested, there would be the need to go before the School Board with such a proposal.

Councilor Dwyer commented people might be getting the impression the school isn't cooperating and that is not known at all. The Council has not been told by any School Board member or anyone how they feel on the issue. The fact is everybody knows the school buildings are the largest buildings in all cities and towns and every city and town throughout the country and New Hampshire votes in their school buildings.

Councilor Dwyer stated a constitutional duty as elected officials is to hold elections. The wringing of the hands or the 800 pound gorilla in the room is the school. He questioned what he fears of their rejection; if they are going to reject let that be a headline in the newspaper. He stated the Council should not be walking on tippy toes around this subject matter.

Chairman Harrington responded the Council would have to acknowledge that that is the next step.

Councilor Vaillancourt stated what Councilor Dwyer was saying was premature because that conversation with the School Board has not yet taken place. She added Chairman Harrington notified the Chairman of the School Board that the Council would be having this discussion. A conversation between the parties has not taken place. She remarked the adversarial words and tone are premature.

Councilor Vaillancourt stated her agreement there is the need for multiple sites that are permanent in nature. Although it is unfortunate when only a few hundred people show up at one site, confusion

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created by changing back and forth is too much of a hardship. She believes having 4 places would be difficult, and that the Council would be fortunate to find 3 that would be suitable. When utilizing school buildings, both public and private, it wreaks havoc with the school calendar, which is a legitimate and reasonable roadblock they face. The private school has stated they would only be willing to do it once a year because they don't want to have to close school. She stated her understanding of the challenges that are associated with having schools closed for every election.

Councilor Vaillancourt stated residents wrote the Council stating the schools are closed anyway, and should be used. That is inaccurate. When local elections have been conducted at the upper elementary school, school has been in session. Having the High School as a single polling location this past February and four years prior were the first times since she has resided here that the entire school district was closed on voting day.

Chairman Harrington commented she is pleased with having this debate now, and acknowledged there would not be definitive answers at the conclusion of this discussion, but there would be a focus and some options will have been ruled out.

Councilor Dwyer stated he would only support voting on Town owned property, and spoke of the uncertainty that would come from private locations relative to availability from one election to the next. He remarked he is only interested in using our school buildings because they are under the ownership of every citizen in Town. He suggested, if the schools are able to understand the dates a year in advance, and choose to make it difficult then that is a choice, not a challenge; you choose to close school on days of elections.

Chairman Harrington clarified the Council was not asking the schools to close. There are options they might have that are not known to the Council. She stated the action of the Council may be to ask and see what can be accommodated.

The consensus of the Council was that multiple polling locations be utilized for all elections.

Town Manager Cabanel noted the group charged with identifying alternatives created maps of buildings that were considered. The intent was not to suggest that the buildings are or are not available. The maps include information needed to assist in a selection of polling places, e.g., number of parking spaces available, additional parking spaces in nearby locations, and traffic counts, which assist in identifying traffic challenges that may occur at the particular sites.

Assistant Town Manager/Finance Director Micali stated there to be eight options. The group broke those down into three categories; north, south, and central. School properties as well as other locations that would be large enough to hold or help out with an election were looked at. The sites have not been vetted, e.g., have not talked to the School District or others.

Central

The Merrimack Middle School; located off of Madeline Bennett Lane, with a traffic count of 3,700 - 4,700, occupancy of 500, and 155 parking spaces. Traffic flow would have to be one way in and one way out around the school. Traffic would have to come down Madeline Bennett Lane, come up on the side of the school, travel around the school, and back. Traffic would be very heavy during arrival and

dismissal if school were in session. However, in this location, you could effectively close off the rest of the school to the public. There is an all-purpose theatre/lunch room/cafeteria area. There is additional parking that could be utilized at the Bishop Field down off of Baboosic Lake Road and Madeline Bennett Lane.

Vice Chairman Mahon commented on the distance people would have to walk. Councilor Boyd questioned if the Chief has any issue with parking on the southerly side of Madeline Bennett Lane. Chief Doyle responded that section of Madeline Bennett was designed to accommodate a cueing line for buses. It is more than 2 car widths wide. You can have a cue line for buses and traffic can still pass. That doesn't do us any good if school is in session and buses still have to cue there. The road is wide enough to accommodate not only the parked traffic on the north side of Madeline Bennett, but two-lane moving traffic as well.

Chief Doyle remarked the other issue that was alluded to earlier is the 2,200' from the school. He noted the parking lot at Bishop Field is dirt, and considering weather conditions in November and February, cars would be parked there on less than perfect surfaces. There is a sidewalk that runs that section of the road. That is a safety concern that has been somewhat alleviated. There is limited parking at the venue. That parking exists adjacent to the cafeteria/theatre area, limited parking on the west side of the school, and a bit more that runs up toward the field, which is a little further removed, and a handful of parking spaces in the front. That is the biggest challenge with that location. It is far enough off of the main arteries where you won't have to worry about traffic backing up onto those major arteries. However, there are major roads that will have to be considered, e.g., Baboosic Lake Road that runs out to Amherst and 101, etc. Traffic getting to the venue would be great.

Chairman Harrington spoke of the number of booths that could fit into the various rooms. Moderator Christensen remarked at the Middle School there is a reasonable amount of space. If school were in session, there would be a large challenge with parking as teachers are all parked there. Councilor Koenig questioned if the suggestion was that voting occur in the cafeteria/stage area versus the gymnasium. Assistant Town Manager/Finance Director Cabanel responded the thinking was how to address keeping students separate from the general public if school were in session. That end of the building has approx. 80-90 parking spots. Moderator Christensen remarked pedestrian traffic flow in and out of the polls makes sense to be at the cafeteria as there is easy access to the parking lot and the handicapped parking.

Councilor Dwyer questioned if the Council could reach consensus that if a request is to be made for use of the schools that the request also require the schools to be closed. He stated he could not support utilizing the Middle School because it would not work if school were in session. Chairman Harrington reiterated the desire to allow the School Board to consider options they may have rather than the Council dictating the schools are closed.

Vice Chairman Mahon spoke of the weather conditions that are likely in February. During a Presidential Primary that field would have to be plowed if intended to be used for parking. Assistant Town Manager/Finance Director Cabanel stated that field is already plowed as buses park there and it is used as overflow parking for the school.

Vice Chairman Mahon noted some of the traffic counts cited are 10 years old. Accurate traffic counts would lead to a more informed decision. Tim Thompson, Director, Community Development

Division, stated, short of requesting the Nashua Regional Planning Commission (NRPC) or the State provide traffic counters, this is the data that is available. Vice Chairman Mahon suggested an effort be made to acquire up-to-date traffic counts. Town Manager Cabanel responded that is possible, but some of the locations cited will not be chosen, and they would not want to go through the steps and expense associated with updating those figures for all of the alternatives provided.

Councilor Koenig asked the Moderator for an estimate of the size of the cafeteria area relative to St. James or St. John Neumann, and was informed St. James is half to 2/3 the size of the Matthew Thornton Room. There was no space for a line, etc. The biggest issue there was traffic. There were accidents, were going to be more, and someone was going to get hurt. That was the biggest reason to eliminate that option. When the Town first started north and south there were about 14,000 people on the checklist. About 2,500 were put down south and about 2,000 up north. That was manageable. When people say I used to vote here or there and used to breeze in and out, that is because there were small numbers on the checklist, most of the elections were small elections, and they weren't thinking about the backups on Continental Boulevard and 101A at St. John Neumann's and parking in the PC Connection parking lot because there was no parking there.

In 2007, when reviewing a 3rd location, we had over 5,000 people on those two checklists alone and about 10,000 in the central. When asked, Moderator Christensen stated you could probably put 5,000 at the Middle School.

The consensus was to keep the option on the table.

The JMUES All-Purpose Room; occupancy of 900 and 176 parking spots. Traffic counts are around 20,000 on D.W. Highway, and Baboosic Lake Road is around 12,000. Egress parking traffic flow needs to be one way in and one way out. Traffic is heavy around arrival and dismissal. The school has to change the way they do their dismissal routines when school is open during elections. The one problem at that location is the co-mingling of the public and students, e.g., if parents are unaware of the election and drop their child off after the start of the school day, there could be the potential of a student walking in with the public. Police details were beefed up to address that. There is a lot of available parking around the complex, e.g., Legion, Adult Community Center, Library, etc.

When asked about the size, Moderator Christensen stated just before going to an additional site, there were about 14,000 people on the checklist at that location, and it was tight during major elections. She is of the belief somewhere in the 10,000 range would work there. Pedestrian traffic is excellent at that location as there is space for cueing. The site could easily accommodate 100 booths.

The consensus was to keep the option on the table.

The Merrimack High School; capacity of 600, 550 parking spots, and traffic counts around 20,000 on D.W. Highway and 12,000 on Baboosic Lake Road. Parking lot flow has been an issue for the past two major elections; how to get people in and out. The tie up in traffic is the need to cross the road whether heading north or south. Students are definitely co-mingled. There is no easy way to block that off. The school would definitely have to be closed to students if elections were to be held there. Additional parking exists at the Town Hall complex, the O'Gara tennis courts, Our Lady of Mercy Church, and down by CVS. The other issue is that of handicap parking. Individuals with handicaps

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are being parked in the right spot, but rather than taking the shortcut into the gym, they are walking all the way around. That is a signage issue that requires more work.

Councilor Dwyer commented in agreeing to 3-4 locations, he does not believe the Council should ever agree on utilizing both the JMUES and the High School at the same time. Everyone has come to know from 4:30 p.m. - 5:00 p.m. traffic on D.W. Highway has changed the Town. That was part of the problem at the High School during Election Day; everyday drivers bottlenecked the Library corner. To have two locations so close together is something he would hope the Council would not go for. For him, it seems the 5,000 names on a checklist is the magic number. If you have 3 schools and 5,000 per checklist and they are separated throughout the Town, that would work well and would spread the traffic out evenly.

Chairman Harrington remarked no matter what locations are chosen, there will be traffic. Assistant Town Manager/Finance Director Micali commented if Route 3 backs up between Exits 11 and 13, everyone jumps off, which is what he believes occurred during the election.

Councilor Koenig questioned the capacity counts at JMUES and the High School; what the numbers are based on. Assistant Town Manager/Finance Director Micali stated the numbers were received from the Standing Room Permit from the Fire Department. Councilor Koenig suggested and Moderator Christensen agreed the High School gym is much bigger than the JMUES gym. She estimated the High School could handle 12,000 - 14,000. Because JMUES and the High School are on the same campus, if you find the JMUES is going to have more people than capacity allows a move could easily be made to the High School. Chairman Harrington noted the only advantage being the separation of student population. It was also noted there would be no available parking at the high school were it in session.

When asked about consideration of this location, Councilor Koenig suggested and others agreed the School Board should help make that decision.

Southern

Thorntons Ferry School; occupancy of 400 and 125 parking spaces. Continental Boulevard could accommodate approx. 18,000 cars and Camp Sargent Road approx. 4,000. Traffic flow would have to be two-way in and out of the school. It is located in a residential neighborhood. Traffic would be very heavy during times of arrival and dismissal. Students and public could be separated. There would have to be no parking on Camp Road, which is the main road in and out. Additional parking is available at Veterans Memorial Park and the YMCA (considerable distance). Moderator Christensen remarked there isn't a flow with parking; you come in and go left or go right. You come back out the same way. Assistant Town Manager/Finance Director Micali spoke of the 5,000+ campus across the way that uses the same traffic light as Camp Sargent Road and Continental Boulevard when people are coming and going from work.

Chief Doyle remarked there is a big issue with parking if school is in session. He stated his only concern to be where you have that almost four-way intersection between the entrance to Thorntons Ferry School and across the Street at Ingham Road where there is a bit of a curve. You come up over the top of a berm as you approach it from the north side to the south side, and there is no good line of sight if you are coming in and out of there. During evening hours or low light conditions getting folks

out of events taking place at the school is challenging. The only streetlight is right there as well. There would not only be vehicular traffic, but pedestrians would be crossing.

Councilor Dwyer agreed the lighting there is poor. If it were to be identified as a polling location, additional streetlights and perhaps more lights on the school should be added. Vice Chairman Mahon commented there could be supplemental lighting provided. He noted most of the sites talked about have some kind of a connection where there would be parking further away than normal. At that point, it may be that shuttles are considered.

Town Manager Cabanel questioned if the Council was willing to eliminate this potential site given the issues related to it.

When asked, Moderator Christensen stated her belief the checklist could consist of perhaps 3,000. She commented when St. James was shut down, Reeds Ferry was investigated, which has the same size as this location. It is not a large room. To provide access and cueing space, it is not much larger than St. John Neumann.

The consensus was to keep the option on the table.

Councilor Boyd suggested the possibility of utilizing portable structures at Veterans Memorial Park. Town Manager Cabanel stated her understanding they are extraordinarily expensive. Councilor Koenig stated the cost to be in installation and tear down. It was noted there would also be the need for portable toilets. Moderator Christensen commented the idea of a tent has been thrown around previously.

The Merrimack Valley Baptist Church; the Pastor would help out in a pinch, but because of the schools and activities that occur at the facility it would cause a good deal of concern for him.

Moderator Christensen stated that location could potentially be used for elections with larger voter turnout and St. John Neumann for the smaller ones. It is another one where consideration could be given for a change of venue if needed. If the Merrimack Valley Baptist Church would be willing to allow the facility to be utilized in November, when school is closed, then the Town could alternate down to St. John Neumann for the smaller election.

Occupancy at that location is 992; equivalent of the JMUES and with similar parking. Moderator Christensen stated 6,000 - 7,000 could be accommodated at that location. She suggested if that location were considered, you would shortchange the southern location to make it light for the Presidential and a little heavier for the other elections.

Chief Doyle remarked if looking at these locations as alternatives to Thorntons Ferry School, both provide real opportunities when it comes to traffic flow. The challenges that exist at Thorntons Ferry School do not exist in this area. There is a huge road on Amherst Street/Route 101A and Continental Boulevard to get vehicles into and out of, which is something not enjoyed in the center of Town or at Thorntons Ferry School.

There is a large parking capacity onsite and across the street. Even at St. John Neumann there is a limited amount of capacity but there is parking in and around the area as well.

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Chairman Harrington questioned the will of the Council with regard to relying upon locations not owned by the Town. No other member of the Council expressed that concern. Councilor Dwyer stressed his position again; you are already hearing reluctance from the Pastor. Of course he is nice and wants to help out, but you can hear it in his voice and tone, he is not all in. Councilor Vaillancourt questioned if Councilor Dwyer had spoken with him to hear his voice and tone. Moderator Christensen stated the Pastor was thrilled to be able to help the Town. Councilor Dwyer stated it to be strictly his opinion that he does not want to rely on other people's property to hold elections. He does not want to be beholden to other people who make decisions about their property, as they should. If the Council wishes to pick a church and the church wants to cooperate he is not against doing it, but it is setting up the future policy of elections that is why he is against it. Moderator Christensen remarked she has no disagreement with Councilor Dwyer's logic, but wished to state the Minister was not hesitant as far as the November elections.

The consensus was to keep the options on the table.

Northern

Reeds Ferry School; 400 occupancy and 114 parking spaces. Traffic counts on Bedford Road are approx. 7,000. Traffic flow would have to be two-way in and out of the school. Traffic would be heavy around arrival and dismissal of students. There is a lot of cueing on Lyons Road when parents are dropping off, and during the a.m. at the Bedford Road/Pearson Road intersection. There is the potential to avoid co-mingling as there are two doors at the end of the gym or cafeteria that could be used and the rest of the school closed off. Available parking is at the Bedford Road Baptist Church off Bedford Road and on both sides going up and down Lyons Road. The church has 53 parking spots and is adjacent to the school. There is a path at the back of the parking lot than runs into the school, although accessing it by that means would require walking through a field. It could work well in April. It may be that election officials utilize that parking area. Councilor Vaillancourt commented it would be difficult if school were in session because of the number of parking spaces. Chief Doyle commented if considering this location and parking on both sides of the road you also have to consider those cars when they leave; driver behavior is they will not go all the way down to the circle, turn around, and go all the way back out. They will pull out, do a three point turn in the middle of the road, block all of the traffic up, etc. It will not be 1 at a time it will be the 8-10 people that just got out all doing it on and off while people are walking down the road at night. Councilor Koenig noted the location would accommodate some 3,000 voters, who would not all show up at the same time or in the evening. Moderator Christensen commented as long as school is not in session it would be fine.

Vice Chairman Mahon stated the need to check with the School District regarding the swale located on that side of the building.

St. James Church; occupancy is 400 with 92 parking spots. Traffic counts on the D.W. Highway are about 14,000, and Bedford Road intersection is about 12,000. It is a heavy commuter route. Moderator Christensen commented, before this was closed down, traffic was backed up northbound to the Post Office and southbound to the new airport interchange. A turn lane was tried, but space was not adequate (not long enough). There is plenty of parking. Councilor Koenig commented there are only 2,000 - 3,000 people that would be sent to that location. Councilor Boyd remarked it is unknown what agreement the Church has with the Homestead in allowing their employees to use the parking lot.

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Assistant Town Manager/Finance Director Micali spoke of the limited cueing area. The D.W. Highway in that section of Town is one lane in and one lane out.

The consensus was to eliminate St. James Church from consideration.

Moderator Christensen commented if thinking of west, central, and south as opposed to north, central, and south, that might change your perspective a bit.

Councilor Dwyer questioned if the Council was in agreement with adjusting the time to 6:00 a.m. to 8:00 p.m. Moderator Christensen remarked the comment that was made previously was to go back to those hours, which were never utilized. When she started in her role the hours were 8:00 a.m. to 8:00 p.m. The number of people who arrive after the 7:00 p.m. hour is few with the exception of the major elections. Councilor Dwyer stated, for the sake of consistency, he would propose changing the hours to 7:00 a.m. to 8:00 p.m. Councilor Vaillancourt stated agreement. Councilor Koenig remarked given several people did request polls open earlier than 7:00 a.m. he questioned if the time could be shifted to 6:30 a.m. to 7:30 p.m. Councilor Boyd stated a preference for 7:00 a.m. to 8:00 p.m. The discussion continued around commuters and the morning hours as well as commuters who could not make it in the a.m. hours needing additional time in the evening. Moderator Christensen noted if unable to get to the polls because of work hours, there is the option of an absentee ballot.

The Council tabled that discussion until a later date.

Chairman Harrington reiterated the need for additional volunteers. Citizens interested in participating should contact the Town Clerk's Office. She has requested the PWD make the Council aware of additional resources that would be needed in the event of three separate polling locations.

Councilor Vaillancourt questioned the direction the Council would take relative to communicating with the School District. Chairman Harrington stated she would contact the Chair of the School Board, and request the discussion item be placed on an agenda and a response provided. She asked how the information discussed would be relayed to the School Board and/or Superintendent, and suggested someone request the School Board review the video.

Chairman Harrington noted she personally spoke to the School Board Chair who was made aware the matter would be discussed at this meeting. When asked, she stated she would anticipate the School Board would discuss it at one of their meetings. She and/or a Council representative would go before the School Board to present the results of this meeting and request they deliberate on options and get back to the Council.

Vice Chairman Mahon suggested the School Board be provided with a copy of the meeting minutes and the video. Councilor Boyd stated his preference the Council be much more proactive; providing the meeting minutes is appropriate as well as a presentation to the School Board. He would also like to set up a joint meeting with the School Board within 6 weeks of their discussion of the subject matter so that both parties could collaborate.

Councilor Dwyer stated he would not go to the School Board until the Council has identified the four sites it would like to utilize. Chairman Harrington responded consideration of the church locations would have nothing to do with the school. She reiterated the School Board may have solutions the

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Council is not aware of. By limiting the options, the Council is not allowing them to deliberate and offer options.

Councilor Koenig questioned the total number that needs to be accounted for noting if 3,000 can be accommodated at Thorntons, 3,000 at Reeds Ferry, and 5,000 at the Middle School he is not sure there is enough space identified at this time. Moderator Christensen stated there to be 19,000 on the checklist at this time. She added at least 80% should be expected during a heavy turnout. She stated her belief one of the locations needs to be either JMUES or the High School.

Chairman Harrington remarked it may be that the Council needs to deliberate further before approaching the School Board. Councilor Dwyer restated his desire for four locations to be identified; Merrimack Middle School, JMUES or the High School, and then Reeds Ferry and Thorntons Ferry. Chairman Harrington suggested the Council place continued discussion on a future agenda.

Councilor Vaillancourt remarked although she does not have a problem with that approach, she believes the Council should be proactively reaching out to the School District and ask that they review the discussion as they could have information that could be presented.

Assistant Town Manager/Finance Director Micali noted the Charter language states the boundaries of the polling place have to be set 30 days prior to the election. If the Council wishes to make a change for the September Primary (9-13-16) that would have to be done prior to August 13th. The Council meets once in July and once in August, which may result in the need to set the boundaries in July. Chairman Harrington stated the work should be completed by May. Moderator Christensen noted the September election is one of the lightest. Chairman Harrington stated she would notify the School Board, in a formal way, providing them with a copy of the meeting minutes and information on the meeting recording.

Town Manager Cabanel stated she, Assistant Town Manager/Finance Director Micali, and Chief Doyle could visit the School Administrative Office to go over the maps as well as the information on capacity, etc. with the Superintendent and Business Administrator.

There being no objection, the Council took a five-minute recess at 9:30 p.m.

The Council reconvened at 9:35 p.m.

New Business

1. Committee Appointments

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

The Town Council to consider the appointing the following individual to a Town Committee, pursuant to Charter Article 4-8:

Ronald B. Miner III – (Agricultural Commission - Full member)

MOTION made by Councilor Boyd and seconded by Councilor Mahon to appoint Ronald B. Miner, III, as a full member, to the Agricultural Commission for a three-year term. MOTION CARRIED 7-0-0

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2. Manchester Artists Association's Show – Watson Park

Submitted by Manchester Artists Association Art in the Park Show Chairman Laurie Lafleur
Town Council to consider a request to hold the Manchester Artists Association's Art in the Park Show at Watson Park on Saturday, September 17, 2016.

Laurie Lafleur, Chairman, Manchester Artists Association Art in the Park Show, requested approval to utilize Watson Park for the Art in the Park Show to be conducted on September 17th. Last year the Abbie Griffin Park was utilized, which proved to be difficult to access with the equipment that has to be brought to the site. When asked if she has discussed this with the Parks and Recreation Committee, Ms. Lafleur stated she has.

It was noted the traffic flow and visibility of Watson Park should make that location a better venue for the show. When asked, Ms. Lafleur stated the event would utilize the park between the hours of 10:00 a.m. to 5:00 p.m. or 9:00 a.m. to 4:00 p.m., whichever the Council would prefer. It was noted this year will be the 50th Annual Art in the Park Show. Councilor Dwyer noted conducting the event at Watson Park would not prohibit others from utilizing the park.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the request to utilize Watson Park for the Manchester Artists Association's Art in the Park Show scheduled for Saturday, September 17, 2016

ON THE QUESTION

Town Manager Cabanel expressed gratitude for the addition of another special event to the Town, and remarked the event adds to the variety of things offered in the community.

MOTION CARRIED 7-0-0

3. Designation of Economic Revitalization Zone (ERZ) for Southern D.W. Highway Corridor

Submitted by Community Development Director Tim Thompson

Request Town Council authorization to submit application to the NH Department of Resources & Economic Development to designate the parcels along the southern portion of D.W. Highway as an Economic Revitalization Zone.

Director Thompson stated what was before the Council was an application to the New Hampshire Department of Resources & Economic Development (DRED) for designation of an Economic Revitalization Zone (ERZ). The two most recent applications were for Anheuser Busch and 15 Caron Street, which were approved in 2015. Both were processed under the State law that was in effect at the time.

The Town was approached by BAE Systems on D.W. Highway looking to take advantage of the ERZ program. Shortly after putting a draft application together, the Director was informed, by DRED, of a change in State law, and that the criteria that had been used for the parcels in the D.W. corridor previously no longer apply. Because of the income characteristics of the people in that census tract, it had been pretty much an automatic designation. That is no longer the case, and the criteria that would now have to be followed is that it is an unused or underutilized industrial park or vacant land and structures previously used for industrial/commercial/retail and that the designation would likely result in a reduction of vacancy and demolished structures and any tax delinquency in the zone.

The case could not be made that BAE is an underutilized or vacant industrial park. Director Thompson met with the Commissioner of DRED, his Director of Economic Development, and her staff, which resulted in the approach that rather than designating the single parcel for the ERZ they would look at a larger area that encompasses a variety of different properties so that the criteria could be met.

The area for which approval is sought is from Anheuser Busch/Kollsman at the north end of the corridor down to Nashua Corp. at the southern end of the corridor and encompassing the land between the Turnpike and the railroad bed (approx. 53 properties). The properties were highlighted and listed in the draft application in addition to maps and a variety of other information to support the justification that it meets the criteria the State has put forth. The folks at DRED, especially Commissioner Rose, are very serious about wanting to do this; particularly for BAE because they represent such an important part of not only the local but the regional and State economy.

Director Thompson stated, if approved, he would move forward with the application to the State as soon as the draft minutes of the meeting were available and could be attached to the application.

Chairman Harrington remarked the information provided to the Council was very detailed and thorough.

Councilor Vaillancourt questioned if there is a reason why the Council would not wish to approve the application. Director Thompson responded there is really no impact to the Town; it is all State tax credits that the companies, businesses, and properties that are located in an ERZ are eligible for. It allows for credits on the Business Profits and Business Enterprise Tax that the State levies, and given the amount of capital investment and headcount increases that BAE in particular is looking at, they are certainly desirous of taking advantage of the program.

Councilor Koenig stated he has no problem with supporting BAE and encouraging any of the industry in that entire area with expansion. The question that comes up is Economic Revitalization Zone has a certain sound about it, and we are now talking about identifying a huge portion of Merrimack's industrial and commercial area as an ERZ. We have already designated several other spaces as ERZs. He questioned if we reach a problem at some point either social or otherwise. Director Thompson commented he used to think that way when he first started putting these together back when he was looking at the Shaws and Zylas parcels in 2012. However, the way the State is marketing this program, the name really is a misnomer. It really is one of the few incentives that in New Hampshire we are able to offer to business and industry. In order to get the credits you have to have land area that meets the need of revitalization, which in this case is vacant land that hasn't yet been developed and properties that have significant vacancies.

Although he used to think that it was a problem, what he is finding, now that he has had 4-5 years of experience in dealing with this program, is that businesses and companies are looking at this as an advantage, and it can actually bump you up the list as consideration for economic development.

Councilor Dwyer commented he has had a problem with the philosophy of this from the very beginning. To him, BAE is a powerfully strong company on very expensive land in a very highly sought after location. Shaws was an empty blighted building for 10 years. Projects like Shaws and Zylas being related to a program like this he can support, but he does not understand why BAE needs

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help from the State for this property. For him, it doesn't fit the criteria even though lawmakers in Concord made it fit.

Director Thompson stated his understanding this designation would play a role in whether or not BAE puts the capital expenditure into the project and whether or not they expand headcount here locally. It is one of those but for...if we do this and they are eligible for it, the expansion and capital investment into the facility here in Merrimack would happen; if not, then maybe it doesn't. Councilor Dwyer responded that is a good negotiating tactic and how you would expect professionals to negotiate; to make a deal. But it just doesn't seem to fit for him philosophically.

Councilor Rothhaus commented, for him, if it will allow for future development, and it sounds like that might be hinging on that to a degree, and it costs nothing of our community tax base while being a benefit for our corporate neighbor, it is something he can support. If he can help them out in any fashion, especially when it doesn't result in the remainder of the Town having to support a loss of revenue, he is agreeable to it.

Councilor Dwyer commented he would like to be talked into it, and welcomed the discussion.

Although locally it doesn't cost us anything we all pay into New Hampshire taxes so it is coming from us; perhaps just not in the direct way we would think. Councilor Rothhaus commented it is like voting against grants; he used to vote against grants because he thought Congress was insane to be broke and giving out money for sidewalks and such, and then it was pointed out to him if Merrimack does not accept the grants someone else will and the taxpayers of Merrimack will lose out. Now, if there are no strings, he votes in support of accepting grants.

When asked what is being projected for additional headcount, Kimberly Cadorette, ECS Operations Director, BAE Systems, stated right now BAE has the opportunity to grow in the New Hampshire sites by 200-300 over the next 3 years. They are looking at growth, particularly in the New Hampshire campuses and locations and more specifically in the manufacturing sector. It will include the manufacturing work BAE does in Merrimack.

Director Thompson added his department is anticipating the submission of an expansion plan of 10,000 square feet on their campus here in Merrimack in the upcoming months. Vice Chairman Mahon remarked there is a benefit to the Town and then there is the additional employment that goes with it, which is a regional issue for an area that people have been screaming about doing something for; manufacturing. Director Thompson added the State, as a whole, benefits as well. BAE is one of the State's major employers.

Councilor Boyd commented for him the piece is the Robert Milligan Parkway. That stretch of Merrimack has remained undeveloped for a large period of time. The Council has discussed some of the challenges; specifically water/sewer getting down the parkway to feed those approx. 46 acres. It is prime real estate. If this designation can serve as a catalyst for someone to look at that property for development it would put an underutilized piece of property on the tax rolls for the community.

Director Thompson stated the presence of an ERZ plays a big role when he is dealing with site selectors and potential industrial and commercial users that are looking at the community. It is important the Town have flexibility and the ability to offer things of this nature.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus that the Town Council authorize Community Development Director Tim Thompson to submit an application to the New

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Hampshire Department of Resources & Economic Development to designate the parcels along the southern portion of D.W. Highway as an Economic Revitalization Zone. MOTION CARRIED 7-0-0

4. Land Donation to the Conservation Commission

Submitted by Merrimack Conservation Commission Chair Tim Tenhave

Conservation Commission seeks Town Council approval for a donation of land known as Tax Map 6B/159 to the Town through the Conservation Commission per RSA 36-A:4 I.

Tim Tenhave, Chairman, Merrimack Conservation Commission (Commission), provided a PowerPoint [Presentation](#). The Commission operates under RSA 36-A, and has the power to acquire land in the name of the Town, subject to the approval of the local governing body. A requirement of the RSA is that a properly noticed Public Hearing be conducted. The Public Hearing was conducted by the Commission on March 7th. Following the conclusion of the Public Hearing, the Commission voted unanimously to move forward with the donation.

The parcel in question is known as Tax Map 6B-159, which is approximately 5.25 acres. A Title Search was completed by legal counsel. The Title is clean. The parcel is landlocked. However, there is access off of Klara Drive (per Deed language open space parcel in perpetuity).

The parcel is being donated by a brother and sister who enjoyed the property while growing up in Merrimack. It came to them through their parents. The Commission plans to utilize Conservation Fund 53 to cover costs associated with recording fees, Town attorney fees, current and back taxes (roughly \$250), and any other related costs. Total expenditure is expected to be far below \$2,000.

The Town's assessment of the property, for tax purposes, is \$18,400. The property is being donated, as is, for conservation purposes. There will be a conservation restricted Deed similar to what the Commission has done on many parcels over the past five years.

The parcel would expand the Town's protection of Baboosic Brook, enable the Commission to do further control of the water levels and their impacts from wildlife, and enable the Commission to help reduce the invasive species prevalent along this portion of Baboosic Brook.

Councilor Vaillancourt stated her support of acceptance of the donation.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve a donation of land known as Tax Map 6B/159 to the Town through the Conservation Commission per RSA 36-A:4 I. Furthermore that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the transaction

ON THE QUESTION

Councilor Rothhaus questioned the availability of parking for the entrance on Klara Drive. Mr. Tenhave responded the neighbors that have lived there have pretty much consumed what is the actual access point by mowing, etc. It is not very obvious. That open parcel is Town owned, and not something the Commission has managed. The Deed allows for passive recreation. However, leaving that area alone is probably best in the long run.

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Councilor Koenig questioned if there is a downside to approval of such a donation. He stated his assumption it would be that \$18,400 would be taken off the tax rolls. Mr. Tenhave stated that results in about \$500/year in tax revenue the Town would no longer receive. He noted the property is not buildable, and will never be worth more than it is. The Title originally alluded to access to Bean Road from the parcel. Research was conducted as far back as could be found online through the Hillsborough County Registry of Deeds and the exact origination of that could not be identified. In order to dig deeper someone would have had to go to the Registry of Deeds to go through the books from the early 1900s, which was determined not to be cost effective. There is great access from the Town owned parcel. He added the upside is in the ability to address invasive issues that are really prevalent further downstream, and protection of the brook.

Gage Perry, Merrimack Conservation Commission, commented on discussions at the State level relative to a State Bobcat season, and noted Mitchell Woods is one of the areas where the Commission has photographic evidence of Bobcat here in Town.

MOTION CARRIED 7-0-0

5. Discontinue Portion of South Grater Road, a Class VI Road

Submitted by Conservation Commission Chairman Tim Tenhave

Merrimack Conservation Commission would like to discuss and gain initial approval for discontinuing a portion of a Class VI road in Grater Woods called South Grater Road. Also a short portion to be made into an Emergency Lane.

Mr. Tenhave stated the desire to reach consensus the Council is willing to go further along with this process. The next steps are legal in nature, e.g., Public Hearings, etc. He was not looking for approval by the Council to presuppose what might be received as feedback from the public during Public Hearings, etc., but rather to ensure the Commission and the Council is in agreement with moving forward.

Mr. Tenhave provided a PowerPoint [Presentation](#). He spoke of the desire to accomplish most of the intent of a Grater Road secondary access point identified in the Grater Woods Stewardship Plan (Plan). When the Plan was put together parking and access on the west side was poor. Since that time, the Town of Amherst created a parking lot. Trails have been connected from that parking lot in. There is an issue with four-wheeled vehicles on the South Grater Road access traveling through wetlands, creating ruts, etc. That is in large what has prompted the request to discontinue a portion of the road. The desire is not to take away the access, but to improve it over the long-term and to do so properly, e.g., move trails out of the wetland, gain better control, etc.

As noted in the Plan, the intent is to eventually install gates, and to vastly improve emergency vehicle access. Currently emergency access from the north is pretty good down through Conservation Drive using the Red Maple Trail project that was done a few years prior and the Gateway Trail takes you in from the east side and brings you deep into the property. On the far western side, emergency access is not that great. This will help address that long-term. An emergency lane is the first step in the process of declassifying the road.

The Commission would like to have a small portion of the road as an emergency lane (700'), which is something that has been done in Town previously with part of Old Kings Highway, which goes through the HHNP. Doing so allows the Town, in general, to spend money to maintain the road in

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order to provide emergency access, but it doesn't obligate the Town to do any of those activities, e.g., doesn't mean that now that road has to meet some standard. A Class VI road by itself is not intended to be maintained, and doesn't have to be kept open.

When asked to provide additional information on Class VI roads for the viewing audience, Mr. Tenhave responded, in the State of New Hampshire, there are 6 classes of roads. The lower numbers are the larger, e.g., highways, etc. Class V roads tend to be what we have here in Town that we all drive on. A Class VI road is a road that exists on paper and may physically exist, but there is no obligation for a municipality to maintain it. It could just completely grow in and be swallowed by the forest at some point if that were the desire. Class VI roads exist because parcel owners that own property on those roads want roadway access to their parcels. It puts the burden on them to make sure it is passable.

Mr. Tenhave stated the other reason the Commission desires this small portion as an emergency lane is that it borders a private parcel/residence, and the Commission would like to ensure they continue to have access to the back of their property utilizing the road that has been there for decades.

The discontinuation of a portion of South Grater Road would be a means of putting an end to bad behavior taking place in that area. When discontinuing a road, the land area is split in the middle and the property owners on either side each receive half. In this case, the property owners are the Conservation Commission and the Town of Merrimack. By discontinuing this portion of South Grater Road we are not preventing the other parcel owners that are further south from getting to their properties because the access from Wilson Hill Road would be left open, which is the access point most of the users would utilize regardless. The Commission is a property owner on a number of those parcels as well. Vice Chairman Mahon noted the property owners in that area previously requested the Council discontinue that end of the road. Mr. Tenhave stated the property owner would appreciate if that were done.

Although the desire is to discontinue the road so that it no longer exists, the intent is for a portion of it to be improved in the form of an internal trail that would be wide enough to support emergency vehicles. The southerly portion of the trail would be moved 100-200 yards further to the east in a higher area and out of the wet area. Although it would provide for access by emergency vehicles, the intent is to gate the area to avoid public use of the trail (private trail versus public road).

Mr. Tenhave noted for long-term improvements, the Commission will either target wetland mitigation funds that may come to the Commission through the proposed NED pipeline or seek out Aquatic Resource Management (ARM) Funds and some combination of other grants.

Mr. Tenhave reiterated the Commission is looking to understand if the Council agrees this is an important thing to do and gives its general support to the idea. If that is the case, the Commission would like approval to work with Town staff to start the notification and Public Hearing process.

Councilor Vaillancourt stated her support of the project. She touched upon some of the bad behavior taking place, e.g., entry point for vehicles as large as pick-up trucks carrying things in and not carrying them out. Gating the area in addition to the improvements the Commission hopes to make is the right thing to do for the property.

MOTION made by Councilor Mahon and seconded by Councilor Dwyer to grant initial approval for the discontinuation of a portion of a Class VI road in Grater Woods called South Grater Road and for a short portion of the road to be made into an Emergency Lane, and to allow the Commission to work with Town staff to proceed with the process of a Public Hearing

ON THE QUESTION

Vice Chairman Mahon remarked this matter has been discussed since his time on the Commission. He is familiar with the discussions that have occurred relative to damage being done in the area and the desire to discontinue a portion of the road.

Councilor Rothhaus commented there are Ordinances in place to address off-road vehicles going through wetlands, and if they are not being enforced that needs to be addressed. Councilor Dwyer suggested it may simply be a matter of available resources, e.g., manpower. Mr. Tenhave noted that area on the Plan is marked as open for wheeled access, e.g., ATVs, dirt bikes, etc. However, users cannot be going through the wetlands. When the trail is re-routed, that access will remain, but will be done properly. Councilor Rothhaus remarked he has supported ATV use from the start, but he expects there to be respect for the property. Within the past 6 years the Council put in place an Ordinance dealing with off-road vehicles going into wet areas. He remarked just because there is a trail, doesn't allow a user the right to go through and ruin it because it is soaked in water at the time. He added if the Ordinance is not being enforced he has a problem with that. The Police Department has a four-wheeled vehicle and a staff that he believes to be adequate to address those types of issues. It may be a bit of a nuisance taking an officer off the road, but if it is a problem, that is how it should be tackled.

Mr. Tenhave stated patrols would have to be increased noting every time that activity is reported it turns into a three-hour ordeal for the person doing the reporting because they have to wait for someone to come out, they have to take a report, etc. It is not convenient for the folks that witness it. Councilor Rothhaus reiterated if we are not going to enforce it, even if it is a closed Class VI road that will continue to occur. Mr. Tenhave stated that is why the Commission intends to gate it and close it. He noted the gating of Old Kings Highway was successful. Councilor Rothhaus remarked the Council can gate Class VI roads. Mr. Tenhave stated they can be made subject to gates and bars, but you have to leave them unlocked or if they are locked they have to be able to be unlocked and allow passage because it is a Class VI road. By turning it private it can be locked down.

MOTION CARRIED 6-1-0

Councilor Rothhaus voted in opposition

6. Wasserman Park Function Hall Rental Discussion

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to review, discuss and consider the approval of the application / fee structure for the use of the Function Hall at Wasserman Park as a rental facility.

Matthew Casparius, Director, Parks and Recreation Department, stated the waterline to the Function Hall at Wasserman Park is complete, the heating system is essentially done at this point; new propane tank was hooked up the prior day, and final inspections are pending. Bids have been received for the sprinkler system, which will be going in at some point in the next month.

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The completion of these projects triggered the department to look at the existing rules and regulations for the Function Hall. The Function Hall has not been used in the past 7 years, and the last time the rules and regulations were update was approx. 10 years ago. He spoke of having received half a dozen phone calls over the past few weeks from individuals interested in renting the building.

The original fee was a flat \$275 for a six-hour block of time regardless of residency. A review was conducted of the going rate around Town understanding the primary competitor would be the O'Leary Center. The Function Hall has two main rooms plus the kitchen. The two main rooms cannot be locked off from each other because the bathrooms are in the main hall, and you have to come through the front room to get to the main hall.

One of the things the department has been considering is adjusting the fees; distinguishing between resident and non-resident groups and taking into consideration non-profit organizations. What is being proposed is a fee of \$125.00 for a three-hour block and \$25 for each additional hour for a Merrimack based resident, business or non-profit to utilize the hall with an additional \$50 fee for use of the kitchen. Non-residents would be charged a fee of \$300 for a three-hour block of time, \$25 for each additional hour, and a \$50 fee for use of the kitchen.

The original security deposit was \$30, and is proposed to increase to \$50. Realistically if damage occurs \$50 would likely not cover the cost, which is why there would be language within the Rental Application that would basically say users would be billed for the cost of damages.

With the non-profits based in Merrimack, one of the thoughts was to provide those organizations the opportunity to exchange volunteer hours in the park for use of the building. The Boy and Girl Scouts do a lot of community service already, and this would provide a nice way to give back to them as well.

Whether or not alcohol would be permitted was an issue that was discussed. The Parks & Recreation Committee felt allowing alcohol would certainly open up more rental possibilities. It is likely the facility will see more birthday party and family reunion type activities versus the type of functions that might be a little more formal, such as those held at the O'Leary Center. The O'Leary Center allows alcoholic beverages, which could become a competing factor.

Director Casparius stated he has spoken with Chief Doyle as well as Primex. What they came up with was if a group were going to have alcohol present, they would be required to hire a bartender or caterer that already has a permit. The caterer or bartender would have to provide the Town with a Certificate of Liability Insurance naming the Town as an additional insured.

Vice Chairman Mahon noted most Town properties prohibit alcohol. The exception was usually with the approval of either the Town Manager or the Council. Councilor Rothhaus stated that language is included in an Ordinance. Vice Chairman Mahon suggested a review of the Administrative Code so that the language within the Rental Application could be adjusted accordingly.

Councilor Dwyer commented he is supportive of the idea with the procedure in place. He does not see anything wrong with allowing each group to present their case. For large events, requiring approval would also provide the opportunity to discuss issues such as whether or not a police detail should be required.

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Town Manager Cabanel noted other language related to hours of operation for parks, which the Council may wish to amend. She requested the Council consider tabling the matter until the language details could be ironed out.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to table the item until the Council's meeting of April 14th or 28th. MOTION CARRIED 7-0-0

7. Personnel Policy Amendment – Smoking Policy

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will consider approval of an updated Smoking Policy within the Personnel Policy, Chapter VI – Standards of Conduct/Disciplinary Action of the policy.

Town Manager Cabanel remarked differing types of tobacco products has resulted in a request to change the definitions of the Smoking Policy to include spit tobacco, smokeless tobacco, and vaping; any nicotine products in Town owned vehicles or Town owned buildings. When asked, she stated there are employees that chew tobacco in public buildings and Town cars, but there is nothing in the current policy that addresses that.

Councilor Rothhaus commented he understands the issue of smoking or vaping, but does not understand the spit tobacco. Town Manager Cabanel stated the issue came up as a result of employees at the voting venue at the High School chewing tobacco and spitting into a cup.

Vice Chairman Mahon questioned how the policy would address nicotine patches. Town Manager Cabanel responded we don't need to go down that road. Councilor Vaillancourt commented amending the policy would provide continuity among all Town departments.

MOTION made by Councilor Koenig and seconded by Councilor Mahon to adopt the updated Smoking Policy as presented

ON THE QUESTION

Councilor Rothhaus questioned if it would remain allowable for an employee to step outside the back door of the building to smoke. Town Manager Cabanel responded an employee standing outside of a building smoking a cigarette is not a good look. Perhaps the policy does not prohibit that activity, but that can be controlled by identifying areas where smoking is and is not allowed.

MOTION CARRIED 7-0-0

Minutes

Approve the minutes from the Town Council meetings of February 11, 2016 and February 25, 2016.

MOTION made by Councilor Mahon and seconded by Councilor Koenig to table acceptance of meeting minutes until the Council's next regularly scheduled meeting. MOTION CARRIED 7-0-0

Comments from the Press - None

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Comments from the Public - None

Comments from the Council

Councilor Vaillancourt informed the Council the Conservation Commission has retained legal counsel, Attorney Carolyn Elefant out of Washington, D.C., to represent the Commission in matters relative to the proposed NED pipeline.

Councilor Boyd recognized the Merrimack Tomahawk Boys Basketball Team for their incredible run this season. He thanked the members of the team and the Coach for a great year.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Mahon to adjourn the meeting.
MOTION CARRIED 7-0-0

The March 24, 2016 meeting of the Town Council was adjourned at 10:48 p.m.

Submitted by Dawn MacMillan