

Approved: June 23, 2016

Posted: June 27, 2016



Town Council Meeting Minutes

Thursday June 9, 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 Rothhaus arrived at (8:15 p.m.), Councilor Boyd (arrived at 7:04 p.m.) Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Vaillancourt, Town Manager Eileen Cabanel (arrived at 7:09 p.m.), and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

On Friday, June 10th, the Town Council will conduct its Annual Retreat/Worksession from 9:00 a.m. to 4:00 p.m. at the SERESC Conference Center, 29 Commerce Drive, Bedford.

On Tuesday, June 14th, a Joint Meeting of the Town Council and Merrimack School Board will be conducted at 7:00 p.m. in the Matthew Thornton Room for the purpose of discussing polling location(s). No formal decisions will be reached.

A regular meeting of the Town Council will be conducted on Thursday June 23rd at 7:00 p.m. in the Matthew Thornton Room.

The revaluation field work is coming to an end. Notices of preliminary value were mailed to residents this week. If you would like to make an appointment to review your assessment please call 603-798-3502 beginning on Monday, June 20th through Tuesday, June 28th during normal business hours (8:00 a.m. - 4:30 p.m.). Avitar, our Contract Assessor for the revaluation project, will be holding scheduled meetings in Merrimack from June 27th - July 1st. Please remember that in order to speak to the Assessor you need to make an appointment.

The values stated in the notices are as of April 1, 2016. They are preliminary values. Residents should look at their property cards and ensure all information is accurate. Contract Assessor Loren Martin will be at the Council's June 23rd meeting to provide an explanation and update.

Perfluorooctanoic Acid (PFOA) Information Update

A New Hampshire Department of Environmental Services (NHDES) meeting has been scheduled for 7:00 p.m. on June 29th at the James Masticola Upper Elementary School. The meeting will be televised live on Channel 20. Other towns are invited to attend. Dr. Chan, State Epidemiologist, will be present to answer questions.

The National Environmental Protection Agency (NEPA) has set the lifetime standard at 70 parts per trillion (ppt). As a result the NHDES has adopted this standard, and has initiated an emergency rule-making process in order to intervene more quickly. They have also completed well samples within ½ mile radius of the former landfill. The results will be provided to the specific residents first and then

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will be placed on the NHDES website and the Town of Merrimack's website. People residing beyond the ½ mile radius of the former landfill may request or at least sign up for their wells to be tested. Based upon the results of the initial testing, the NHDES may decide to test further out.

Town Manager Cabanel stated the Town currently has a report posted to the website, which was provided by the NHDES, and shows the comprehensive list of the Merrimack Village District's (MVD) wells and the levels they have tested at. It includes PHOA and PHOS. They vary up and down. Well #5 has tested at 79 ppt. Previously only well #4 tested over 70 ppt. Currently the MVD is blending well #s 7 and 8, which had readings at PFOA 25 and PFOA 13 respectively, and the blending of the two came in at 17 ppt.

As a result of the two wells having been determined to be over the EPA's lifetime health advisory number, NHDES, as a matter of course, has sent the MVD a letter ordering them not to use well #s 4 and 5, and that they need to be locked and tagged out to prevent inadvertent use.

This week it is expected that the NHDES will release an update of their investigations of other companies using PFOA and PFOS products. They went through the records of all businesses around the State that have had any indication of using anything with PFOA or PFOS in it during the course of their business as far back as they could go, and they have listed them all out. They will be updating that list. Without committing to anything, they feel relatively confident that the businesses located in Merrimack that had PFOA in their products received them as purchased products rather than using the PFOA and coating a surface. That makes the products much less likely to have produced contaminants at any high level.

Lab results on private results are coming in more quickly. The results of all of the testing done to date will be available by June 18th. Property owners will be notified first, and then the individual towns. The Town will not be notified of the addresses, but will receive a map with the locations marked out, the numbers, and colors indicating the different levels.

The NHDES is contacting all fire departments around the State to find out what kind of firefighting foam they have used over the years. There is one type that contains an element of PFOS.

The State received test results from around the former Merrimack landfill (Lawrence Road). They tested a half mile out in radius from the site itself. Of 61 tests that have been done in Bedford and Merrimack the results have come back very favorably; total of 8 results in Bedford and 9 in Merrimack. The highest levels in a well in Merrimack came back at 44 ppt to include PFOA and PFOS.

Town Manager Cabanel spoke of having had the opportunity to speak with a few individuals located on Lawrence Road in close proximity to the landfill. One had a result of 30 ppt and the other in the area of 15 ppt. That is all good news. She noted the testing wells in the landfill site came back in the groundwater of having PFOA numbers up to 2,200 ppt. People were concerned about contamination of the wells around the area.

Councilor Flood remarked the wells seem to vary in the count, and questioned how often they would be re-tested. Town Manager Cabanel stated testing was done on March 9th, March 31st, April 7th, April

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14th, April 21st, April 28th, May 5, and May 12th. It appears the MVD is tested weekly. Councilor Flood questioned how long testing would continue. Chairman Harrington stated that would be an issue between the MVD and the NHDES. She stated her opinion they will continue to do that to be able to determine the range. She commented it will be interesting to see what happens with periods of rain fall, dryness, etc. Depending on what is determined to be done in terms of remediation, they will be able to use the data as a baseline. The Town is not privy to that information. The public needs to know the Town is constantly monitoring the situation.

Councilor Flood questioned if the Town has the ability to call the MVD to attend meetings to report out. Chairman Harrington responded she has attended two meetings. The letter that was sent out was a result of her representation of the Council in the request that the MVD send out a letter to users of the system. She stated her understanding the Town Council can encourage, suggest, but has no authority. She commented there is a frustration on the part of the Council. She has said more than once she understands the MVD is doing a lot of good things, but not saying anything doesn't help. She suggested it could be that the MVD is in a difficult position. There may be efforts underway that require a certain amount of sensitivity.

Town Manager Cabanel spoke of having had a conference call with a very large employer in Town earlier in the week. Concern was expressed with the lack of information coming from the MVD. Despite having had their attorneys review every single piece of data available, they didn't find any information that identified which wells were being used. They are aware of what the counts are, but the well numbers was something they were unaware of. They also wanted to know what is going to happen as the summer moves along and the demand increases. Town Manager Cabanel stated her belief the answer to that was addressed in the MVD's letter to their customers, which basically said they are working on an arrangement with Pennichuck. There is an interconnect where they can very simply tap into Pennichuck if the need arises.

Councilor Flood questioned if the testing of the compost has been done. Town Manager Cabanel stated that has not occurred. The sludge will be tested as well as the compost itself. She has been told by the NHDES that sludge and compost will be considered soils, and will be tested in parts per billion. As soon as that information is available, the Council will be informed.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Town Employee Leaving Employment

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present a recognition award to Paul Kelly in recognition of more than 16 years of service to the Town of Merrimack Fire and Rescue Department. Paul resigned effective May 22, 2016.

Michael Currier, Fire Chief, stated Mr. Kelly started with the department in November of 1999 as a Firefighter/Paramedic. He was promoted to Master Firefighter in April of 2006, is Certified as a HAZMAT Technician, Company Officer I and II, Rescue Systems Technician I & II, and a Fire Inspector.

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Chief Currier commented as we look at Paul and what he has done for us throughout the years one thing that really stands out is the fantastic job he has done getting things for the community. One of the items needed most that Paul worked on with the Catholic Medical Center (CMC) was an AutoPulse, which is an automatic CPR device. The end result of many months of work was the donation of an AutoPulse to the Town of Merrimack from the CMC. It was one of the first in the State to be donated.

Chief Currier remarked Paul has been with the department for a lot of years, and they have gone through a great deal together. He spoke of having had a point in his life where his health dropped. He was pretty scared, and when he called the ambulance to his home it was Paul who showed up. Chief Currier spoke of the professionalism with which every member of the department does their job and the level of care and commitment to the citizens of this community. He commented when you are on the receiving end, and see that caring coming to you, it is amazing.

It was noted Master Firefighter/Paramedic Paul Kelly has been a long-time member of the Honor Guard, and has represented the department well over the years. He was presented with a plaque in recognition of his dedicated and faithful service as a member of the Merrimack Fire Rescue's Honor Guard.

Chairman Harrington presented Mr. Kelly with a plaque in recognition of his dedicated service to the Town of Merrimack.

Mr. Kelly remarked he has enjoyed the 16+ years he has been in the department, and has never met a more dedicated staff than those he has had the pleasure to work with.

Appointments

1. Annual Review with the Agricultural Commission

Submitted by Agricultural Commission Chairman Bob McCabe

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

Bob McCabe, Chairman, Agricultural Commission, remarked 2016 represents over 9 years of progressive agricultural work by members of the Commission. Today there are six full-time members and one alternate. Each member shares his/her own areas of expertise.

The Merrimack Community Garden opened in May of this year for its 9th season. A one-night training and answer session was offered at the Library in March with many veteran and new gardeners attending. This year over 85 plots were sold to approximately 25 gardeners. The Commission continues to look for a permanent site for the community gardens in Town as space at Wasserman Park becomes tighter and more precious.

The summer Farmers' Market opens on the 15th of June at 526 D.W. Highway. Thirty two vendors are expected to participate. The Market runs from 3:00 – 6:00 p.m. for 18 Wednesdays ending

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approximately the middle of October. Mr. McCabe stated the Commission is forever grateful to the Morgan family for providing the site for the market at no cost.

Last fall the Commission voted to start a winter Farmers' Market. It was felt there is a demand and need for it. The O'Leary Senior Center was rented out on Thursdays from 3:00 - 6:00 p.m.

Ron Miner, III, Agricultural Commission, noted each year the Commission donates to 4H projects in the community. The Commission co-sponsored a young lady traveling to the 4H convention in Kentucky last fall. She returned with praise and many positive results of her efforts. The Commission continues to support agricultural students, 4H projects, and other student efforts in the agricultural industries. The Commission believes the more it can do to promote this connection the better chance the students can find their place in changing this world.

Currently the Commission is looking for a high school or college students concentrating on agricultural related majors for educational and/or project related interests. At its monthly meetings, the Commission informs its audience of any UNH Extension classes or courses. Each member has his/her level of experiences to relate to the public viewers. They speak of new insects or pests and their control; the education aspect will never end. The Commission answers questions and inquiries with many years of experience as also represented by our members.

For over 3 years now, the Commission has worked with natural resources, conservation service on the river, and farmland projects in connection with the new farm bill. The Commission keeps up with new and changing agriculture technologies.

Town Manager Cabanel questioned if the winter Farmers' Market was successful, and if the intent is to continue that. Mr. McCabe remarked Don Miner, who runs that, speaks very promisingly of it. He has a limited amount of vendors, but knows there will be more with increased advertising, word of mouth, etc. He hopes to continue it. Town Manager Cabanel commented they should try and keep that going as long as they can as she believes it to be another thing that is really great about Merrimack.

Chairman Harrington questioned if the change in venue resulted in a larger turnout. Mr. McCabe responded being at road level has worked well. He added the woman who helps the Commission with its Facebook page has indicated they have 400 followers already.

Councilor Flood commented on the Market being a good location for community groups/organizations to set up a table. Councilor Dwyer commented another possible location for the winter market is the Function Hall at Wasserman Park. Mr. McCabe commented in order to utilize another location the Commission would have to advertise a change in venue. He commented another consideration is that Naticook Road is not on a main thoroughfare.

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

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The Parks & Recreation Department, with assistance from Merrimack TV, will be hosting the first free community movie night of the summer at Abbie Griffin Park on Friday, June 17th. The movie will be Star Wars: The Force Awakens, and is scheduled to begin at 8:15 p.m. This movie is being sponsored by the Merrimack Lions Club. Free popcorn will be available to all attendees.

Merrimack High School's graduating class of 2016 will be conducting their graduation ceremony at the High School on Saturday the 11th from 10:00 a.m. to approximately noon. Expect heavy traffic along Baboosic Lake Road and Daniel Webster Highway prior to and after the event. If possible, seek alternate routes along Turkey Hill & Joppa Roads.

The Nashua-Merrimack YMCA is holding its annual Y-Tri Triathlon this coming Sunday, the 12th, from 8:00 a.m. to noon at Camp Sargent on Camp Sargent Road. There will be cyclists and runners in the road during the event along Continental Boulevard, Industrial Drive, Tinker Road, Naticook Road, and Camp Sargent Road. Camp Sargent Road will be closed between Thornton's Ferry School and Tinker Road; open to residents only. Expect delays and seek alternate routes around the venue.

The Phase II/Compost Facility Upgrade project reached final completion on June 2nd.

Consent Agenda - None

Old Business - None

New Business

1. Donation Acceptance for the Merrimack Police Department

Submitted by Lieutenant Brian Levesque

Town Council to consider the acceptance and expenditure of a donation of \$3,000 received from Barbara Rousseau, a Good Morning Caller, for the Merrimack Police Department's Communications Division for the purchase of new headsets, transformers, batteries and a new desk, pursuant to RSA 31:95-b and Charter Article 8-15.

Councilor Harrington noted Lieutenant Levesque's memorandum dated May 17th addressed the donations identified in Item #s 1-3.

Lieutenant Brian Levesque stated the first donation to be from Barbara Rousseau, a member of the Good Morning Caller. This is one of the programs offered by the Police Department where someone that is elderly who might not have family in the area, can call into the Police Department and ensure that they are okay every morning. The Dispatchers have quite a bond with a lot of the members. Mrs. Rousseau offered to donate Three Thousand Dollars towards the Communications Division. The money would be used for new headsets, transformers, batteries, and a new desk that would be used for expansion of phone service in cases of emergency.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept and expend a donation in the amount of Three Thousand Dollars (\$3,000.00) received from Barbara Rousseau, a Good Morning Caller, for the Merrimack Police Department's Communications Division for the purchase of new headsets, transformers, batteries and a new desk, pursuant to RSA 31:95-b

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and Charter Article 8-15. That the Town Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the expenditure, and furthermore that the Council encourages the Police Department to write Mrs. Rousseau a very nice thank you note for her generosity. MOTION CARRIED 6-0-0

When asked, Lt. Levesque stated the Good Morning Callers are those that are elderly and might not have family in the area. They will call in every morning before 10:00 a.m. to ensure they are okay and their safety is fine. If they don't call in before 10:00 a.m. the Dispatcher will then call the number we have on file. If there is no response an officer is sent to check it out. Often times it is a matter of they simply forgot or had a doctor's appointment. We will track them down and find out where they are. He stated there to be approximately 13 members at this time.

Councilor Koenig spoke of how great the program is, and shared a personal experience he had with this type of situation.

2. Donation Acceptance for the Merrimack Police Department

Submitted by Lieutenant Brian Levesque

Town Council to consider the acceptance and expenditure of a donation of \$500 from an anonymous resident and \$1,500 from Merrimack Crime Line, Inc., to the Merrimack Police Department's K-9 Program, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Brian Levesque remarked every year the Merrimack Crime Line, which is a great supporter of the Police Department and the K-9 program, holds a magic show. This year they raised \$1,500 to be contributed to the Merrimack K-9 program. In addition to that, Chief Doyle received an anonymous donation of \$500 from a resident expressing the desire for it to go towards the K-9 program.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept and expend a donation in the amount of Five Hundred Dollars (\$500.00) from an anonymous resident and Fifteen Hundred Dollars (\$1,500.00) from Merrimack Crime Line, Inc., to the Merrimack Police Department's K-9 Program, pursuant to RSA 31:95-b and Charter Article 8-15. Furthermore, that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the expenditure. MOTION CARRIED 6-0-0

3. Donation Acceptance for the Merrimack Police Department

Submitted by Lieutenant Brian Levesque

Town Council to consider the acceptance and expenditure of a donation of \$500 from an anonymous graduate of the Citizens Police Academy to the Merrimack Police Department to purchase a granite bench for outside of the main lobby, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Brian Levesque stated a graduate of a recent Citizens Police Academy, which is held every year at the Police Department, donated \$500 to go towards the purchase of a granite bench for outside of the lobby.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept and expend a donation in the amount of Five Hundred Dollars (\$500.00) from an anonymous graduate of the

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Citizens Police Academy to the Merrimack Police Department to purchase a granite bench for outside of the main lobby, pursuant to RSA 31:95-b and Charter Article 8-15. Furthermore, that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the expenditure. MOTION CARRIED 6-0-0

4. Donations for the Merrimack Fire Department

Submitted by Fire Chief Michael Currier

Town Council to consider the acceptance and expenditure of donations totaling \$80.00 for the Merrimack Fire Department, made in memory David Loiselle, pursuant to RSA 31:95-b and Charter Article 8-15.

Richard Pierson, Assistant Chief, Merrimack Fire Department, spoke of donations totaling \$840.00 made to the Merrimack Fire Department in memory of David Loiselle. Assistant Chief Pierson commented Captain Dubreuil and members of B shift for their actions on the evening of May 4th. He requested Captain Dubreuil provide a brief summary of the events of that evening.

Brian Dubreuil, Captain, Merrimack Fire Department, informed the viewing audience in the late afternoon on May 4th, the Merrimack Fire Department was contacted in regards to a 67-year-old male who was unconscious and not breathing. CPR had been started. Further updates from the Dispatch Center indicated that he may have fallen from his roof. Merrimack Fire arrived on scene, assumed patient care, and activated the trauma team at St. Joseph's Hospital. Advanced Life Support was administered to the patient, and he was transported to the hospital. Even though every attempt was made to save this gentleman, he succumbed to his injuries.

Later on that day, as they often do, they went back to the station and were discussing the call; what went wrong, what went right, and what we can do in the future to avoid this type of situation. Sometimes there is nothing you can do, but it is always good to talk about it and try to figure out if there is something we could do.

The conversation turned towards the weather; we had rain coming in that evening, and it was supposed to rain for the next 4-5 days. This gentleman had been roofing his garage, and was partially done. They talked about going back and re-tarpping the roof. A small crew went back out there. When they arrived at the house the widow was there. They spoke with her briefly saying they would want to tarp up the garage to avoid further damage to her property. She said that would be fine. He talked with several members that were working that day. Master Firefighter Ryan Thomas and Master Firefighter Brennan McCarthy and they all agreed that this project is quite a ways along and they thought they could finish it in a short period of time understanding most of them had some roofing experience, and all of the equipment was there.

They started roofing. Within a short period of time neighbors started to come over and assist with the roofing, which was really a nice community effort that was happening in the wake of a tragedy. Within about 2 hours they were able to button up the roof. They picked everything up and went home.

They were also assisted by Paramedic Bill Pelrine, now probationary Firefighter Melissa Winters, and daytime Attendant Marissa Jimenez.

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Social media being what it is, somehow this got out and spread like wildfire. While the department appreciates the positive attention, all they were trying to do was assist this family in a time of difficulty. In the wake of all of the social media, there have been multiple donations made to the Merrimack Fire Department in memory of David Loiselle. The names and message of those who donated were identified in the memorandum attached to the agenda packet. In addition, after the issuance of the memorandum, an additional donation was received from William Weaver.

Assistant Chief Pierson stated the plan to utilize the donation toward EMS and rescue equipment. The actual equipment has not yet been specified.

Councilor Koenig expressed his gratitude for the work that was done, and commented although he understands and appreciates that they were not looking for the positive praise, that they were doing their job and doing what they do, that is part of what makes it so touching; that they are interested in doing that, and are not looking for praise. The fact that they are willing to stand out there and help the citizens as much as was pointed out earlier and in this instance as well is really heartwarming to all Merrimack residents.

Councilor Vaillancourt commented when she saw this on social media she was not surprised because she knows what the Town has for fire and rescue. She remarked this is a reminder of what community, friends, and neighbors do for one another. She expressed her condolences to the Loiselle family and her gratitude to the department.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept and expend donations totaling Eight Hundred and Forty Dollars (\$840.00) for the Merrimack Fire Department to be potentially used for EMS and rescue equipment, made in memory David Loiselle, pursuant to RSA 31:95-b and Charter Article 8-15. Furthermore, that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the expenditure. MOTION CARRIED 6-0-0

5. Donation for the Merrimack Fire Department

Submitted by Fire Chief Michael Currier

Town Council to consider the acceptance of the donation of (2) HP eliteBook Folio 1040 G1-14” laptop computers, valued at \$1,878.00, for the Merrimack Fire Department, pursuant to RSA 31:95-e and Charter Article 8-15.

Michael Currier, Fire Chief, stated businesses and organizations reach out to the department at times to receive support in regard to fire education and/or safety training. The department tries to accommodate that as much as possible. John Manuele, Fire Marshal, coordinates that effort.

John Manuele, Fire Marshal, remarked unfortunately this matter is also a donation that came about as a result of a tragedy. In this particular case, an employee of PC Connection passed away over the Christmas holidays due to Carbon Monoxide poisoning. Fire Marshal Manuele stated he was contacted by PC Connections to see if there was a safety type presentation that could be given to their employees to make them aware of the hazards. He was able to put something together, and several presentations were conducted. They also filmed the presentation to use at some of their off-site locations. As part of that they asked if an audio/visual component could be included in the presentation. He explained the department did not have the necessary equipment to do that. At the end

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of the presentation, PC Connection stated a desire for the department to have that ability, and offered to donate two laptop PCs for use by fire prevention to encompass this type of a presentation.

Councilor Vaillancourt spoke of friends of hers who experienced an incident where they were hospitalized as a result of carbon monoxide in their home. She spoke of the value of training and carbon monoxide detectors.

Councilor Koenig questioned if the intent was to utilize the laptops specifically for the purpose of audio/video components of educational presentations. Fire Marshal Manuele stated they will be used as part of the presentation. He commented in the case of PC Connection, had they had the equipment at the time they could have interfaced with their overhead projector to display videos, photographs, etc.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept the donation of (2) HP eliteBook Folio 1040 G1-14” laptop computers, valued at \$1,878.00, for the Merrimack Fire Department, pursuant to RSA 31:95-e and Charter Article 8-15. Furthermore, that a note be sent to PC Connection thanking them for the donation and their continued cooperation towards community partnership. MOTION CARRIED 6-0-0

6. Update on CIP Ambulance Purchase

Submitted by Fire Chief Michael Currier

The Town Council to receive an update on the approved ambulance purchase from the 2015/2016 Capital Improvement Program.

Town Manager Cabanel noted the purchase was already approved, and an update is not typical to bring before the Council. However, when a shiny new ambulance shows up in Town they like to have had a meeting to inform the public.

Matthew Duke, Captain, Merrimack Fire Department, stated the Capital Improvement Plan (CIP) for FY16 included \$200,000 for an ambulance purchase. In 2014, the department purchased an AEV brand ambulance. At that time, AEV indicated they would build a similarly equipped ambulance within two years for essentially the same price that was secured in 2014. The department has been very happy with both the product and services over the years from both AEV and the dealer, Professional Vehicle Corporation.

The 2014 AEV ambulance cost the Town \$160,092.63 with a trade-in. AEV has agreed to build the new 2016 ambulance for the Town at a cost of \$158,364.63. When asked, they quoted the 2016 price for that truck would have been \$167,229. To complete the outfitting of the ambulance with a radio, Power Pro stretcher, lettering, miscellaneous tools, etc. would result in a total expenditure of \$185,785.63. The total expenditure in 2014 was \$177,640.63. In 2014 the department didn't purchase a radio or a suction unit for the ambulance, as the department had something it could move into place there. The two items this year added approx. \$5,700 to the total cost. Chairman Harrington spoke of being pleased with the ability to achieve 2014 pricing. Captain Duke reiterated it was part of the agreement in 2014, which they have upheld.

When asked when the ambulance would arrive, Assistant Chief Pierson stated they are ready to place the order, and there is a 7-9 month lead time. When asked which vehicle would go out of service when

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the new one arrives, Assistant Chief Pierson stated it would replace what they refer to as Ambulance 220, which is housed at Station 2. That ambulance was purchased in 2005. They measure use in hours and mileage. Currently the ambulance has a little over 114,000 miles and just under 4,800 hours.

Councilor Boyd remarked in 2014 the Power Pro stretcher was \$13,578 and this year it is listed at \$16,309.04. He questioned the increase in pricing. Assistant Chief Pierson stated the increase is related to both inflation and the additional features for bariatric patients to assist in lifting.

7. Recommendations for Appointment of the Representatives/Liaisons to the Parks and Recreation Committee

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
The Town Council to consider the recommendations to appoint the following individuals as the representative / liaison members to the Parks and Recreation Committee, pursuant to Charter Article 6-1:

- School Board Representative Member – Michael Thompson
- Alternate School Board Representative Member – Shannon Barnes

Chairman Harrington stated the School Board has representation on the Parks and Recreation Committee; full-member and alternate member. The School Board has determined Michael Thompson will serve as the full-member and Shannon Barnes as the alternate member.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the appointment of Michael Thompson as the School Board Representative and Shannon Barnes as the Alternate School Board Representative to the Parks and Recreation Committee, pursuant to Charter Article 6-1. MOTION CARRIED 7-0-0

Oath of Office will be administered at the Joint meeting of the Town Council and Merrimack School Board scheduled for June 14th.

8. Disposal of Tax Deeded Properties [Tabled at the May 26, 2016, Town Council meeting]

Submitted by Town Manager Eileen Cabanel

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

Town Manager Cabanel noted, at its May 26th meeting, the Council began discussion of a tax deeded property. At that time, it was noted, the Town could choose to retain the property, but would be required, by Statute, to hold the property for three years. The former owner has three years to come back and purchase the property.

The property is located at 7 Richards Road. A question was posed regarding information in the signed file regarding a request for abatement. Town Manager Cabanel explained the tax bill will be abated as the Town owned the property at the time the bill was sent out.

Councilor Flood commented the property is in bad condition and people are residing in it. There are two campers and a tent on a relatively small parcel. She stated concern with the instance of people moving out and the property becoming an attractive nuisance. She questioned how that type of situation would be addressed.

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Town Manager Cabanel stated her expectation the Town would clean the property. Those currently residing at the property are not the former owners of record, but are relatives of the former owners. They have received eviction notices. When asked about the campers she stated they would need to be stored as part of the property.

Councilor Dwyer stated his opinion he would expect, if the trailers are not the property of the former owners, they would be considered debris and disposed of. Once the Town takes ownership he would expect the property to be boarded up and secured. Councilor Flood stated agreement.

Councilor Boyd questioned if the Town would have the ability to instead collect rental income. Town Manager Cabanel stated the Town would not want to take that approach. When asked if it is possible, Assistant Town Manager/Finance Director Micali stated legal counsel would have to be contacted as there would be issues of liability, etc. What the Town has done in the past is secure the property. Notice is given to the former owners to remove items from the property prior to disposal. The property would be maintained to avoid it becoming unsightly.

Councilor Boyd asked for clarification the home has to be held for a period of three years, it can be boarded up, and the yard maintained, but the option of tearing down the home does not exist. Assistant Town Manager/Finance Director Micali responded unless it becomes condemned, e.g., is falling down and becomes a liability to leave standing. When asked, Town Manager Cabanel stated it would be the Building Inspector who would have the authority to condemn. Vice Chairman Rothhaus stated his belief the Town Council would have to take such action after receiving a recommendation from the Building Inspector.

MOTION made by Councilor Dwyer and seconded by Councilor Boyd that the Town Council retain ownership of the tax deeded parcel located at 7 Richards Road and identified as Tax Map 6A-2/Lot 144 because it could be used in support of future drainage and/or sewer infrastructure ON THE QUESTION

Councilor Koenig stated the desire to understand the value of the property as it stands today, e.g., possible sale value, and what the cost is of retaining the property for three years. He commented there would be the cost of securing the building, the liability for a three-year period, and the potential that it could be condemned at some point, which would result in the cost of demolition.

Town Manager Cabanel stated the assessed value is \$118,900. The Town would lose tax revenue on that value for three years. As the Town has a blanket property & liability policy there would be no additional cost with regard to insurance. There would be a cost associated with securing the property and periodic visits, which could be at the direction of the Director of the Public Works Department (PWD).

Councilor Flood commented on a similar property that had fallen into disrepair, was foreclosed upon, and sold for \$90,000. She suggested the land has an approx. value of \$60,000. Councilor Koenig noted were the property to be sold (during the first three years), the former owner would see revenue from the sale that exceeded what is owed in taxes, etc.

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Councilor Dwyer requested clarification on the issue of retaining the property for a three-year period. Councilor Koenig explained if the decision were to sell the property that could be done immediately. If the decision were to retain the property, there is a requirement, per State Statute, for the municipality to hold the property for three years. The former owner has three years to come back and purchase the property.

Councilor Dwyer stated the desire to withdraw his motion.

Town Manager Cabanel stated the Town can sell the property at any time. It is in the instance that the Town decides to retain the property that the three-year timeframe comes into play. Were the Town to sell the property there are requirements such as notifying the former owner, that proceeds of the sale first pay back taxes, a 15% penalty, etc.

Councilor Dwyer commented there is the possibility the Building Inspector could determine, at this time, that the building is condemnable. Councilor Flood noted, according to the tax card, there is no central heating.

Town Manager Cabanel stated the land to be what has value to both the Town and any potential buyer. Councilor Vaillancourt stated agreement with remarks made by Councilor Flood that this is an unfortunate situation for the former owner. However, it is her belief were the Town to retain this property for a period of three years, it would be financially prudent because of the value the land has towards the future drainage project. From a financial perspective she has no concern with retaining the property for three years. Doing so would also provide the property owner three additional years to bring the situation to a different conclusion.

Councilor Flood suggested the possibility of a drainage easement even if the property were sold. Assistant Town Manager/Finance Director Micali stated what would be needed for the drainage project would be nearly the entirety of the parcel. Vice Chairman Rothhaus stated his belief the Town could not sell the property at auction with a stipulation requiring an easement.

Councilor Vaillancourt stated her understanding if the Councilor who seconded the motion does not withdraw the second, the motion cannot be withdrawn.

MOTION WITHDRAWN

MOTION made by Councilor Boyd and seconded by Councilor Vaillancourt that the Town Council retain ownership of the tax deeded parcel located at 7 Richards Road and identified as Tax Map 6A-2/Lot 144 because it could be used in support of future drainage and/or sewer infrastructure

ON THE QUESTION

A short discussion between Councilor Koenig and Councilor Vaillancourt took place regarding the implication of specific tax numbers and impact.

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Town Manager Cabanel stated the only number she had at the time included the 15% penalty. It was suggested the approximate amount owed in taxes is \$10,000, annual tax revenue, which would be lost is approx. \$4,000 (\$12,000 over a three year period). In addition, there would be a cost to boarding up the building. Councilor Boyd commented boarding up the property would not be a great cost. The cost would come if the decision were made to fence in the property.

Councilor Koenig stated his guess the Town would end up spending anywhere between \$2,000 - \$10,000 in physical and legal fees to acquire and secure the property in such a fashion that it doesn't look like an eyesore. The end result would be an approx. value of \$50,000. Councilor Boyd remarked the Town is already out money related to the taxes. If the taxpayer doesn't come back and pay the bill within three years then the Town can do what it sees fit. He remarked there is always a cost that is inherent in trying to secure a piece of property.

Vice Chairman Rothhaus questioned if there has been communication with the former owner, and was told there has. When asked, Town Manager Cabanel stated a homeowner is aware of the options after being notified for three years, receiving phone calls and registered mail, etc. They know they could have sold the property. Councilor Flood stated her belief there is a personal consideration with family members who have lived on the property for the past 5 years.

Councilor Koenig stated his appreciation that potentially there is a value for the Town and that for a cost of \$50,000 over a three-year period the Town would gain the property to be able to use for a drainage project.

The alternative that hasn't been clearly discussed is that the Town could sell the property, the Town would retain about \$30,000 in taxes, fees, and expenses, and the former owner would receive whatever delta there is. He stated that to be why he wished to have the discussion to ensure the Council clearly understands what the alternatives are. The Town will retain the property and hold it for three years for a drainage improvement project or will sell it, remove the liability, put it back on the tax rolls, and the former owner could receive something back for it.

Councilor Flood remarked the property sits in the middle of other houses, and questioned if Director Fox would use this property because of its availability when another property might be better suited for the drainage/sewer project. She spoke of a Right-of-Way that comes all the way down from Baboosic Lake Road.

Councilor Dwyer stated "To dovetail off of Jackie's comments, I think that whole sewer future drainage is a very big longshot. Millions of dollars, it is a huge infrastructure for that entire area down by Baboosic Lake Road and all of those houses. I could not say being here for the last several years and knowing the future budgets that that is a significant project that I see actually happening. I am more convinced with Tom that I don't really see that value or the reality of a drainage project actually coming to fruition down there. Jackie like you said there may be a better property to have if it was to take place. It may not be that spot."

Chairman Harrington questioned if there might be a compromise.

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Councilor Boyd stated the Town owns property, on paper, the motion on the floor is to retain ownership, which basically stops the Town from collecting taxes. The question is does the Council want to let the tax calculator keep registering and registering or do we stop the clock and make a decision to allow this taxpayer to figure out that she can get back in or if she can't have the Town in a position to be able to do something with it.

Chairman Harrington remarked the motion provides the power to evict the current tenants. Town Manager Cabanel stated the current resident has already been served with an eviction notice. She is unsure where that process stands. What Councilor Boyd was saying is the former owner will not owe taxes in the years that the Town retains the property because the Town is the owner during that period of time. The clock has stopped ticking on the amount of money except there may be interest on the \$30,000 that is currently owed.

As some confusion remained, it was further clarified, at this time, the Town owns the property. Therefore taxes are no longer accruing for the former owner.

As a municipality, the Town can decide to sell the property at any time. Per State Statute, the Town is prohibited from doing anything else with the property for a period of three years. During that three year period, the former owner can come forward, pay the back taxes, fees, etc., and regain ownership.

Councilor Dwyer stated "That is why this motion is confusing because the first...I moved the Town Council vote to retain ownership so we can keep it for future drainage."

Councilor Dwyer stated "Instead of selling it. I would like to have a counter motion for hypothetically, I'd rather sell it." "It just seems to be that if we all have the idea if there is any possibility that this future drainage really is a kind of a fantasy, then I would think what we would want, we as a group would want to just take it and sell it, and let the next person give the proceeds as they see fit."

A discussion ensued between Councilor Dwyer and Councilor Vaillancourt related to drainage costs and impacts.

Chairman Harrington commented we don't know what kind of drainage; it sounds like you are saying it is a large drainage system having to do with sewerage. Councilor Dwyer remarked drainage is huge. When they are doing drainage for runoff and we are having these MS4 discussions. It is complicated and it is in the millions of dollars. It would be a bonding issue, etc.

Councilor Flood stated she also respects Director Fox's opinion, and she assumes that he can do something with this lot. Whether he can do without it is another thing altogether. She stated she would be abstaining from the vote.

Councilor Boyd stated his appreciation for what Councilor Dwyer was saying, and stated agreement to do drainage infrastructure is big bucks. He remarked about a year ago he went down to that neighborhood because the roads down there are not paved and whenever it gets rainy and muddy it gets very rutty down there. He stated his belief the PWD has to go down at some point and regrade those roads at least once or twice a year. The fact that they have to regrade down there is part of the reason why Director Fox is making this recommendation.

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The runoff that is coming off Baboosic Lake and South Baboosic Lake Road is impacting this particular neighborhood in a lot of different ways. People have to drive down that road, have to walk down that road, and the fact of the matter is when you are going from a pervious surface to an impervious surface it has a dramatic effect on the residents of that neighborhood. If able to provide a remedy and a particular level of relief to the people in the neighborhood that are looking to the Council to solve a problem, and if it is a question of taking a piece of property to put in a swale to mitigate some of the water that is going down into that particular neighborhood, he believes that has to be considered. The question then becomes is it a viable option; that is a conversation for another time and place. At this time, the recommendation that is being made is an opportunity to provide drainage. Having been down there and having walked that neighborhood, he can see the need.

Vice Chairman Rothhaus commented looking at the GIS, it appears to be a larger lot. He questioned the lot number. Councilor Koenig noted Director Fox's letter indicates the parcel is ¼ of an acre in size.

Councilor Dwyer stated, after living here for 20 years, what he has witnessed in that neighborhood is neglect. PWD Directors for the past 20 or 30 years would have had many opportunities to do some mild paving and some mild drainage work over the years and have not. He remarked he would not get tied up into what he would call a fantasy project of multiple millions of dollars in three years whether we own this little sliver of land that may or may not really fit into the grand scheme of a drainage project when in reality our Councils and Selectmen over dozens and dozens of years have not even seen fit to pave their roads. That neighborhood, as far as he is concerned, has gotten the short end of the stick for a long time. He questioned why paving hasn't been done down there.

Councilor Boyd responded the neighborhood has grown from being traditionally beach camp lots. Vice Chairman Rothhaus commented there are also a lot of questions on right of ways down there. There is a lot of confusion. Councilor Dwyer remarked it starts with some paving, and we haven't done any paving. He questioned the level of concern thus far.

Councilor Boyd remarked the reason why you can't do paving is because you don't have the drainage down there. Paving increases the runoff into Baboosic Lake, and then we get into the whole MS4 issue again. He stated he was looking at it as an opportunity to proactively figure out how to do it so that we are mitigating the runoff going into Baboosic Lake. Whether or not it happens is a different story.

Town Manager Cabanel suggested if anyone believes it worthwhile Director Fox could be asked to attend the next meeting to provide a more in depth explanation and respond to any questions.

Chairman Harrington called the question.

MOTION FAILED

3-3-1

Councilors Dwyer, Koenig, and Rothhaus voted in opposition

Councilor Flood Abstained

MOTION made by Councilor Dwyer and seconded by Councilor Boyd that the Town Council sell the tax deeded parcel located at 7 Richards Road

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ON THE QUESTION

Vice Chairman Rothhaus stated his desire to ensure the Tax Map and Lot were identified correctly. Councilor Koenig noted the motion referred to the property as 7 Richards Road and did not identify a particular Tax Map or Lot.

MOTION CARRIED

4-2-1

Councilors Vaillancourt and Harrington voted in opposition

Councilor Flood Abstained

Minutes

Approve the minutes from the Town Council meetings of May 26, 2016.

MOTION made by Councilor Boyd and seconded by Councilor Vaillancourt to accept the meeting minutes of the May 26, 2016 Town Council meeting of as presented. MOTION CARRIED 7-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd wished the Merrimack High School Class of 2016 the best of success on their graduation, and a life full of happiness, healthiness, and excellence in their personal and professional pursuits.

Councilor Boyd stated the Economic Development Citizen Advisory Committee (EDCAC) met the previous day. They are working closely with Jillian Harris, Planning & Zoning Administrator, on the development of a business guide that would be made available online and in hard copy to individuals moving to Town, looking to build in Town, etc. It is a 24-page document that provides everything from soup to nuts as to how to go about interacting with all of the Town departments.

The committee also discussed the Business Expo. The intent is to move forward. The individual responsible for running the Expo., David Shaw, has a new work schedule that forces him to work evenings. It is difficult for him to come before the Council to present. He did have a dialogue with Dawn Shepherd, President, Merrimack Chamber of Commerce. They discussed collaborating on the Business Expo. Councilor Boyd stated his understanding the Chamber will be introduced, in a limited capacity, to becoming more involved in that endeavor, and may have tentatively scheduled that for October 1st.

Councilor Boyd remarked several years ago the EDCAC did a business survey. They are looking to reinstitute another survey, but gear the questions to be a bit more specific using the previous survey to identify the type of questions to ask the business community. They will be reconnoitering on July 13th where there will be a new slate of officers presenting to run the EDCAC.

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Councilor Vaillancourt noted the Conservation Commission met on June 6th. The Horse Hill Nature Preserve parking lot is closed for the duration of the parking lot project. The Commission discussed the possibility of additional signage informing users. Visitors are able to park at the Watonic Bowman parking lot, and there is some parking available on Naticook Road. It is hoped the project will complete on July 1st.

A good deal of discussion occurred regarding the Grater Woods property. There is a problem with trails being created by motorized users without the permission of the Commission. This problem has been ongoing, and the Commission discussed ways in which to address the situation. The Commission will be scheduling a Site Walk, which will be publicly posted.

Councilor Vaillancourt stated the Commission discussed having a NED Pipeline post mortem conversation at its next meeting; what was learned, what would we do differently, what kind of records should be maintained for the future, etc. She spoke of the letter the Town of Brookline submitted to the Federal Energy Regulatory Commission (FERC) requesting reimbursement for the money expended on that endeavor. The Commission asked her if the Council was planning on doing something similar, and requested she bring the issue forward. She stated her understanding legally there is no precedent for reimbursement. She provided the Council a copy of the letter written by the Tad Putney, Town Administrator, Town of Brookline.

Councilor Vaillancourt stated the total number the Town of Merrimack expended on legal counsel regarding this matter is \$79,596.33. She questioned the will of the Council, and stated her desire to work with the Town Manager to draft a letter to be placed on the next agenda for consideration. Councilor Boyd stated his opinion the letter Mr. Putney crafted was well written, and suggested the same language be utilized.

Councilor Flood reminded the viewing audience the Parks and Recreation Department is sponsoring a yard sale on Saturday, June 18th from 8:00 a.m. to 2:00 p.m. at Watson Park. Individuals interested in participating can contact her at JackieFlood@Comcast.net or call the Parks and Recreation Department at 882-1046. Proceeds will benefit the parks; particularly Watson Park.

Councilor Koenig stated the Planning Board met Tuesday night. One of the agenda items was The Fig and The Olive LLC's request to open up a snack and wholesome food & beverage sale space inside of the Residences at Daniel Webster Highway. They have been at the Farmers' Market, and have built up a clientele. They want to open up in the restaurant area at the Residences. That was approved by the Planning Board. At the onset they expect to service the guests at the hotel. They hope to expand to service the public as well.

A company is looking to build a long-term residence hotel in the parking lot of the former Merrimack Hotel. They want to take over about 2/3 of the parking lot in the front of that building, and put up a four-story, 123-room extended stay hotel. The Planning Board tabled the application. They are trying to subdivide that lot into 2 lots taking a big portion of that parking lot. The Planning Board is looking to legal counsel to understand what ramifications there might be of splitting that property up given that there is an existing "as built" site plan in place that would become null and void by splitting this lot out. The previous hotel would no longer have the parking necessary to run as a hotel. The people

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presenting the matter would argue that the hotel is not useful as it is anyway and ought to be torn down. That may be true, but at the moment they have a valid plan that is built in place, and it doesn't seem proper for the Planning Board to violate that by splitting up that parking lot.

Other questions include whether or not there is any value in that property as a hotel and parking lot, and if we destroy it did we just destroy that value versus the value gain from this other rebuild. He commented there are a lot of good reasons to have this hotel built there, but there is a lot of concern about what happens to the other 15 acres that are there with the blighted hotel on it, and how to move that forward.

The gas station on the D.W. Highway; New World Gas, wants to expand their canopy to double the size to handle four stations instead of the two. They are looking to rebuild and re-modernize that building and re-open. They had to close December 31st when they had to pull the tanks out of the ground as they could no longer receive fuel deliveries into those tanks. They have since been replaced, and now they are looking to expand their ability to pump gas and revitalized that building. That application was approved.

There was a good deal of discussion regarding what would either be a 17-lot cluster subdivision or a 12 lot regular subdivision at 123 Wilson Hill Road and South Grater Road. There are 3 or 4 homes along Wilson Hill Road that have very poor water pumping in their wells at present, and they are very concerned that if you put 12 or 17 houses up the hill behind them it will damage their well water as well. There is question as to whether or not the Planning Board really has authority to judge whether or not someone can develop their land based on how it might impact someone else's well water. That discussion is ongoing.

Vice Chairman Rothhaus spoke of a building that was used for office space, which is being converted into apartments; Crosswood Path Condominiums. Councilor Koenig stated that came before the Planning Board quite a while ago. The owner came forward with a plan that included a commercial element and a residential element. However, he has been unable to fill the commercial space, and as a result has been losing money on the commercial aspect of it for quite some time. He came before the Planning Board with a request to convert the last commercial building into residences. Councilor Koenig commented it has been an ongoing thorn in the sides of the Planning Board as it continues to argue about any of these kinds of planned developments where they talk about commercial property and residential property. He remarked it became quite the contention when talking about the property up by Saint-Gobain and wanting to put in five four-story buildings with a promise to build retail in there as well. There was quite the argument as to whether or not they needed to get started on the retail up front or at least do something to promise retail or commercial use at that property to go as a combined modification of that commercial property into a residential/commercial/retail use. They had finally got approval to build 4 but not the 5th. They haven't started on it at all.

Vice Chairman Rothhaus commented the reason he asked the question is because that is part of the Planned Unit Development where they plan on a certain amount of commercial and residential to be combined to hopefully provide some synergy. The reason we do it is because it helps in the tax rate; so the impact on the Town is not as great as it might be if it were all residential. He questioned if there would have been a need to go before the Zoning Board of Adjustment for that change or would it be

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the decision of the Planning Board to force that commercial component on the development in the first place.

Councilor Koenig stated he is not aware of the legal aspects of it, but is aware it was discussed over a year ago; went through the discussion, planned it out, and decided, with the aid of the Community Development Department, that this was a legitimate way for the owner to proceed.

Councilor Dwyer commented he was concerned about, and had contacted the Town Manager when he first heard about the Woodspring Suites Hotel. He stated his hope everyone is concerned about that. He commented for him it is the common sense; who builds a multi-million dollar hotel, and will tell us we will leave that old dilapidated hotel standing. Right away the red flags should go up. He remarked we get the right to question developers that want to come into our Town and do things a certain way. This one stinks to high heaven; that they are going to come in, build this beautiful place, oh but we will get to that eyesore later. Something is not right there.

Councilor Vaillancourt remarked that is what the Conservation Commission questioned.

Councilor Dwyer commented he has been on the record before saying he thinks the property is snake bitten. There is some type of curse on that property. It is very weird. Right before the crash it was valued at like \$12 million and then the new owner bought it for \$1.2 million. It has been two decades that the property has been blighted and standing there. We have had tons of flybys, but now this latest one is bizarre. If you want to do a hotel, great idea, but when they said they were going to leave that old hotel standing his ears perked right up. He suggested everyone keep this on the radar.

Chairman Harrington stated she would be happy to place a letter to the FERC regarding reimbursement on the next agenda.

Adjourn

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

The June 9, 2016 meeting of the Town Council was adjourned at 9:26 p.m.

Submitted by Dawn MacMillan