

Approved: December 15, 2016

Posted: December 16, 2016



## **Town Council Meeting Minutes**

Thursday, November 17, 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, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Mahon, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

### **Pledge of Allegiance**

Chairman Harrington led in the Pledge of Allegiance.

### **Announcements**

Town Offices will be closed on Thursday, November 24<sup>th</sup> and Friday, November 25<sup>th</sup> in observance of the Thanksgiving holiday. The Transfer Station will be closed on Thanksgiving Day.

Regular meetings of the Town Council will be conducted on Thursday December 1<sup>st</sup> and December 15<sup>th</sup> at 7:00 p.m. The first of the budget meetings will be conducted on Monday, January 9<sup>th</sup> at 6:00 p.m. A regular meeting of the Town Council will be conducted on Thursday, January 12<sup>th</sup> at 700 p.m. All meetings will be held in the Matthew Thornton Room.

Chairman Harrington spoke of being thankful for the manner in which voting took place in Town. She thanked all those who worked at the polls and helped to ensure a smooth event. Turnout was in the area of 15,500.

The Town of Merrimack invites you to bring the whole family out for the 23<sup>rd</sup> Annual Holiday Parade & Christmas Tree Lighting Ceremony, which will take place on Sunday, December 4<sup>th</sup>. The theme of this year's parade is a "Griswold Family Christmas", it will kick off at 3:00 p.m. from the Commons Shopping Plaza (515 Daniel Webster Highway), travel down D.W. Highway to Baboosic Lake Road, and end at the Town Hall parking lot. The Christmas Tree Lighting Ceremony with Santa Claus will begin immediately afterwards at Abbie Griffin Park (approx. 3:45 p.m.). For questions contact the Parks & Recreation Department at 882-1046 or visit their website [www.merrimackparksandrec.org](http://www.merrimackparksandrec.org).

The Department of Public Works is pleased to announce the promotion of Wayne Lombard to Equipment Operator II. Wayne has been with the Department for 19 years and is a longtime resident of Merrimack.

### **Perfluorooctanoic Acid (PFOA) Information Update**

Councilor Mahon commented it appears the Merrimack Village District is putting in the emergency pump (interconnect with Pennichuck) on 101A. The plan was for that work to be completed by the end of November.

Councilor Boyd stated a clarification was put out by the Environmental Protection Agency that the 70 parts per trillion relates to drinking water only. They are only focusing on PFOAs in the drinking

water. With regard to anything that consumes the contaminated water, e.g., food sources or secondary exposure through vapor inhalation from showering and washing hands, etc., they cannot offer an advisory as it relates to those. Councilor Boyd spoke of having provided a copy of the Advisory to members of the Council, and stated a desire to make a motion relative to it at the Council's next meeting.

**Public Comments** - None

**Recognitions, Resignations and Retirements** - None

**Appointments**

**1. F.E. Everett Turnpike Widening Presentation**

Submitted by NH DOT Project Manager Wendy Johnson

Town Council to be presented with details of the upcoming project, which includes the widening of 3 segments of the F.E. Turnpike from 2 to 3 lanes in Nashua, Merrimack and Bedford.

Wendy Johnson, NH DOT Project Manager, stated being presented was the Nashua-Merrimack-Bedford 13761 F.E. Everett Turnpike project. NH DOT has hired consultants from CHA and McFarland-Johnson to assist in developing the preliminary design for this project. She noted this was the first time the project was being presented. The NH DOT is very early in the design stage, and the intent of the presentation was to inform the Council the NH DOT is coming to Town, to provide an update on the process, and seek feedback from the Council.

Ben Martin, CHA Consulting, provided a [PowerPoint presentation](#). There are three segments of the F.E. Everett Turnpike (F.E.E.T.) that are currently two lanes in each direction. The project proposes adding a northbound and southbound lane through those segments to make a continuous three-lane corridor from Exit 8 to the 293 Interchange. Part of that will include evaluating 5 bridges for rehabilitation and/or replacement. There will be some ramp work at the Turnpike itself to accommodate the third lane, but the project really doesn't reach down the ramps to the side roads and interchanges and intersections. There are no toll modifications as part of the project. The environmental study will include a noise abatement evaluation for the entire project corridor.

The project is primarily about improving mobility and safety. That will come in the form of congestion relief. There will also be safety improvements in the form of updated median treatments, some of the existing safety features, e.g., guardrails, will be upgraded to current standards, etc. As part of the project there are a number of bridges and other structures that will be addressed to accommodate the widened turnpike. One Red List bridge that will be addressed as part of the project.

A slide was displayed that identified the three segments; Southern (Exit 8 to Exist 10), Middle (Exit 11 to Bedford toll plaza), and Northern (I293 Interchange).

**Southern Segment**

Begins in Nashua at Exit 8 and extends about 1.5 miles to the north to Exit 10 in Merrimack. The defining feature of this segment is the F.E.E.T. Bridge over the Pennichuck Brook (actually two

bridges). Each bridge accommodates two lanes in each direction. In order to accommodate the widened turnpike, this bridge would need to be widened.

### Middle Segment

Begins in Merrimack at Exit 11 and extends about 5.3 miles north to Exit 13. There are a number of bridges in this segment that will be looked at as part of the project. Turnpike over Greeley Street is already wide enough for the three-lane turnpike. Anticipated there is overlay, paving, and some minor rehabilitation work.

Heading north there are two bridges over the F.E.E.T; Baboosic Lake Road and Wire Road. Those bridges currently are not long enough to span a six-lane turnpike (3 in each direction). They would need to be replaced to clear the widened turnpike. The Baboosic Lake Road Bridge is a Red List bridge, and would be evaluated and addressed as part of the project. When asked, Mr. Martin stated they are very early in the process, and are exploring alternatives; have not arrived at a preferred alternative for how they would be replaced. Ms. Johnson stated some of the alternatives being looked at include an off-line alignment and another would be to do the project on alignment, but they would have to look at traffic volumes, and get the Council's feel for whether it would be better to close it and have a shorter construction or to do more alternating and have a longer construction. That is something they will eventually come to the Town/Council with. Councilor Mahon commented they should go over it with the School Board as all of the buses go through there on Baboosic Lake Road.

Mr. Martin continued stating just north of Wire Road the F.E.E.T. goes over Baboosic Brook. It is carried by a twin concrete box culvert. That structure will need to be addressed to accommodate the widened turnpike. They are also looking at it to make sure they are accommodating the hydraulic needs of Baboosic Brook itself.

The last structure on the middle segment is the F.E.E.T over the Souhegan River, also known as the Merrill's Marauders Bridge. It was recently completed, and is already constructed to carry the third lane. There isn't much work proposed at this bridge. It would be striping to introduce the third lane.

### Northern Segment

In Bedford, will pick up at the northerly limits of Exit 13 Bedford toll plaza interchange and will go through the I293 interchange in Bedford (approx. 1.3 miles). The Route 3 Bridge over the F.E.E.T. was recently completed, and is already long enough to span the widened turnpike. There is no work proposed at that bridge.

Councilor Koenig noted there is a lot of rock to take out there. Mr. Martin stated agreement there would presumably be some rock excavation as part of that.

Mr. Martin noted there are three smaller culverts that carry unnamed streams. Those will also be addressed as part of the project to ensure not only that they are adequate to carry the streams but that they are long enough for the turnpike to be widened above them.

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Mr. Martin stated a big element of the project will be looking at and evaluating some key environmental issues, which will include wetland and waterway impacts. That will be the replacement of the Pennichuck Bridge and the Baboosic Brook crossings, and any wetland and stream impacts within the project corridor.

The noise evaluation will encompass the entire corridor. The project will also look at water quality and storm water runoff both temporary and permanent impacts. There is a fairly extensive evaluation of any rare species that might be in the project corridor.

Mr. Martin stated public outreach efforts would include a good deal of early consultations with towns and other stakeholders and public informational meetings, which will be much more in-depth; will get into alternatives and different options for different elements of the projects. Some of the outreach involvement efforts will include a periodic newsletter for any project updates and a project specific website ([everettturnpikewidening.com](http://everettturnpikewidening.com)) that will be online very soon. All of that culminates in a public review and comment period of the environmental assessment document, which leads to a Public Hearing.

It is anticipated the environmental assessment will be completed in 2017. This will include all of the preliminary design alternatives and the public involvement and outreach efforts, which will all come together in the Public Hearing; also in 2017. The Public Hearing marks the end of the engineering preliminary evaluation of the project. From there they will go into final design, which is anticipated to be complete in 2020. The project can go to construction as early as 2021.

Councilor Dwyer stated this project is five years too late; 2021 is a little embarrassing. He stated this is not about Merrimack residents because they get into the traffic for five minutes, and are getting off the exit. This is really about the growth of communities like Manchester and Concord and their suburbs. He spoke of those who live in those communities and commute to Massachusetts for work stating this is vital, and you can't spend 5-7 years on this because people will start choosing to live somewhere else. This corridor is horrible. There is a lot of talk and people say they want economic development and for Southern New Hampshire and New Hampshire to be successful, but if the Legislature doesn't fund this properly and get it on the books faster than that it is really kind of sad.

Councilor Mahon commented they are more interested in putting a 4<sup>th</sup> lane on I93 than they are in mitigating this issue.

Councilor Dwyer commented in Merrimack, Fidelity with 6,000 employees, is not affected by this traffic jam. If employees wanted to purchase a home in Goffstown or Concord and commute to Fidelity they would not be happy with the commute.

Councilor Flood questioned if there is physically room to add the extra lane. Ms. Johnson stated, within the segments they showed, there is. When asked if there would be the need for any land taking, she responded because they are still assessing the alternatives they haven't gotten to that point yet. Currently they have staff working on identifying where the Right-of-Way lines are and who owns what. The Right-of-Way width as far as they are aware at this time, is fairly substantial through the F.E.E.T. so they don't see where they would have too many needs in that location for the highway itself. They will have water quality features so there may be some need to acquire land for those.

Typically they try to find vacant type properties. They don't know, not knowing what they are going to do for Wire Road and Baboosic Road because they are not sure if they will keep on alignment or go to one side or the other. As the alternatives develop, they will have more of an idea on that, but for right now they are not anticipating huge strip acquisitions or anything like that.

Councilor Flood questioned the project funding, and was informed it is funded by the Turnpike Capital Program; paid with toll monies. They already have the funding. There is no toll increase with this project. Turnpike has the money already in their financial plan where it is in the capital investment program.

Councilor Dwyer reiterated he would hope the people in Concord would understand what it means to the rest of the State. Ms. Johnson commented what really does take time is to acquire any Right-of-Way that might be needed and environmental permitting particularly with a large corridor such as this.

Councilor Mahon commented it was stated the funding is in place, yet the discussions he heard with the Legislature were there were going to be toll increases that would go to support the funding of this. Ms. Johnson stated she had asked that question, and was told they were all set. She stated she could double check that and get back to him. Councilor Mahon stated there was no increase proposed for Merrimack. Ms. Johnson stated that to be correct. Councilor Mahon stated most of the other ones were proposed at the other toll plazas. He added the last time they had the argument in the Legislature about this process two years ago they were talking about the need to do that in order to satisfy the bonding authorities, but they had sufficient revenue to support the bond payments. That is what they were proposing to do at that time.

Councilor Mahon questioned when the Route 3 Bridge was supposed to be done. Town Manager Cabanel stated her belief it is 2021. Councilor Mahon remarked that means three bridge projects in the core of the Town in the same year. There are 14,000 cars per day on Route 3. That would mean three bridges over three of the main arteries in the community. Ms. Johnson stated what she was hearing is the Council does not want all of that work to be concurrent. Councilor Mahon commented there will really be an impact with those four projects going on at the same time.

Ms. Johnson noted the first project could start as early as 2021. They were planning on staggering the work. She remarked it is nice to hear that the Council is on the same page. Councilor Boyd commented now that there are no toll booths at Exit 12 it becomes easy for people to get off at Exit 12 and use Bedford Road to bypass construction.

Councilor Boyd questioned if there was discussion of adding a full interchange at Exit 12 creating a northbound onramp and a southbound off ramp. Ms. Johnson stated it was discussed when they did the feasibility study, and it was not included as part of the project. When asked if she is aware of the reason why, Ms. Johnson stated she could get back to him with the answer. Councilor Mahon suggested there is no room. Ms. Johnson commented she is aware there is a house in the way, and was uncertain if there were other reasons.

Councilor Boyd commented on the airport access road; the southbound traffic getting off onto the Merrimack exit and the northbound traffic getting off on the Merrimack exit and the way it merges. The way the road was designed there is a blind spot in both directions where motorists cannot see

oncoming traffic until it is on top of them. Councilor Mahon stated that is not a turnpike issue as it is not the turnpike. However, it is good information to be relayed.

Councilor Boyd questioned if there was any discussion of overhead tolling on the Bedford Road Bridge. Ms. Johnson stated there was not. There is an open road tolling contract that is coming out within the next year or so, and will be at the Bedford main line toll plaza. That is in the design phase, and a different person will be coming out to discuss that with the Council. Councilor Boyd stated agreement with the comments made by Councilor Dwyer, and remarked by the time the widening is complete, the discussion will turn to four lanes. Councilor Dwyer commented there is no land for four lanes in each direction; it will always be three.

Vice Chairman Rothhaus stated his appreciation of the expansion, and commented it is necessary and timing is whatever they make work. He stated the ramp Councilor Boyd discussed is important. He noted he sits on the Highway Safety Committee, and they have sent letters to the State. The response was at first that they would knock the berm down and roughly a year later they said they were not going to, that it is fine the way it is. The reality is it is not fine, it is a hazard. It is the southbound lane that has the most difficulty. The south ramp at Exit 13 comes in as a single lane the northbound ramp comes in with 2 lanes. Their left lane on the northbound ramp is a left turn or a straight ahead. They don't have to do anything, they already own it. Both sides say yield to the oncoming traffic, but there is nothing to yield for. When you own the lane you are yielding to nothing. The southbound lane is the problem. Eliminating the berm would be likely the least expensive alternative if they could look into it. They said they didn't want to. Anything the NH DOT could do in that regard would be greatly appreciated.

Vice Chairman Rothhaus questioned the cost of the project, and was informed the budget is approx. \$71 million including P.E., Right-of-Way acquisition, and construction.

Councilor Koenig echoed the comments made regarding the timing of the project. He commented he works in Manchester, and in the traffic report on the news every night it is stated, and of course in Merrimack between exits 10 and 11 it is backed up and you are not moving anywhere.

Councilor Koenig spoke of the project that is near completion in Manchester from 293 North, commenting it looked at first like they were going to try to expand that to 3 lanes, which doesn't appear to be the case. They put a lot of effort into the median, exits 4 and 5, and it is still only 2 lanes through there. He is uncertain what the overall intent is; going to bring three lanes up to 293 and hope people split off from there, but they are still headed up towards Concord so there is still a huge amount of traffic making it incredibly difficult to get out of there at 5:00 p.m. He stated his hope a bigger picture is being looked at.

Councilor Koenig stated what he heard them say was there is no intention, as part of this project, to move the toll booth, and no intention they are aware of to move the toll booths; simply to change them to high speed tolling. Ms. Johnson stated that to be correct.

Councilor Koenig spoke of the whole concept of things the Council has heard about in the past about tolls with respect to the highway, contingent upon Merrimack taking over the Continental Bypass and things of that nature, and questioned if any of that is involved in this discussion, e.g., ownership of

different highways or road through Town. Ms. Johnson stated it is not. She added they are trying to get in, do the third lane; get that taken care of and solely stick to the turnpike because it is turnpike funded. Councilor Koenig commented the Council would love to see the Bedford Road Bridge rebuilt or expanded. If there was any inclination on their part to do something with that bridge, the Council would encourage an effort to try and get in there and widen it or put in a four-way interchange there instead of just the two that are there now.

Assistant Town Manager/Finance Director Micali commented he resides near the Wire Road Bridge, and he is aware of surveying that has occurred in the area and markings made of the where it is believed the Right-of-Way is for the F.E.E.T. Ms. Johnson responded she does not believe they have done that yet. Assistant Town Manager/Finance Director Micali stated he is seeing points in the ground, surveying stakes/flags, and things of that sort in that area. Ms. Johnson stated she is unsure what is being seen, but at this point if what is being seen is stakes and flags it is because they are trying to do their survey so they are setting points that they feel won't be disturbed by construction. That is what she is thinking is being seen.

*There being no objection, the Council took a five-minutes recess at 7:47 p.m.  
The Council reconvened at 7:52 p.m.*

## **2. Town Adoption of RSA 79-H, Taxation of Certain Chartered Public School Facilities**

Submitted by Gate City Charter School for the Arts Executive Director Karin Cevasco

Gate City Charter School for the Arts to provide information to the Town Council with regard to adopting RSA 79-H.

Karin Cevasco, Executive Director, Gate City Charter School for the Arts, stated the school is located at 7 Henry Clay Drive in Merrimack. On behalf of the Board of Trustees, teachers and staff, and most importantly the students, they were before the Council with a request that the Town adopts RSA 79-H. The legislation passed with bi-partisan support in the Legislature in 2015. The RSA would provide financial relief to a public charter school that leases commercial facilities and pays property tax through the lease. By assessing the portion of the facility that the school leases at a maximum of 10% its commercial value, the result is a reduction in fees paid by the public charter school in charges applied through the monthly lease payment.

In August of 2014, the Board of Trustees at the school entered a ten-year lease on the first floor space located at 7 Henry Clay Drive in Merrimack. Through that lease they are paying approx. \$30,000/year in property taxes. As a public charter school authorized by the New Hampshire Board of Education and operating under RSA 194-B, the school receives per pupil funding from the State. Those funds of approx. \$6,500 per pupil, are needed for operational costs, which include the facilities, salaries, and curriculum costs. The adoption of RSA 79-H would ensure that more of the funds received from the State to operate the public charter school would go directly to educating the students through their arts integrated curriculum.

Ms. Cevasco stated the students find academic success through the school's approach to teaching and learning that infuses the arts across all subject areas. Engagement in the arts develops academic understanding. Arts integration as a method of learning presents opportunities to develop problem-solving skills and fosters critical thinking and follow-through. It develops public speaking and

communication skills in the students. Through arts integration, students focus on collaboration and ingenuity. Many of the students find success at the school because of the small school environment. Some were failing academically or struggling socially before enrolling in the school. The focus on community affords attention to social and emotional development, and the students are thriving. Gate City Charter School for the Arts is an innovative leader in the education of students preparing them for success in the 21<sup>st</sup> Century global economy. They are a Kindergarten through 8<sup>th</sup> grade public charter school with a current enrollment of 173. The charter allows for a maximum enrollment of 180 students. They are designed to be a small school environment. Students reside in over a dozen communities throughout southern New Hampshire. These are families who drive every day to gather at the Merrimack location because the school is providing a successful education experience for their student. When they come here they are shopping here, eating here, etc. The school enjoys being part of the Merrimack community, are contributors, collaborate with nearby neighbors, etc.

Ms. Cevalasco stated the school was asking for Merrimack's support to ensure the long-term sustainability of the school so they can continue to be a part of this community and serve their students.

Councilor Koenig asked for clarification on the law and the implication(s) to Merrimack and/or the school. Ms. Cevalasco responded it would result in a loss of revenue paid to the Town through property taxes. However, it is not a total exemption of all property taxes paid. The school currently leases about half of the building at 7 Henry Clay Drive. The building owner passes on those property taxes to them as tenants, through the lease. The building owner would receive that reduction for the portion of the property taxes on the space the school is leasing, and he would pass that on to the school as the tenants of the building, through the monthly payment. The school would pay 10% of the current property taxes for their half of the building.

Bill Spinelli, Chairman, Board of Trustees, Gate City Charter School for the Arts, stated the school occupies 17,850 sq. ft. of the building. The building is 45,600 sq. ft. in total. If approved, the school would retain \$27,000 for the operation of the school.

Councilor Dwyer commented the facility is a beautiful building with an assessed value of over \$3 million. There is only one person who gets a tax bill, and that is the owner of the building. You have to look at the owner as a landlord who is leasing, renting, whatever. The fact is there is someone getting a really big tax bill on that very valuable property. The details of whatever tenants come into the building he personally does not care, and he is uncertain why anyone else would care. The school does because there is an RSA that could provide some tax benefits, which he supports wholeheartedly. He wanted people at home to understand the property owner pays his taxes on that building. The uses of what happens inside the building are a different subject.

Councilor Flood commented property tax is a separate market from rent. People mix up those two concepts. They overlap a little, but they are really two different things. It is a beautiful building, and it is the property owner who pays taxes. She questioned, and was informed the school is a non-profit organization. When asked, Ms. Cevalasco explained, as a charter school, they reapply for their charter every five years with the State. As a 501(c) 3 they report to the DOE and the Federal Government (are audited every year).



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Councilor Flood stated in addition to loss of revenue from property taxes, the Town would also forego monies the State pays the School District, which is based on the number of students in our school district and the number of hours they attend school. Councilor Koenig added the public schools would not be educating those students so they, theoretically, would not be incurring those expenses.

Councilor Mahon commented a review of the property card indicates this property is class A office space compared to what you would typically see in a normal school building. It is hardly the same quality. He stated he would need to review the lease, tuition agreement, etc. He questioned the number of students that are from Merrimack, and was informed there are 19. It was noted approx. 11% of the student population is from Merrimack.

Ms. Cevalasco stated, as a public charter school, families do not pay tuition; they operate solely on the funding received from the State. When asked if fundraising occurs, Ms. Cevalasco responded it does, just as it does in any public school. Mr. Spinelli stated the State provides approx. 91% of the money used to operate the school.

Vice Chairman Rothhaus stated the desire to see the documentation Councilor Mahon spoke of. He remarked he wishes to see charter schools be successful as he believes it a nice addition to the whole education process. He stated he has a lot to learn about charter schools and the way they operate. He added it is difficult in that the facility they are located in is prime office space.

Ms. Cevalasco commented the facility they are in was vacant for over 5 years before the school moved in. Three quarters of the upstairs remains vacant.

Town Manager Cabanel stated a desire to ensure the Council understands should the decision be reached to adopt the RSA, it would apply to any charter school that wants to come to Merrimack, in any building, regardless of the number of schools.

Councilor Dwyer commented he has to retract his wholehearted support having just learned if the landlord gets a tenant like a charter school his tax bill may be reduced. By approving the request, the Council could be setting up a lot of buildings that are getting special tax exemption and reducing tax revenue by a great deal more.

Councilor Mahon commented the Statute provides no guidance relative to the RSA.

Councilor Flood commented there might be another path. She suggested there to be nothing wrong with a landlord approaching the Town and making a case without having to go through an RSA.

Town Manager Cabanel commented if taken a step further and abatement is provided or a payment in lieu of taxes for one individual, were others to come forward with a similar request, if not granted, the Town would lose any court case that could follow.

Chairman Harrington commented she feels there is a certain amount of responsibility for the students coming from Merrimack, but not those coming from other cities/towns. It is one of the variables that should be considered.

Councilor Koenig questioned if there is anything within the RSA that suggests the owner must rebate the tax reduction to the charter school. Councilor Mahon stated there is not. When asked why they believe they would benefit from the reduced taxes, Mr. Spinelli stated they could get something in writing that stated that would occur. The lease is based on the square footage and the Common Area Maintenance (CAM) charges, which includes the property tax.

***There being no objection the Council went out of the regular order of business to take up Item #2 under New Business.***

## **2. Eagle Scout Project Discussion**

Submitted by Blake Bormuth

Eagle Scout candidate Blake Bormuth to present his Eagle Scout project proposal to Town Council.

Blake Bormuth, Troop 424, stated his Eagle project to be work on the Spalding Foundation at the Horse Hill Nature Preserve (HHNP) located directly off Old Kings Highway, which is connected to Gerard Drive in Merrimack. The Spalding Foundation is the foundation of a building that was constructed by Captain Spalding (mid-1700s), who was one of the very first settlers in New Hampshire. Captain Spalding came to New Hampshire around 1750, purchased land, and constructed the home for his Son when he became old enough to have a home and make a living on his own. Captain Spalding also brought over plants such as Lilacs, Honeysuckles, grapes, etc., which can be seen on the site during the spring time, and which will be preserved. Scout Bormuth will erect small signage in the areas of the plants identifying them and providing the historical information.

The intent is to rid the area of the vegetation that has grown up and over the fence and through the middle of the Spalding Foundation. The project will also include removal of the existing fencing, which surrounds the area, and is deteriorating. A new split rail fence (7 posts not including the corners on each section) will be put in its place. A plaque, identifying the area, will be placed on the rock that is located outside of the wall on the trail to the Spalding Foundation.

In addition to the removal of the vegetation in and around the foundation, trees that are overhanging the area will be cut down to eliminate the potential for damage to the new fencing. Photos were providing identifying the proposed fence design and how the plaque would be placed on the stone (Boston stud method; multiple holes on the back of the plaque and a hole dug into the face of the rock).

Scout Bormuth identified the area where the debris from the tree removal would be placed. The fencing materials that would be removed would be taken to the transfer station. A chainsaw would be utilized in the removal of the trees. No scouts will handle automated tools. Those tasks would be handled by adult volunteers. The trees would be cut down, cut into smaller sections, and moved to an area away from any existing trails.

The cost of all materials is estimated at approx. \$1,000. Included is the cost of lumber (assuming nothing would be donated). Scout Bormuth stated his assumption Home Depot would be donating wood and other materials, but did not want to include that as, at this time, he is unclear of the amount that would be donated. Being in the granite state, if the pillars won't go in the ground, there is concrete that can be used to put under the ground and covered with dirt.

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Town Manager Cabanel questioned how information on the history of the site was learned. Scout Bormuth responded members of the HHNP Sub-Committee visited the troop, and made scouts aware of a potential project. The Historical Society and the HHNP has documented information on the site, which he was able to review.

Councilor Boyd commented having noted in meeting minutes of the HHNP Sub-Committee that Scout Bormuth will be working with Deb Huffman on identifying some of the plant life around the foundation. He encouraged him to reach out someone from the Agriculture Commission as well. Councilor Flood commented Deb Huffman and Helynn Wenz have been involved with the HHNP from the start, and can be of great assistance in identifying the plantings.

Scout Bormuth noted with his 18<sup>th</sup> Birthday falling on May 25, he is required to have the project completed and approved as completed by that date. Fundraising will occur in December and January. Removal of materials, e.g., old fence, etc. can begin prior to the spring.

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the Eagle Scout project of the Spalding Foundation cleanup by Blake Bormuth. MOTION CARRIED 7-0-0**

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

### **Public Hearing**

#### **1. Public Hearing - Proposed Changes to Chapter 142, Parks and Recreation Areas**

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council will hold a public hearing to consider the proposed changes to Chapter 142, Parks and Recreation Areas, of the Town Code, pursuant to Charter Article 5-3.

Matthew Casparius, Director, Parks and Recreation Department, stated as the department moves towards the completion of the dog park they have three proposed changes to Chapter 142 of the Ordinances. The first is §142-1, Legislative Intent; have proposed adding the name Merrimack Dog Park as an official park within the Town, and having noticed it was not listed, also adding Bishop Field. The second, §142-9, Animals, currently states a dog has to be on a leash in a park. Being proposed is adding the exception of the Merrimack Dog Park. The final proposed change is to §142-15, Wasserman Park Beach, to amend the Ordinance to include reference to the parking lot constructed at Wasserman Park down by the beach; identifying it specifically as a resident parking lot.

Councilor Koenig questioned why very specific parking lots are identified rather than simply stating designated parking lots identified by the Town or Town Council, etc. Director Casparius responded the existing ordinance has that language, and with the new lot and the desire for it to be a resident lot, there was the desire for it to be officially identified as such.

Assistant Town Manager/Finance Director Micali commented this goes back to when the discussion of Wasserman Park Naticook Lake beachfront was taking place. At that time, the Town Council/Board of Selectmen designated the two parking areas; one being for town residents to use the waterfront and

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the other designated for anyone to use for access to conservation trails, which are on the other side of Wasserman Park. The proposed language is an extension of that to continue with the naming convention that occurred at that time. When asked, Director Casparius stated the language would require individuals parking in that lot to have a resident or transfer station sticker.

*Chairman Harrington declared the Public Hearing open at 8:48 p.m.*

*Chairman Harrington declared the Public Hearing closed at 8:49 p.m.*

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the item to the consent agenda for the Council's next meeting. MOTION CARRIED 6-1-0**

*Councilor Koenig voted in opposition*

**Legislative Updates from State Representatives** - None

### **Town Manager's Report**

The contract Assessor, Lauren Martin, will be in attendance at the Council's December 15<sup>th</sup> meeting to explain a situation she discovered in the Tax Warrant that involves the incorrect billing of non-profits.

On December 6<sup>th</sup>, the Planning Board will hold its initial public hearing for the Monahan mixed-use project, located at the corner of Continental Boulevard and Industrial Drive, adjacent to the Merrimack Premium Outlets. The applicant is proposing 388,520 sq. ft. of hotel, retail, restaurant/conference area, office, and residential on the parcel. The Planning Board must first act on the application for a Conditional Use Permit (CUP), which if approved, would set the framework for future site plans and subdivisions (a mixed use CUP does not allow for construction, it only gives permission to move forward to traditional site plan/subdivision review).

Also at the December 6<sup>th</sup> meeting, the Board will hear an initial conceptual discussion (a non-binding work session prior to any applications being sought) regarding the redevelopment of the former Shaw's Plaza on D.W. Highway. The concept plan, at this stage, calls for redevelopment of the existing building formerly occupied by Shaw's, to include a new facade, roof, lighting, and HVAC system. Two new buildings with footprints of approximately 5,000 and 2,400 sq. ft. are proposed within the existing parking lot area. Site improvements are anticipated to include new signage, drainage, landscaping, site lighting, and parking lot striping.

Lastly, staff is working with a company seeking to relocate into the facility currently home to GT Advanced Technologies. The company (which we expect will be making a public announcement soon) is proposing to purchase the facility and take over a majority of the building (GT will maintain some kind of presence in a small portion of the building for an undetermined amount of time). The potential company is a mix of research & development and manufacturing, employs 60+/- people currently, and have stated that they will be adding more staff (no specific timeframe). Town staff will hold a kickoff meeting with all the departments to game plan permitting for this company in the near future. Additionally, the company is interested in the Economic Revitalization Zone (ERZ) program through the State, which will require staff to prepare a new ERZ application with the State. Staff will bring forth this ERZ request for the Council's approval in the coming weeks.

**Consent Agenda** - None

**Old Business** - None

**New Business**

**1. Consideration of Recreation Program Coordinator Position for Parks and Recreation**

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the recommended change of the part-time Parks and Recreation Secretary position to a part-time Recreation Program Coordinator position.

Town Manager Cabanel commented Mr. Casparius has established a great many programs for differing age groups throughout the community, which were sorely needed, and has spent a great deal of time on increasing participating in town-wide events. The only full-time person working in the department, he puts in an enormous amount of hours. The individual that works for him on a year-round basis is a part-time Secretary. What Director Casparius has been facing with putting on all of these programs is that he is the one that needs to be present every time an event occurs.

The individual that filled the Secretarial position has left the position to take a full-time position within the Town. Faced with that vacancy, Director Casparius has suggested upgrading the position to a part-time Recreation Program Coordinator, which would fall in a different wage scale. Although the position would be part-time to start, Town Manager Cabanel stated the intent to propose the position be identified as full-time in the upcoming budget. At this time, the desire is to create the new position to allow for the hiring of an individual with professional experience and qualifications.

Director Casparius remarked prior to a year ago, the department was still doing all of the registrations in paper form, etc. Hours of time were required just to track camp registrations, etc. A year ago they went online with registration, acceptance of credit cards, etc. Those tasks that formerly took hours of time are now completed within minutes. In addition to the reasons the Town Manager has stated, the individual in the position can now be asked to do more. The position could supervise some of the programs and assist in the continuation of creating new programs, etc.

Chairman Harrington asked about the job description for the position, and was informed the revised description was included with the agenda packet.

Councilor Dwyer commented, as a Liaison to the Parks and Recreation Committee, he has had the opportunity to see firsthand the effort put in by Director Casparius and the impact those efforts have had on the parks. He stated his support of the position being increased to full-time in the upcoming budget.

Councilor Boyd questioned how often the Director is required to staff programs and special events, and what the frequency is outside of the regular work day. Director Casparius stated it changes every season. He identified some of the main special events such as Halloween, which is a Friday night, the Christmas parade, which is a Sunday, 9/11 was on a Sunday, Winter Carnival is on a Saturday, Fourth

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of July, Easter Egg Hunt, monthly movies, Concerts in the Park, etc. Most of that is concentrated in the summer, but realistically they occur throughout the year.

Councilor Boyd spoke of the job description provided, and commented it reads more like an Assistant Parks and Recreation Director as opposed to a Program Coordinator. It was stated the change would place the position on the same scale as the Assistant Media Services Coordinator, which makes sense considering the Media Services Coordinator is on the same wage scale as the Parks and Recreation Director. He questioned why the position would not be titled Assistant Parks and Recreation Director. Director Casparius stated that could occur. He noted most towns tend to call it Program Coordinator when there are only two full-time employees. It could be either way. Town Manager Cabanel stated she would be opposed to that because it has not reached that level. The wages are really one step above that of a Secretary.

When asked about the number of hours anticipated for the position, Director Casparius responded 25, at this time. Councilor Boyd spoke of the Recreation Revolving Fund, and his impression some of those funds could be utilized to offset some of the salaries. Director Casparius stated with the current Secretary position the way it is budgeted is a 70/30 split; camps, for example, are paying 70% of the salary, which would continue with the proposed position.

Councilor Boyd questioned the salary range and was informed Grade 8 was \$16.53 - \$23.65 and Grade 9 is \$17.40 - \$24.86.

Councilor Boyd questioned what the all-in cost would be of a full-time position. Town Manager Cabanel stated that information would be provided. She noted there are 6 months left remaining in the current fiscal year. Having discussed with the Director what it would take to provide some relief for the remainder of the year, it was agreed the part-time position be proposed with the understanding a full-time position would be requested during the budget cycle. There are budget considerations in the current fiscal year that have to be considered.

Councilor Flood commented it is time for such a change. She questioned if the hours could be adjusted to accommodate full-time in the summer months. Town Manager Cabanel responded at this time, they have been gearing up for the Affordable Care Act, and what is necessary to be done in terms of hours and how that relates to contiguous span of time, e.g., if you work full-time for a certain period of time then it correlates to a full-time position, etc. They are being very cautious about that at this point, and are trying to limit the position to a certain number of hours/year, and then for a person that is a permanent part-time person it would be limited to 28 hours/week.

**MOTION by Councilor Boyd and seconded by Councilor Dwyer to establish the position of Recreation Program Coordinator and place it in the Personnel Plan Wage Scale at Grade 9.**

**MOTION CARRIED**

**7-0-0**

### **Minutes**

Approve the minutes from the Town Council meetings of October 27, 2016.

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*The following amendments were offered:*

Page 5, Line 6; replace “of” with “from”

Page 5, Line 24; replace “Lane” with “Way”

In each instance it occurs; replace “Bennet” with “Bennett”

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept the meeting minutes of the Town Council meeting of October 27, 2016 as amended. MOTION CARRIED 6-0-1**

*Councilor Dwyer Abstained*

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Councilor Boyd noted on Thanksgiving Day the Merrimack Rotary will be holding the Annual Turkey Trot 5K. For more information visit [MerrimackRotary.com](http://MerrimackRotary.com).

Councilor Boyd commended the Merrimack Tomahawks football team for their year; finished 9 and 2.

Councilor Boyd noted the Economic Development Citizen Advisory Committee (EDCAC) met on November 9<sup>th</sup>. The EDCAC entertained David Preece, Executive Director of the Southern New Hampshire Planning Commission. The topic of conversation was age-friendly and livable communities. The EDCAC also discussed the business survey that they will be putting out into the community.

Councilor Flood stated the Public Library is holding their Turkey Shoot at Wasserman Park on November 18<sup>th</sup>.

Councilor Koenig stated the Planning Board conducted a special meeting the previous Tuesday to speak with a representative of Transport New Hampshire regarding complete streets, which is the concept of making streets functional and usable by not only cars but also bicycles and pedestrians. They talked about the project, the support they are getting out of the Legislature, and the potential for pilot programs. The representative provided links to a lot of information that has been gathered on the concept of complete streets. There was quite a discussion around it some of which centered on whether or not it is even appropriate for a town like Merrimack, which is fairly rural. He stated his belief Manchester and Nashua have passed some kind of resolutions that they are committed to doing complete streets. Concord was used as an example; the recently opened Main Street. They claim, in addition to making it a more comfortable place to live and work, the efforts bring in more traffic and tax revenues.

Councilor Koenig noted he will be out of Town on December 6<sup>th</sup>, and requested Councilor Boyd, as the Alternate Liaison to the Planning Board, cover the meeting.

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Councilor Dwyer stated he would be unable to attend the budget meeting scheduled for January 19<sup>th</sup>. He will be traveling to Washington, DC for the Inauguration of President-Elect Trump.

Chairman Harrington informed the Council the renovations at the O’Leary Center are complete. She stated how appreciative they are of the support the Council has provided, and noted an Open House will be scheduled in the near future.

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

*The November 17, 2016 meeting of the Town Council was adjourned at 9:20 p.m.*

Submitted by Dawn MacMillan