



Town Council Meeting Minutes

Tuesday, February 14, 2017, 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

A special meeting of the Town Council will be conducted at 7:00 p.m. on Thursday, February 16th. Regular meetings of the Town Council will be conducted at 7:00 p.m. on Thursday, February 23rd and March 9th. All meetings will be held in the Matthew Thornton Room.

The Parks & Recreation invites you to join us at Wasserman Park for the 25th Annual Winter Carnival on Saturday, February 25th, for an afternoon full of FREE outdoor activities, games, educational workshops and much more. Some of the activities being offered this year include the Youth Ice Fishing Derby, Cardboard Box Sled Contest, Free Snowshoes rentals, Ice Carving Demonstrations, S'mores and much more. For complete details, visit the Parks & Recreation Department website at www.merrimackparksandrec.org or by calling 882-1046.

Due to a State of NH Department of Motor Vehicles software upgrade, the Town Clerk's office will not be able to conduct ANY motor vehicle registration or related transactions from this FRIDAY, FEBRUARY 17, 2017 through TUESDAY, FEBRUARY 21, 2017. Please plan accordingly if you have a new registration, a temporary plate that will be expiring or your registration renewal is due during the month of February.

2017 dog licenses are now available. All dogs 4 months and older are required by state law to be licensed. Please contact the Town Clerk's office with any questions.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington stated that The New Hampshire Department of Environmental Services (NHDES) has sent out over 700 letters to residents regarding blood testing. The NHDES still has not received 200 sign ups. Councilor Mahon commented that he has signed up and was told we will send you a voucher. Councilor Mahon has yet to receive a voucher.

Councilor Mahon made note of a settlement in Ohio against the Dupont Company totaling \$671 million dollars.

Comments from the Press and Public- None

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3 **Recognitions, Resignations and Retirements**
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5 **1. Recognition of Retirement of Town Employee**

6 *Submitted by Human Resources Coordinator Sharon Marunicz*

7 The Town Council will present a recognition award to Dennis Beauregard in recognition of his
8 retirement from the Solid Waste Division of Public Works with more than 11 years of service from
9 March 13, 2005 – February 15, 2017. Mr. Beauregard was unable to be in attendance.
10

11 **Appointments**
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13 **1. Town Hall Sidewalk Replacement Plan**

14 Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

15 Brief overview of the proposed Town Hall Sidewalk Replacement Plan.
16

17 Town Manager Cabanel commented that \$75,000 was budgeted from FY2015-2016 unreserved funds.
18 The project however, is more complicated than originally expected which leaves the current cost at
19 \$95,000.
20

21 Dawn Tuomala, Deputy Public Works Director (PWD) / Town Engineer, presented plans (attached)
22 and explained what the challenges and changes are. All of the existing sidewalks and ramps within the
23 town hall complex will be replaced, and granite curbing added. The sidewalks will be 5-feet wide and
24 the ramps will have landings halfway up to meet the requirements of the Americans with Disabilities
25 Act (ADA).
26

27 Councilor Dwyer questioned the necessity of expanding the sidewalk down the west wing of Town
28 Hall to Baboosic Lake Road and replacing the wood support under the connector roof with PVC
29 sleeves when Town Hall is a historic building. Vice Chairman Rothhaus also asked if this would be the
30 right time to address having to block off the sidewalk in snowy conditions due to snow falling off the
31 roof. Deputy Director Tuomala and Assistant Town Manager Micali stated this issue needs to be
32 addressed as a roofing issue. Assistant Town Manager Micali asked Director Fox to look into possible
33 solutions such as a snow gate. The only solution regarding the sidewalk itself would be to push it out
34 into the parking lot. Pushing the sidewalk out would not be feasible because it would eliminate the
35 accessible parking and disrupt the traffic flow.
36

37 Discussion continued in regards to the necessity of expanding the project and the additional costs
38 involved. Public Works Director Kyle Fox, commented that all town projects are bidded out on a unit
39 price system. If a project was cut back the contractor would not be paid for that part of the project.
40 Town Manager Cabanel asked the council if they would be willing to allow the project to be bidded
41 out as is; in order to see what kind of response is received and make sure the numbers are correct.
42 Once the results were back the council could take up this proposal again with a clearer understanding
43 of what the individual cost are.
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2 **Public Hearing**
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4 **1. Public Hearing – 2017 Milfoil Grant Funds for Horseshoe Pond and Naticook Lake**

5 *Submitted by Planning and Zoning Administrator Jillian Harris*

6 The Town Council will hold a public hearing to accept and authorize the expenditure of up to
7 \$12,244 of the grant from NHDES for milfoil control via Diver Assisted Suction Harvesting
8 (DASH), in addition to the Town's matching share of \$28,569 this fiscal year for DASH for
9 variable milfoil control efforts in portions of Horseshoe Pond and Naticook Lake. This totals
10 \$40,813. We ask that the Town's share be expended from the Milfoil Capital Reserve Fund,
11 pursuant to RSA 31:95-b and Charter Article 8-15.
12

13 Assistant Town Manager Micali stated this public hearing has been postponed to March 9th, 2017 due
14 to scheduling conflicts. Councilor Koenig questioned if the Town Council needed to make a motion
15 for it to be moved to another meeting. Assistant Town Manager Micali stated the town attorney said
16 re-advertising the hearing was the best course of action.
17

18 **Legislative Updates from State Representatives** - None
19

20 **Town Manager's Report**
21

22 Merrimack Police want to remind everyone there is no parking on roadways during the hours of 11:00
23 pm and 6:00 am during snow emergencies. Vehicles found to be impeding snow removal may be
24 towed at the owner's expense. Please contact Merrimack Police at 424-3774 if you have any
25 questions.
26

27 Vehicles are prohibited from driving on roadways with vehicles covered in snow and ice. Operators
28 can be fined \$250.00 for the first offense, plus, it can be extremely hazardous, so please do the right
29 thing and remove all the snow and ice from your vehicles.
30

31 **Consent Agenda** - None
32

33 **Old Business**
34

35 **1. EPA Stormwater 2017 NH Small MS4 General Permit Update**

36 *Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala*

37 On January 19, 2017, the EPA released the final version of the MS4 permit. The meeting is to
38 provide the Town Council with an update as to the implications and impacts of the new permit
39 of the Town.
40

41 Deputy Director Tuomala presented general information on what the responsibilities of the town will
42 be once the permit is in effect July 1, 2018. Merrimack is one of only 61 towns in New Hampshire
43 that will be obligated to build new infrastructure to treat stormwater runoff, hire additional employees
44 for monitoring, mapping and reporting of the system progress each year, and implement more stringent
45 development rules. This permit is similar to the stormwater permit in Massachusetts which became
46 effective in 2016. Currently, this permit will be enforced by the Environmental Protection Agency
47 (EPA) rather than the State of New Hampshire Department of Environmental Services (NHDES).
48 Massachusetts and New Hampshire are two (2) of only four (4) states who are under the jurisdiction of
49 the EPA and not the individual state.

1
2 Currently, there are two bills making their way through the New Hampshire House and Senate in
3 preparation of the MS4 permit going into full effect. House Bill 342: *establishing a commission to*
4 *study the transition of certain regulatory authority to the department of environmental services from*
5 *the Environmental Protection Agency*, and Senate Bill 121: *relative to the MS 4 list of the department*
6 *of environmental services*. Councilor Boyd, Director Fox, and Deputy Directory Tuomala, went to the
7 State House on Tuesday February 7, 2017 to learn more about these bills.

8
9 Discussion continued regarding The Councils best course of action. At this time the consensus is that
10 The Council needs more information in order to prepare an educated response.

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12 **MOTION made by Councilor Boyd and seconded by Vice Chairman Rothhaus to have the Town**
13 **Manager reach out to the Merrimack State Legislative Delegation to report back to The Council**
14 **at a date certain to discuss the ramifications of House Bill 342 or Senate Bill 121 and any other**
15 **ancillary pieces of legislation that impacts the regulations of the MS4 Stormwater Permit that**
16 **would allow us to provide education to the members of The Council and the community.**

17 **MOTION CARRIED 6-1-0**

18 *Councilor Dwyer voted in the Opposition*

19
20 *Chairman Harrington requested and the Council agreed to go out of the regular order of business to*
21 *take up Item #1 under New Business*

22
23 **1. Request for Support Letter for Federal Public Transportation Planning and Research**
24 **Grant**

25 *Submitted by Welfare Administrator Patricia Murphy*

26 To request a letter of support from the Town Council for the Nashua Regional Planning
27 Commission (NRPC) to apply for an opportunity of a Federal Planning and Research Grant
28 5305(e) that would look at the feasibility and cost analysis of expanding public transit on Route
29 3 through Merrimack.

30
31 Welfare Administrator Murphy explained since 2007 Merrimack has been part of a local coordinated
32 regional transportation council headed by the NRPC. The Town Manager at the time asked her to be a
33 part of this council because she was already handling a lot of transportation issues. This planning grant
34 will allow the regional transportation council to take forward part of an existing local coordinated plan
35 that was put together in 2008 and updated in 2016. This plan looks at the coordinating efforts of the
36 Nashua region and how best to do public transportation regionally. The coordinating plan found that in
37 Merrimack there is a densely populated area along the northern section of Daniel Webster (DW)
38 Highway. This area houses the highest population of people who are disabled, have the lowest
39 incomes, the lowest transportation of vehicles, and the elderly with several elderly housing
40 developments in the area. This area has been looked at for a while in regards to public transportation
41 and this grant would allow the council to do the cost and feasibility analysis.

42
43 **Motion made by Councilor Boyd and seconded by Councilor Mahon that the Merrimack Town**
44 **Council write a letter of support to the Nashua Regional Planning Commission to apply for an**
45 **opportunity of a Federal Planning and Research Grant 5305(e) that would look at the feasibility**
46 **and cost analysis of expanding public transit on Route 3 through Merrimack. MOTION**

47 **CARRIED 6-1-0**

48 *Vice Chairman Rothhaus voted in opposition.*

Chairman Harrington read and signed the letter of support (attached)

Councilor Boyd clarified that we currently use Nashua Transit Authority for para transit services. This research will help determine if we keep using Nashua Transit for that or do we look at a fixed route coming into Merrimack.

The Council returned to the regular order of business

2. Highway Garage Project Financing

Submitted by Town Manager Eileen Cabanel & Finance Director Paul T. Micali

Town Council to determine the financing option and dollar amount to bond for the proposed Highway Garage project.

Town Manager Cabanel summarized that at the last meeting three (3) options were presented for the Highway Garage and the council voted to proceed with Option 3 the wood framed building. Town Manager Cabanel requested of The Council that they approve the amount and length of the bond. The cost for Option 3 comes in at \$3,300,000 and the bond can be for 20 or 30 years.

Councilor Dwyer questioned the difference between a 20 and 30 year bond. Assistant Town Manager Micali responded the biggest difference is the extra million dollar cost if going for the 30 year bond. Town Manager Cabanel stated that the principal and interest of the 20 year bond is within \$3, 000 of what the current retiring bond is and this will decrease over time.

Councilor Flood questioned if the 30 year bond would even out the tax rate better than the 20 year bond. Assistant Town Manager Micali responded that in the first five (5) years the rate will be about the same at 7 or 8 cents, whether we go with the 20 or 30 year bond. Town Manager Cabanel restated that this is not an additional 8 cents on the tax rate; it is replacing 8 cents from a retiring bond.

MOTION made by Vice Chairman Rothhaus and seconded by Councilor Boyd. I move that the Town of Merrimack Bond \$3,300,000 over 20 years for the renovation and construction of the Highway Garage Project and move it to a public hearing on February 16, 2017.

MOTION CARRIED 7-0-0

New Business

2. Consideration of Tentative Agreement with the NEPBA, Local 12 Union Submitted by Town Manager Eileen Cabanel

The Town Council will consider ratifying the tentative agreement for a four year contract (2016-2020) with the NEPBA, Local 12 Union.

Town Manager Cabanel summarized the contract stating that it is similar to the other five (5) contracts passed last year. The main goal of the Town Council was to contain health insurance costs, by instituting \$1,000 and \$3,000 dollar deductibles rather than no deductibles. The contract is for four (4) years beginning FY2016-2017 with no increase in wages. In year two (2) FY2017-2018 a 3% increase in wages and the health insurance will change to higher deductibles. In FY2018-2019 a 3% increase in wages, and FY2019-2020 a 2% increase in wages. The total cost of contract over four (4) years is \$250,552. This actually averages out to .2 cents per year on the tax rate for the four (4) years.

Town Manager Cabanel expressed her appreciation to everyone for working with the unions to mitigate some of these health insurance costs, because they are getting out of control. The health insurance rates are not something we can control, the companies base it usage, whereas wages increases we can control. Using the approach of increasing wages and rolling back benefits with a \$1,000 and \$3,000 deductible is combating the rising cost of Health Insurance by giving employees more of a reason to carefully participate in their health insurance usages.

Motion made by Councilor Mahon and seconded by Councilor Koenig that the Town Council ratify the tentative agreement reached with the (NEPBA), Local 12: New England Police Benevolent Association Local 12; Police Officers, Detectives, and Sergeants Union; which provides no increase in the budget of the current 2016-2017 fiscal year and includes a net cost of \$58,795 in the ensuing 2017-2018 fiscal year so that the tentative agreement may be put on the warrant for voter approval at town meeting. MOTION CARRIED 7-0-0

Vice Chairman Rothhaus and Councilor Koenig, expressed appreciation to the union for working with the town to get this tentative agreement to come together. Councilor Koenig also pointed out we are seeing from the insurance companies in general that employees are paying more attention to health care and minimizing the cost of insurance overall.

Minutes

Approve the minutes from the Town Council meeting of January 12, 2017

The following amendments were offered:

Page 3, Line 4 & 5; make it one paragraph or put a space at line 5 for a new paragraph.

Line 8; replace “continue” with “continues”

Page 4, Line 7; remove “a”

Page 6, Lines 13-20; put in verbatim

Motion made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting minutes of the Town Council meeting of January 12, 2017 as amended. MOTION CARRIED 7-0-0

Approve the minutes from the Town Council meeting of January 19, 2017

Motion made by Councilor Boyd and seconded by Councilor Mahon to accept the meeting minutes of the Town Council meeting of January 19, 2017 as presented. MOTION CARRIED 7-0-0

Approve the minutes from the Town Council meeting of January 23, 2017

Motion made by Councilor Dwyer and seconded by Councilor Mahon to accept the meeting minutes of the Town Council meeting of January 23, 2017 as presented. MOTION CARRIED 6-0-1

Councilor Boyd Abstained due to Non Attendance

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Mahon I will not be seeking reelection. Vice Chair Rothhaus you will be deeply missed on the Council.

Vice Chair Rothhaus Happy 29th Birthday to his son

Chairman Harrington we have a meeting this Thursday February 16, 2017.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Mahon to adjourn the meeting.

MOTION CARRIED 7-0-0

The February 14, 2017 meeting of the Town Council was adjourned at 8:59 p.m.

Submitted by Amy Casparius