



Town Council Meeting Minutes

Thursday August 17, 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 Albert, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, and Assistant Town Manager/Finance Director Paul Micali. Town Manager Eileen Cabanel was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Town Hall offices will be closed on Monday, September 4th in observance of Labor Day.

Regular meetings of the Town Council will be conducted on Thursday, September 14th, September 28th, and October 12th at 7:00 p.m. in the Matthew Thornton Room.

The Summer Concert Series at Abbie Griffin Park has been well attended all summer long. There are just 2 weeks remaining for this year's series. On Wednesday, August 23rd, we will be featuring the band Negative Two, which is a group of award winning Merrimack High School students. On Wednesday, August 30th, we will be holding our final concert of the summer with the band Overdrive Horns. Concerts begin at 6:00 p.m.

On Friday, August 25th at the Abbie Griffin Park, the Parks & Recreation Department will be holding their second free movie night of the summer, and showing the movie SING, which will begin at 7:45 p.m. The movie is sponsored by the Merrimack Lions Club.

The Parks & Recreation Department's new Fall Activities Brochure is now available online at www.merrimackparksandrec.org. Paper copies are also available at Town Hall, the Library and the John O'Leary Community Center.

The Community Development Department wishes Planning & Zoning Administrator Jillian Harris best of luck as she moves on to a position with the City of Portsmouth. Jillian's last day is August 18th.

The department is also pleased to announce the promotion of Assistant Planner Robert Price into the Planning & Zoning Administrator position, where he has been sharing duties during the transition period before Jillian's departure. Robert has been with us since October, 2015, and is ready for the move to the new position.

The Town of Merrimack has several openings. Please check out the list of openings at www.MerrimackNH.gov under Human Resources.

Chairman Harrington, on behalf of the Council, expressed condolences to the family of Teresa Bittel who passed away on August 9th. Terry was a long-time resident of Merrimack who volunteered for the

Merrimack Crimeline, and was an active participant on the Executive Board of the John O'Leary Center.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington commented she had contemplated requesting the Council consider writing a letter to the New Hampshire Department of Environmental Services (NHDES) requesting testing for the new C6 air emissions out of Saint-Gobain. It is known C8 was the problem, and is no longer being used. Clark Freise, Assistant Commissioner, NHDES, informed her NHDES cannot require nor complete air analysis on non-regulated emerging contaminants. They do not have the authority to do that.

At the June 22nd meeting, Representative Chris Christensen spoke of House Bill 463, which would have provided NHDES with the ability to do air emission testing. An amendment was attached to the Bill, and it did not pass. Councilor Koenig commented they cannot require it, but could request it. Chairman Harrington stated agreement, and added they cannot do the testing.

During their conversation, Mr. Freise also mentioned that C6 (GenX) is manufactured in North Carolina. The Office of Research & Development is developing methodology to examine and analyze the impact of C6. They will be doing pilot studies, and the hope is that New Hampshire will be included in those studies.

Councilor Albert questioned if the potential for new legislation was discussed, and was informed it was not. Councilor Boyd stated the desire for a letter to be written if only as a means of identifying how we arrived at the current situation; NHDES was unaware of what they were monitoring coming out of the stacks at Saint-Gobain. The amendment that was tacked on to HB463 was a backdoor attempt to deal with the PFOA issue. Had that amendment not been added, the bill would have passed. It originally passed the House by a voice vote. Councilor Boyd stated his preference would be for NHDES, a local agency, to have the authority to conduct the testing rather than having the Environmental Protection Agency in charge of doing any of this. He would like to see a letter written to State Legislators asking them to pursue legislation that would provide NHDES with the authority.

Councilor Dwyer questioned if NHDES currently has the authority to test air emissions through smokestacks throughout the State of any varying industry, and was informed they do not.

Councilor Boyd commented when they were before the Council several months ago, one of the questions he asked of Assistant Commissioner Freise was did you physically go up into the smokestacks and do the monitoring up there for these particular materials. His response was no, we actually look at what product is being used. If the product they used is what was being spent, they were relying on that particular information and modeling.

Councilor Albert stated his support of simply asking NHDES to request Saint-Gobain test for the new C6 air emissions. He is also in support of the suggestion that a letter be sent to the Legislative body requesting legislation be drafted.

The consensus of the Council was that both letters be written.

The letters will be drafted for consideration at the Council's next meeting.

Councilor Boyd informed the Council on August 8th Governor Sununu appointed him to the New Hampshire Groundwater and Drinking Water Commission, which is organized under RSA 485-F. The primary role of the commission is to provide advice as it relates to the trust fund for MTBE contamination and any other issues that may be impacting water quality in the State. He sees this as a unique opportunity to share the concerns that we have in Merrimack at the State level, and look at implementing different ideas for sensible solutions to ensure people have access to clean potable water.

Highway Garage Project Update

Councilor Flood stated an update will be available in time for the Council's next meeting.

Public Comments - None

Recognitions, Resignations and Retirements - None

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

2. Proposed Eagle Scout Project at Veterans Park

Submitted by Parks and Recreation Director Matthew Casparius

Eagle Scout Candidate Harrison Faust from Boy Scout Troop 424 would like to build a memorial at Veterans Park to remember Admiral Forrest Sherman, the highest ranking naval officer from Merrimack.

Life Scout Harrison Faust introduced himself noting he is a Life Scout and an Assistant Senior Patrol Leader in Troop 424 in Merrimack. His goal is to erect a memorial to Admiral Sherman. He spoke of a memorial his brother did, and the impact it had on the community. He desires the same for the memorial to Admiral Sherman. Admiral Sherman was born in Merrimack, attended the Naval Academy, served in both World Wars, and was a 4 star Admiral who received both the Navy Cross and Purple Heart. He had a class of destroyers named after him as well as two individual destroyers. He also had an island, an air field, and an athletic field named after him.

The proposed project would be a 3D raised silhouette mounted on a backing. On the backing will be information about Admiral Sherman. The silhouette and backing will be held up by two 4x4 granite posts.

A photo was provided, which depicted the desired location for the memorial; near the flagpole at Veterans Memorial Park. Life Scout Faust stated, along with his project, he would be open to the idea of moving the Eisenhower Ash tree to a location where it could have better access to sunlight.

Life Scout Faust spoke of being able to work alongside a group out of Boston that will create the memorial and silhouette. Due to age restrictions, he cannot physically construct the memorial himself, but can be there to supervise each step of the process.

The estimated project cost is \$1,700±. Fundraising efforts will consist of bake sales, car washes, etc. With approval from the Council, Life Scout Faust will go to his Troop Committee seeking approval. Additional approvals should be obtained by the fall. Fundraising will take place during the winter months. In the spring of 2018, construction of the memorial will begin with the hope of completing it in time for Memorial Day 2018 at which time he would like to have a dedication ceremony. Councilor Albert noted when Life Scout Faust came before the Parks and Recreation Committee he had questioned if he would be reaching out to see if the Admiral has any family members residing in the community. Life Scout Faust responded he has done some research, but has not identified anyone directly. He will be utilizing ancestry.com as an additional resource.

Councilor Flood commented on the appropriateness of the location for the memorial. She spoke of having wanted to name the Memorial Room after Admiral Sherman as he is the most eminent product of Merrimack. She commented on how pleased she is with the proposed project.

Chairman Harrington suggested Life Scout Faust consider contacting the Navy to see if they have a means of connecting with the family.

Councilor Koenig questioned if local resources such as the Historical Society have been contacted. Life Scout Faust stated he has, and that one of the founding members of the Troop is Mrs. Creager. Councilor Koenig suggested he continue to coordinate his efforts to ensure what is constructed meets with the guidelines/requirements they would suggest for the Town.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the project proposed by Eagle Scout Candidate Harrison Faust from Boy Scout Troop 424 to build a memorial at Veterans Park to remember Admiral Forrest Sherman, the highest ranking naval officer from Merrimack. MOTION CARRIED 7-0-0

The Council returned to the regular order of business.

Appointments

1. Annual Review with the Zoning Board of Adjustment

Submitted by Zoning Board Chairman Patrick Dwyer

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

Patrick Dwyer, Chairman, Zoning Board of Adjustment (ZBA) stated in 2016 the ZBA had 12 regularly scheduled meetings. They heard 48 applications for variances, special exceptions, and waivers. There were no requests for re-hearing or appeals of administrative decisions. Only 1 variance application was withdrawn.

Currently there are 5 active members on the ZBA. The board has 1 current alternate member and two vacancies for alternate positions.

Mr. Dwyer remarked he does not believe there to be anything pressing, at the moment, to discuss with the Council. He commented the State recently passed new laws regarding Accessory Dwelling Units (ADUs), which makes the process much easier for citizens of Merrimack to construct an ADU without having to go through the whole petition process.

Mr. Dwyer commented it is good to see companies coming to Merrimack and the reuse of existing properties that have been vacant for a period of time.

Public Hearing

1. Acceptance of Unanticipated Funds from the SB 38 Anticipated Additional Block Grant Funds

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council will conduct a public hearing to consider the acceptance and expenditure of unanticipated funds from the State of New Hampshire through SB 38 Anticipated Additional Block Grant Funds in the amount of \$499,328.45 that will be used towards various Road infrastructure projects as prescribed under RSA 235:25, pursuant to RSA 31:95-b and Charter Article 8-15

Chairman Harrington stated the specific uses of the funds will be presented during discussion of Item #4 under New Business. The intent of the Public Hearing is acceptance of the funds.

Paul Micali, Assistant Town Manager/Finance Director, noted SB 38 was a bill passed to allow for the surplus the State had as of June 30th to be used by local towns and communities. A stipulation was placed on the bill that the funds have to be utilized for infrastructure needs. In addition, the funds cannot supplant projects included in the existing budget.

Vice Chairman Rothhaus questioned how the distribution of funds was determined. Assistant Town Manager/Finance Director Micali stated the process is similar to how they identify the distribution of Highway Block Grant funding, e.g., based on population, size, valuations, etc. Vice Chairman Rothhaus stated he would like to be provided with a more detailed explanation of how the distribution is determined.

Councilor Dwyer commented Bedford, Londonderry, and Hudson have all received approximately the same amount. Councilor Albert questioned if there is a deadline for expenditure of funds, and was informed the legislation identified the funds as non-lapsing, which means they won't lapse at the end of the year. There is a strong suggestion that communities work to expend the funds by the end of the fiscal year. Councilor Koenig asked for additional information on the origin of the surplus. Assistant Town Manager/Finance Director Micali stated it was revenue in excess of what was budgeted. Sources include revenue from employment taxes, business profit taxes, interest and dividends taxes, etc. in addition to appropriation savings.

Chairman Harrington declared the Public Hearing open at 7:39 p.m.

No public comment was offered.

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

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the acceptance and expenditure of unanticipated funds from the State of New Hampshire through SB 38 Anticipated Additional Block Grant Funds in the amount of Four Hundred and Ninety Nine Thousand Three Hundred and Twenty Eight Dollars and Forty Five Cents (\$499,328.45) that will be used towards various Road infrastructure projects as prescribed under RSA 235:25, pursuant to RSA 31:95-b and Charter Article 8-15 and furthermore that the Town Manager or her proxy be authorized to sign whatever documents are necessary to accept and expend

ON THE QUESTION

Vice Chairman Rothhaus questioned, and was informed the funds have already been made available.

MOTION CARRIED 7-0-0

Legislative Updates from State Representatives - None

Town Manager's Report

Staff expects work on the renovations and construction at the former Shaw's Plaza to begin in the coming weeks, as the project has now received final approval from the Planning Board. Specific tenants are not known at this time. The department will announce them as soon as the information is provided for release to the public.

When asked, Councilor Koenig stated the applicant was before the Planning Board, and has a reasonable timeframe to do the work. They are planning to get in there, get the work done, and get it filled as it is costing them money on a daily basis. It is uncertain when the project will be complete. They are talking about building two restaurants in a parking lot; large full-scale sit down and a drive-thru. That will be new construction and infrastructure out there. They are putting a new façade on the existing building.

Councilor Dwyer commented every time they do this; put in a restaurant in the middle of the parking lot you visit it once, and don't return because of parking constraints.

When asked, Councilor Koenig remarked the applicant may have received a slight waiver on parking regulations because of their own history/experiences with other places like this. He noted the Planning Board does take that issue very seriously.

Assistant Town Manager/Finance Director Micali stated the Town of Merrimack has a number of open positions, and requested individuals interested visit the Town's website; www.MerrimackNH.gov, under Human Resources, for a complete listing of all positions the Town is currently recruiting for.

Consent Agenda – None

New Business

1. Committee Appointments

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus

The Town Council to consider appointing the following individuals to Town committees, pursuant to Charter Article 4-8:

- Michael Boisvert - Conservation Commission (Full member)
- Rachel Ricker - Planning Board (Alternate member)
- Richard Conescu - Zoning Board of Adjustment (Full member)

Chairman Harrington stated the appointments of Rachel Ricker and Richard Conescu would be tabled as interviews were unable to be conducted in time to allow for those appointments.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to re-appoint Michael Boisvert as a Full Member of the Conservation Commission
ON THE QUESTION

Councilor Flood remarked Michael Boisvert is one of the most dedicated commission members that she has encountered in Merrimack. The Conservation Commission is full of opportunities to get out in the woods and do physical work, and Mike is always right there to do it. She has always been impressed with his dedication. **MOTION CARRIED 7-0-0**

3. Donation Acceptance for the Merrimack Police Department

Submitted by Lieutenant Brian Levesque

Town Council will consider the acceptance and expenditure of a donation of \$4,640.79 from an anonymous resident to the Merrimack Police Department to be used for the purchase of three Sig Sauer SIG400 Elite rifles, pursuant to RSA 31:95-b and Charter Article 8-15.

The Town Council was informed of an anonymous donation for the purchase of three brand new rifles for the current inventory at the Police Department. As indicated in the agenda request submitted by Lt. Levesque, for quite some time the Detective units have not been equipped with rifles. Although the Detectives are not out patrolling 8 hours/day per shift, like the patrolmen, they are out on occasion, do respond to critical incidents, and need the appropriate equipment. The department recently received a donation for ballistic vests. The rifles would be another much needed piece of equipment that could be added to their vehicles.

The rifles would be a much needed upgrade to the ones currently in the fleet. The SIG400 Elite rifles are much more user friendly. They will be equipped with red dot optics to go along with the existing iron sights the department has, and would allow for easier attachment of accessories, e.g., vertical grips, lighting.

Councilor Boyd asked for additional information relative to maintenance, warranty, etc., and was informed the Containment Team is equipped with Sig Sauer rifles. The 11 members have been using the rifles for a period of time, and have had no issues with them. There was a minor issue with one of the rifles, which was sent back for repairs, and within 2 days it was received back. One of the reasons the department went with Sig Sauer rifles as opposed to Colt, which is located in Connecticut, was the fact that it is a New Hampshire based company. Their customer service has been outstanding. Councilor Boyd questioned, and was informed they are semi-automatic rifles.

Councilor Albert commented prior to his retirement there was an active shooter drill conducted with the Department of Homeland Security, and one of the things noted was in the event of an active shooter the staff at the Police Department would be coming out. There could be Detectives responding who would be ill equipped not having rifles. He stated his support of acceptance of the donation, which addresses an identified need.

Councilor Koenig commented it sounds as if we are militarizing our police force. This is being seen all over the State. He questioned the number of rifles that are needed in the Town of Merrimack when he would imagine most of the issues the department deals with on a day-to-day basis are a lot more personal where the Tasers and pistols are sufficient to deal with the situations. He questioned the total number of rifles within the department, and was informed the rifles the department has for the Containment Team were purchased individually to ensure the rifles the team has were sighted in and equipped for each team member. Years ago the department went through the purchase of getting rifles for each patrol car (10 cars). The rifles in those patrol cars were the result of incidents such as Columbine, the L.A. shooting, a lot of active shooter incidents where police were met with force that they could not combat with a pistol, taser or even with a shotgun. That is where the push for rifles came from, and why the department currently deploys them.

Having that option under the worst case scenario would allow the department to deal with a critical incident. A lot of these active shooters have military style weapons. Were an officer put in the position of having to engage an individual with an AK-47 with his/her pistol it would put the officer at an extreme disadvantage as well as anyone he/she was trying to protect. That is the sole purpose of the rifles. The rifles would only be deployed under those extreme types of circumstances.

Councilor Koenig stated his understanding of that, and commented he finds himself conflicted as he does not want to say we should not be prepared; on the other hand he is curious as to how much preparation we need in a town like Merrimack and a state like New Hampshire. It continues to frustrate him that we feel that we need more and more equipment. He is not convinced that we need more than the number of rifles already in Town.

Councilor Albert remarked he wrote a thesis paper while in college on this issue brought up by the ACLU regarding the militarization of police. He spoke of having gone to a stand-off call one night along with three officers. A gentleman barricaded himself in a house with about 12 rifles. They had shotguns in their cars and their pistols. The suspect had better fire power than the police did. Luckily Bedford showed up and was equipped with assault rifles. There were no rounds fired that night, but they were at a distinct disadvantage when this gentleman was hanging his rifle out the window, and they saw the type of firepower he had. The Detectives are in the building and not out on the road, but many times and many evenings when you have two cars that are tied up the Detectives are the ones backing the officers up.

Councilor Koenig stated his appreciation of the information provided; however, reiterated he is not convinced that this number of rifles are needed as there are not that many situations where they would be necessary.

Councilor Albert noted the rifles are secured in vehicles. Knowing the training that goes into this and the use and safety precautions taken, he feels very confident in them having the rifles and them being deployed.

Councilor Dwyer remarked he views it as insurance against the worst case scenario. We have a good freedom libertarian country where guns are prevalent. Over the last decade gun sales have grown crazily. If we are going to task our police force with protecting our community you have to keep up with the rest of the country and the fascination with guns.

Councilor Flood commented she bemoans the fact that we seem to need these, but she believes we do. People in small towns have had terrible things happen, and never expected it would. She commented we have sort of opened the Town to the larger world over the past few years with the opening of the mall, etc. She stated support of the department having the equipment.

Vice Chairman Rothhaus spoke of understanding where Councilor Koenig was coming from as he has had those concerns over the years. The way he envisions it right now for Merrimack is if in fact things were to turn in our Government we will not be allowing certain things to go down. It is the deeper longer thought that provoked his concern, over the years, of the militarization of the police department. He is not concerned about it because he knows the Councils he has worked with for a while wouldn't allow those things to happen in our Town.

Councilor Koenig questioned when we stop; do we stop because these are semi-automatic and we don't allow a move to automatic, do we stop with no hand grenades? Chairman Harrington stated there is the need to show the justification for equipment. Decisions have to be made based upon the rationale that is presented, and the reasonableness of it in comparison to the need.

Councilor Albert spoke of his experiences in the Police Department, and stated there is a general understanding over there. He does not see the department coming before the Council requesting armored cars or anything like that. Councilor Koenig raised a great question. In his 32 years he has watched law enforcement evolve and change. After Columbine when they started with active shooter exercises, dynamic entry, etc. he scratched his head thinking wow we have to train for this now. History proved out that since Columbine there have been an increased number of shootings.

Councilor Koenig remarked it has continued, and he wouldn't argue with that. He is frustrated that since 9/11 we have given up all of our freedoms, and we are now more in jail than not in jail as far as our ability to do things, and the more we continue to do this it is the crab boil effect, you will have eventually have given up every freedom you have.

MOTION made by Councilor Dwyer and seconded by Councilor Albert to accept and approve the expenditure of a donation of Four Thousand Six Hundred Forty Dollars and Seventy Nine Cents (\$4,640.79) from an anonymous resident to the Merrimack Police Department to be used for the purchase of three Sig Sauer SIG400 Elite rifles, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 6-1-0

Councilor Koenig voted in opposition

4. Potential Road Infrastructure Projects Discussion

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to be presented with details of the potential road infrastructure projects.

Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department, stated a few weeks ago the Highway Department was called out for a tree that was across the road on Daniel Webster Drive. As they were cutting up the tree, the crew looked down D.W. Highway and discovered a sinkhole on the sideline. They fixed the situation, but further investigation was needed as a culvert is located underneath the area. The culvert goes from the area of King Kone across the street just before Island Drive.

They went crawling through the very large culvert (4.5'). It was constructed in the early 1930s when D.W. Highway was straightened out in that area. What was discovered was that the concrete has been falling off and the rebar that is on the inside holding the box together is also starting to deteriorate. This has allowed water to flow through in and out of the culvert at various locations. It takes the fine materials along with it. It has created some voids in the material. There is about 16' of cover over this pipe.

The road was constructed with a 4" reinforced concrete base. The whole road was concrete up above. This is currently acting as a bridge, but is not designed to carry this. They have investigated; put cameras down through, looked at as many holes as they could. They went through an analysis to see if all of this could be repaired, and it could be done, but we would be throwing a few hundred thousand dollars away, and it would still have to be replaced in the future.

In the last few weeks two different prices for replacing the structure have been obtained. The price quotes provided are within 10% of each other (\$510,000 and \$543,000). Both were asked to put in large contingency amounts. It is believed the actual expenditure will be somewhere between \$450,000 and \$500,000.

Both companies recommend doing the first 40' at the outlet side (Island Drive side), close off D.W. Drive, have the work done, then put both lanes down there (wide enough for both lanes). Traffic will have to be slowed. Then move the construction up and shut a small section of D.W. Highway off. We will have to allow people to get into King Kone and their residences. The work will be able to be done on D.W. Highway and the project completed. What is being looked at as a replacement is an 84" pipe. When asked about the length, Deputy Director Tuomala stated it would be approx. 90'. When comparing the cost of the project on Amherst Street with the proposed project, Deputy Director Tuomala stated a lot of the additional cost is due to the fact the driving lanes on D.W. Highway have concrete underneath the pavement, which is over the culvert.

Councilor Flood questioned the portion of the cost and labor associated with D.W. Drive. Deputy Director Tuomala responded she would have no way of separating out the cost. Assistant Town Manager/Finance Director Micali stated there are two different box culverts; one that sits underneath D.W. Highway and one that sits underneath D.W. Drive and there is failure between the connection. That is what caused the sinkhole.

Deputy Director Tuomala explained the outlet has 9' of overburden. The inlet side has 16'. It comes out just south of Island Drive (by 1 house).

Vice Chairman Rothhaus questioned how the project would have been funded if the \$499,328.45 in unanticipated funds were not available. Assistant Town Manager/Finance Director Micali stated they would have put forth a request that would have wiped out the capital reserve fund for road infrastructure, and would have had to take some of the monies out of the D.W. Highway capital reserve fund, which have been put aside for paving.

Vice Chairman Rothhaus stated concern with the fact that this is the second failure the Town has experienced. He stated the need for the Town to concentrate on inspections. Assistant Town Manager/Finance Director Micali stated he had the same discussion with Kyle Fox, Director, Public Works Department. The consultant, CDM, came out a few years ago and pointed out a lot of these culverts. Wastewater bought a sewer camera this year. That camera will be used to begin surveying all of the existing culverts so that a plan can be put in place.

Councilor Dwyer commented the water flow is coming from behind King Kone and he does not see the volume of water that is being moved underneath the road there. He remarked it is not a major brook. Deputy Director Tuomala stated it is because it starts at Naticook Lake, goes to Greens Pond, comes down to Amherst Road (just increased the size of that pipe as required to have a pipe that can accommodate a 100-year storm). It then goes underneath Executive Park Drive, underneath the F.E. Everett, and then down to King Kone. Councilor Dwyer questioned why we are letting water leave Greens Pond. Deputy Director Tuomala stated the Merrimack Village District is in charge of Greens Pond. They can let water in and out. When Amherst Road was failing, they didn't stop it, but they slowed it down to minimize the impact.

Councilor Dwyer remarked it seems like we are spending half a million dollars to move such a little amount of water. He questioned if there is a better way to deal with this. Deputy Director Tuomala responded were we to go down in size to a 72" the cost difference would be minimal. It is flowing no matter what, and in the spring it flows more. Councilor Koenig stated you can't stop Naticook Brook. It is draining an entire region of the Town to the river effectively. Deputy Director Tuomala remarked when they put too many boards in to raise the level at Naticook Brook it impacts the houses along Naticook Lake. Their basements can get water. There is a delicate balance in all of this as to where the water levels can be so that it doesn't impact the residents of the Town.

Deputy Director Tuomala stated if any funds remain at the conclusion of the project, the desire would be to put them towards paving projects (next year; collector roads).

Councilor Albert questioned if there would be any Right-of-Way issues with the project. Deputy Director Tuomala stated she has been acquiring the abutter names and addresses, and they will be sent letters. When asked, she stated that could increase the cost.

When asked how critical it is that this work be done at this time, Deputy Director Tuomala stated it to be critical. The road was not designed to be a bridge, which is what it is doing now. With last year's drought, this year's spring, and all of the rain and water that has come through, the water table has come back up. There is still water flowing in the middle of the culvert. Coming in from the outside.

The Engineers that are used for all of the bridge design have reviewed this situation, and are of the opinion it is critical that it be addressed before winter. The existing structure is over 80 years of age.

Assistant Town Manager/Finance Director Micali stated had the funds not been available they would have come before the Council with an emergency request to utilize monies from the capital reserve fund. He spoke of the number and type of vehicles that go over this road each day.

Councilor Koenig commented there is talk of diverting traffic onto D.W. Drive. In the area where they do the reconstruction they could beef up D.W. Drive to handle truck traffic. He questioned if that would be done for the entire section of D.W. Drive. Deputy Director Tuomala responded that would occur. A lot of the road is already wide enough to be able to handle two lanes of heavy truck traffic. There are a few trees/limbs that need to come down to be able to have them pass. The section from Island Drive back up to D.W. Highway they were working out how to widen that section as that is the only section that really needs to be widened, and it will only be temporary.

Councilor Koenig remarked we know there are problems there as the resident on the corner owns half of D.W. Drive. Deputy Director Tuomala commented the bushes in that section will have to be cut back to the telephone pole. Councilor Albert questioned when the work would begin, and was informed it would be after Labor Day; likely the middle of September.

Councilor Albert suggested a diagram of how traffic would flow during the project would be helpful to be presented to the public during a future Council meeting.

Councilor Koenig commented it is the very nature of emergency things that you can't be prepared for and plan for, but it is not a good situation to have this come before a meeting when we happen to get \$500,000 in unanticipated funds and then say this is an emergency that we can't overlook. The Council did receive some notice a few weeks ago that this had happened, but this is the first time it has been publicly stated that there is a problem. Chairman Harrington commented had that tree not fallen we would know nothing about it. Councilor Koenig remarked the tree didn't cause the sinkhole. The roads are maintained, and that would have been noticed at some point.

Councilor Albert commented he can imagine this erosion started a long time ago. He spoke of the Mother's Day flood when Horseshoe Pond filled up, and that was one of the main areas where the water drained through. He imagines that could be where it began.

Councilor Flood stated the Public Works Department has been very busy working on the engineering for this ever since it was noticed. Vice Chairman Rothhaus reiterated his concern that we don't know that these things are happening, which is why he is looking forward to Director Fox bringing forth an inspection plan.

Vice Chairman Rothhaus commented it had been known that Amherst Road was going to be taken care of, it just ended up needing to be done sooner than anticipated. He questioned if this culvert was identified to be addressed at some point in the future. Deputy Director Tuomala stated it was not on the CIP list. There is a list of culverts the department has been watching; however, she did not pull that list to see if this is on it.

Approved: September 14, 2017

Posted: September 18, 2017

Vice Chairman Rothhaus stated the desire for a future agenda item to discuss this issue. Chairman Harrington suggested a status update on a plan to conduct inspections of these culverts be placed on the agenda for the December meeting.

MOTION made by Councilor Koenig and seconded by Councilor Boyd to direct the Town Manager to have the Public Works Department look into and finalize plans to move forward with repair of the culvert and associated piping under D.W. Highway in the vicinity of Island Drive and King Kone pursuant to an emergency requirement to replace what is currently there understanding the cost is in the area of half a million dollars, and the department will come back to the Council with more definitive information as they develop it. MOTION CARRIED 7-0-0

Councilor Koenig stated he is very happy and appreciative of the work of the Police Department and the Public Works Department. He believes they do a fantastic job, and fully supports the work they are doing. However, there are times when situations arise and he is not in complete agreement with what is being presented. It is part of his job as a Town Councilor to engage in that discussion.

5. Investment Policy

Submitted by Finance Director / Assistant Town Manager Paul T. Micali

The Town Council to review the Town's investment policy in accordance with RSA 35:9 and RSA 41:29

Assistant Town Manager/Finance Director Micali stated the Town Council, on a yearly basis, approves the investment policy, which basically provides the Town Treasurer guidelines with regard to investing of Town funds. There are RSAs that also govern how those funds are invested. The policy looks at collateralization whenever possible. All of the money the Town has invested in banks is at 100% collateralization. Were the bank to fail there is a collateralization agreement with another bank that would result in the Town not losing any funds. The RSA came about when the banks started to fail back in the '80s.

Assistant Town Manager/Finance Director Micali stated while looking through audit notes, etc. in preparation for next week's audit, he identified the need for the Council to review and approve the investment policy.

MOTION made by Councilor Rothhaus and Seconded by Councilor Boyd to accept the investment policy for Fiscal Years 2016-2017 and 2017-2018

ON THE QUESTION

Councilor Koenig questioned if the policy provided for consideration is the same one the Town has been utilizing, and was informed it is.

MOTION CARRIED 7-0-0

Old Business - None

Minutes

Approved: September 14, 2017

Posted: September 18, 2017

Approve the minutes from the Town Council meeting of July 20, 2017

The following amendments were offered:

Page 3, Line 22; replace “would” with “wound”

MOTION made by Councilor Boyd and seconded by Councilor Albert to accept the meeting minutes of the Town Council meeting of July 20, 2017, as amended. MOTION CARRIED 6-0-1

Councilor Koenig Abstained

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd stated the Executive Committee of the Nashua Regional Planning Commission has narrowed down a candidate for the position of Executive Director. Once an announcement has been made that the offer has been accepted, information relative to who that individual is will be able to be shared publicly.

Councilor Albert spoke of the prior evening’s meeting of the Parks and Recreation Committee during which Matt Casparius, Director, Parks and Recreation Department, mentioned Camp Naticook had 810 enrollments.

Councilor Koenig stated the Planning Board did not meet in the early part of July due to scheduling conflicts, and at the meeting it conducted the prior Tuesday, the two applicants asked for extensions. Councilor Flood stated she will be traveling, and will miss both of the Council’s September meetings.

Adjourn

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

The August 17, 2017 meeting of the Town Council was adjourned at 8:50 p.m.

Submitted by Dawn MacMillan