



## Town Council Meeting Minutes

Thursday December 7, 2017, at 7:00 PM, in the Matthew Thornton Room

Vice Chairman Rothhaus 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 Flood, Councilor Koenig, Councilor Thornton, and Assistant Town Manager/Finance Director Paul Micali. Chairman Harrington and Town Manager Cabanel were excused.

### Pledge of Allegiance

Boy Scout Jehial Fish led in the Pledge of Allegiance.

### Announcements

Regular meetings of the Town Council will be conducted on Thursday, December 21<sup>st</sup>, January 11<sup>th</sup>, and January 25<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room.

Budget meetings will be conducted on Monday, January 8<sup>th</sup>, Thursday, January 18<sup>th</sup>, and Monday, January 22<sup>nd</sup> at 6:00 p.m. in the Matthew Thornton Room.

Tax bills are due by December 15<sup>th</sup>. Property owners who have not received their tax bill should contact the Tax Collector's office for a duplicate bill at 424-3651 or visit the Town's website, [www.merrimacknh.gov](http://www.merrimacknh.gov).

The Police Department will once again be hosting the Citizens Police Academy beginning in January. Meetings are held on Wednesdays from 6:00 - 9:00 p.m. Applications can be picked up at the Police Department.

Please help support the Town of Merrimack food drive to support the local food pantries this holiday season. Drop boxes have been placed at the Police Department, Highway Garage, Town Hall, and the Library. Donations will be accepted through January 1<sup>st</sup>.

*There being no objection, the Council went out of the regular order of business to take up the first two items under New Business.*

#### **1. Eagle Scout Project Presentation**

*Submitted by Boy Scout Jehial Fish*

Boy Scout Jehial Fish is proposing to build an information kiosk at the waterfront at Wasserman Park, which will be used as a central location for posting waterfront rules but also important information about the lake such as information related to milfoil in the lake.

Boy Scout Jehial Fish stated his Eagle Scout project to be the construction of an informational kiosk at Naticook Lake. He provided a presentation (can be viewed [here](#)) detailing the purpose, proposed location, design, and construction of the kiosk. Estimated project cost is \$1,500. Fundraising efforts will include bake sales. Construction is anticipated in the May/June 2018 timeframe with a dedication in July.

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When asked, Scout Fish indicated he created the design plan, which was based off the kiosk located at Veterans Park. He is working with Matt Casparius, Director, Parks and Recreation Department to identify location for the kiosk, etc.

When asked about the feedback received from the Parks and Recreation Committee, Scout Fish stated the committee requested he look to existing structures for design concept, and too gain an understanding of materials needed, e.g., protective covers, materials to be posted.

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to endorse and support Boy Scout Jehial Fish's proposed information kiosk at the waterfront at Wasserman Park, which will be used as a central location for posting waterfront rules, but also important information about the lake such as information related to milfoil in the lake, and furthermore that if any documents need to be signed that the Chair or Vice Chair of the Council or the Town Manager be authorized to sign. MOTION CARRIED 6-0-0**

## **2. Committee Appointments**

*Submitted by Town Council Chair 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:

**Dan Ricker** - Planning Board (*Alternate member*)

**Kathleen Stroud** - Zoning Board of Adjustment (*Alternate member*)

Councilor Koenig noted he, Robert Best, Chair, Merrimack Planning Board, and Town Council Chair, Nancy Harrington, interviewed Dan Ricker for the position on the Planning Board. They spoke at length about the commitment involved. Mr. Ricker has been attending meetings on a regular basis. It is believed he would be an asset to the Board.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to appoint Dan Ricker as an Alternate member to the Merrimack Planning Board and Kathleen Stroud as an Alternate Member to the Zoning Board of Adjustment, pursuant to Charter Article 4-8**

## **ON THE QUESTION**

Councilor Boyd stated appreciation for the feedback provided by Councilor Koenig. He noted Mr. Ricker and his wife are relatively new to the community, and very active. He is pleased with the appointment.

Councilor Boyd spoke of personally knowing Kathleen Stroud, former State Representative having strong ties to Merrimack. He is pleased that, after taking a break from public service, she has offered to serve in a position on the Zoning Board of Adjustment.

**MOTION CARRIED 6-0-0**

*The Oath of Office was administered to Kathleen Stroud by Vice Chairman Rothhaus.*

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

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

Paul Micali, Assistant Town Manager/Finance Director, spoke of having joined Town Manager Eileen Cabanel in a meeting with Clark Freise, Assistant Commissioner, NH Department of Environmental Services (NHDES), to discuss the issue.

A map was displayed highlighting the area of a 1.5 radius around Saint-Gobain. Outlined were areas of Litchfield (blue) where Saint-Gobain put in a water line and piping. Also denoted (pink) were areas presently under dispute with Saint-Gobain, and being looked at by the State. The Merrimack Village District (MVD) and Saint-Gobain are meeting, along with attorneys, regarding wells 4 and 5. The State considers the MVD to be a private water district, and out of their jurisdiction. The Attorney General's Office and NHDES have offered to assist MVD in the matter. To date, MVD has declined that offer.

The State has taken the position that all private wells in the State are in their jurisdiction; the State is suffering damage because of contamination due to wells, which is affecting values in the State as well as hurting economic development and opportunities. Consistently, the discussions about the private wells and neighborhoods are being handled by the Attorney General's office, NHDES, Saint-Gobain, and their lawyers.

There have been three stages to the discussion of PFOA contamination in Merrimack, Litchfield, and Bedford. These stages are the easiest to define by the three consecutive engineering firms (hired) with expertise in various sciences related to the movement of PFOA, (airborne in this case) from the smokestacks of Saint-Gobain:

Stage 1 was the very beginning; Saint-Gobain, without its contingent of lawyers, came to Merrimack to explain PFOA to the Town and NHDES because of what was happening at their plant in Hoosick Falls, NY. At this point, Saint-Gobain was being reasonably accommodating. At that time, they were using the first engineering firm, CT Male. Saint-Gobain, CT Male, and the NHDES agreed on the plume area of where PFOA contamination could have reached by air. They tested wells in a half-mile radius, then a mile radius. Within the mile radius there were 20 private wells (not to mention MVD's wells 4 and 5), that were found to have exceeded the 70 ppt in Merrimack. All 20 of these homes were connected to MVD. As you know there are many contaminated wells in Litchfield that were connected to Pennichuck Waterworks. No private well owners in Bedford were connected to public water at that time. Saint-Gobain never signed any documents of any kind less admitted any responsibility for PFOA contamination, and to this day still has not.

Stage two happened when the NHDES was concerned that there were some contaminated wells located very close to the edge of the 1-mile radius from Saint-Gobain. NHDES then asked Saint-Gobain to go out another half mile for a total of 1.5 miles. NHDES also said that CT Male was taking too long to complete their work because they are located out of state. NHDES then recommended a local engineering firm (#2), Golder Associates. Golder completed his analysis, which was inconclusive as to whether the PFOA could travel by air beyond 1.5 miles.

Stage three; Saint-Gobain hired a third engineering firm, Barr Associates (represented 3M). Barr Associates did their own analysis and concluded that the PFOA could not reach beyond 1.5 miles from Saint-Gobain although they did pick up a neighborhood of about 60 homes in Bedford just over the Merrimack border. As a result, Saint-Gobain has verbally agreed to pay for the engineering study to

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bring water to that Bedford neighborhood from the Manchester Waterworks line. Still no private well owners in Bedford have been connected to public water to date.

There are approximately 37 homes in the neighborhoods in Merrimack that are outside the 1.5 radius that show PFOA contamination. These neighborhoods are disputed areas. Only about 10 of these wells tested above 70 ppt, but NHDES is concerned contamination will spread to other homes in the neighborhoods once the 10 homes that have tested over 70 ppt are hooked up to public water supply, which is why they show 37 homes that need to be connected in total. One of the homes they are currently refusing to hook up in the MVD is only 1.6 miles from Saint-Gobain.

There are many private well owners in Bedford and Litchfield beyond the 1.5-mile radius that are also in the disputed area. The Attorney General's Office and the Saint-Gobain lawyers are working to resolve the disputed area. Assistant Commissioner Freise indicated they are sending documents back and forth. Sometime in October NHDES sent revisions of the disputed area documents. NHDES had made significant changes to their submissions. They have not heard back from Saint-Gobain since the October submission.

Right now, the furthest home with contamination is about 2.5 miles from Saint-Gobain. He noted additional areas where affected residences are located reiterating there to be 37 homes in Merrimack that are in dispute. They are areas where 1 or several homes in a neighborhood have tested higher than the 70 ppt.

The Town Manager recommends the Town Council send a letter to the Governor and State officials to expedite this process between Saint-Gobain, the Attorney General's Office, and NHDES. In addition, a letter could be sent to the CEO of Saint-Gobain to come to a resolution on the disputed wells in Merrimack quickly. This has been going on for two winters now, and a resolution is needed.

Councilor Boyd commented properties at the 2.5 - 3-mile radius (Bedford Rd. to Knollwood Dr.) are within a large aquifer that is fed by a few brooks. He has considerable concern related to the size of that aquifer, which is providing a significant amount of water to those areas delineated in pink. He agreed with the recommendations of the Town Manager.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to approve the recommendations of the Town Manager that the Town Council send letters to the Governor and State Officials requesting the process between Saint-Gobain, the Attorney General's Office, and NHDES be expedited, and to the CEO of Saint-Gobain seeking a quick resolution on the disputed wells in Merrimack. MOTION CARRIED 6-0-0**

Assistant Town Manager/Finance Director Micali added the reason NHDES is identifying homes outside of the 1.5-mile radius is because of the signature of what is being pulled out of the wells (high PFOA concentration).

Councilor Boyd commented that high PFOA concentration signature is very important. The NHDES is not testing specifically for PFOAs or PFOS' they are testing for other chemicals that would be found at Saint-Gobain, and may not be found at other locations. There may be a well that has a presence of PFOA, but does not have the Saint-Gobain signature.

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Councilor Boyd stated he and Councilor Albert sat down with Nancy Murphy, Wilfram Von Schoen, and Rachel Ricker to meet as a part of the ad hoc water advisory group that he and Councilor Albert volunteered to participate in. They had a very productive evening, and a very frank and honest discussion of the issues. They have identified specific common goals. The desire is to go back to the Citizens for Clean Water group to ensure the goals align. It is hoped the goals will be able to be announced at the next meeting. The group will convene again in January.

Councilor Albert echoed the comments around how productive the meeting was. He remarked it is the goal, as Councilors, to be advisory to the group and the public-at-large, and to represent the concerns of the group to the Council.

### **Highway Garage Project Update**

Councilor Flood commented discussions continue around utility placement, choice of materials, and floorplan, e.g., changed the direction of trucks exiting the facility. She spoke of the vast number of issues to be decided, and the desire to ensure the result is a facility that will serve the community well into the future.

The presentation provided to the Council at its last meeting was also provided to the Planning Board, and is posted to the Town's website. Public input is welcomed and encouraged.

### **Comments from the Press and Public** - None

### **Recognitions, Resignations and Retirements** - None

### **Appointments** - None

### **Public Hearing**

#### **1. Public Hearing - Consideration of Changes to Chapters of the Merrimack Town Code**

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

The Town Council will hold a public hearing to consider the acceptance of recommended changes to Chapters 119, 128 and 181 of the Merrimack Town Code, pursuant to Charter Article V.

#### **Chapter 119; Dogs**

At the last meeting, Police Chief Roy was asked to review the State Statute regarding penalties. Language has been added to identify NH RSA 466:31-a, \$25 for the first offense, \$50 for the second offense, 3<sup>rd</sup> and subsequent offenses shall be handled in the 9<sup>th</sup> District Court Division of the Merrimack Court.

***Vice Chairman Rothhaus declared the Public Hearing open at 7:43 p.m.***

No public comment was offered.

***Vice Chairman Rothhaus declared the Public Hearing closed at 7:44 p.m.***

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**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 119 to the Consent Agenda. MOTION CARRIED 6-0-0**

Chapter 128; Firearms

Definitions were added: Target Shooting - the firing of rifles, pistols, and shotgun for sport, and when used in conjunction with special targets typically used to develop accuracy. Firearm - a small arms weapon as a rifle or pistol from which a projectile is fired by gunpowder. Reference to crossbows, etc. was eliminated.

A question had been raised regarding whether hunting is allowed at the Horse Hill Nature Preserve (HHNP). Chief Roy stated posted signage indicates where hunting is permitted at the HHNP. Councilor Albert asked for clarification archery could be practiced, but target shooting could not occur. Chief Roy stated that to be correct because a bow is not considered a firearm.

*Vice Chairman Rothhaus declared the Public Hearing open at 7:46 p.m.*

No public comment was offered.

*Vice Chairman Rothhaus declared the Public Hearing closed at 7:47 p.m.*

**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 128 to the Consent Agenda. MOTION CARRIED 6-0-0**

Chapter 181 – Traffic and Special Event Management

The impetus for the change was timing associated with receipt of a request and getting before the Council for approval. Language has been added; when deemed necessary by the Police Chief, Fire Chief, Director of Public Works, and Town Manager, whether during emergency conditions or otherwise, shall temporarily allow for specific traffic parking and pedestrian exemptions until the Town Council may be afforded an opportunity to vote on traffic and special event planning, if applicable. The example was provided of a two-day visit by a dignitary that requires the Police Department to make special arrangements for parking, etc.

Councilor Koenig requested clarification all four of the individuals/positions cited would need to reach agreement. Assistant Town Manager/Finance Director Micali stated his belief that is the intent.

*Vice Chairman Rothhaus declared the Public Hearing open at 7:49 p.m.*

No public comment was offered.

*Vice Chairman Rothhaus declared the Public Hearing closed at 7:49 p.m.*

**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 181 to the Consent Agenda. MOTION CARRIED 6-0-0**

## **2. Public Hearing – Bedford Road Petition to Layout a Class V Highway Easement**

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

The Town Council will hold a public hearing to discuss the public road layout of a section of Bedford Road that is subject to a Highway Construction Easement to confirm and definitively establish a Permanent Highway Easement, pursuant to NH RSA 231.

Dawn Tuomala, Deputy Director, Town Engineer, Public Works Department (PWD), remarked the matter is one of housekeeping.

The Petition states in part: for the accommodation of the public there is an occasion for a section of Bedford Road that was previously established as a Highway Construction Easement to become a Permanent Highway Easement. The layout area is by the “Darrah Bridge” between Pearson Road and Catskill Drive.

The intent of the Public Hearing is to hear all facts, and make a determination (RSA 230 and 231). State Statute also requires notice of the Public Hearing be sent to all owners of property. The property in question is the Orange Blossom Estates property (open space). Each owner within the Orange Blossom Estates is a 1/49<sup>th</sup> owner of the area in question. All owners and lienholders were notified (all mailed by 11-3-17). Public postings were also done. The Conservation Commission was notified as it has an interest in the property.

Deputy Director Tuomala displayed the 1980 plan for the Orange Blossoms Estates. As part of the process of the Bedford Road culvert project, meetings were conducted with the New Hampshire Department of Transportation (NHDOT). The NHDOT indicated concern the plan references “Highway Construction Easement”, and does not indicate “Permanent”. As a result, it is not a permanent easement. They view this as a housekeeping issue that should have been addressed when the road was relocated in 1984.

When the lots were created, a Highway Construction Easement was established. The first Deed sold was with the easement in 1983. The new owners then changed the name to Bramber Estates. The Conservation Commission got their easement in early '84. The road was relocated later in '84 (by Warrant). Each of the lots began to be sold with the 1/49<sup>th</sup> interest, and there was no association created (as required).

The layout is identified on the Petition as by the “Darrah Bridge” between Pearson Road and Catskill Drive. It is a meets and bounds description, the exact same as what was on the original plan. It is to accommodate the public in the reconstruction of the bridge of that section of Bedford Road that crosses over Baboosic Brook. The easement was previously established as a Highway Construction Easement, and it is to become what is known as a “Permanent Highway Easement”.

RSA 231 pertains to municipalities in laying out roads, and RSA 230 to the State laying out roads. Under section 231:7, it allows for provisions of RSA 230:9, 10, 11 and 12 to be applicable to the Town in laying out a Class V road. The road is being laid out in accordance with RSA 230:10, which allows a highway or any alteration thereof to be laid out across or over an existing highway.

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Jim Bouchard, Quantum Construction Consultants, LLC, stated there will be a new retaining wall on the downstream side of the roadway as the roadway is being raised to prevent the over-topping, but essentially the geometrics of the existing roadway will be preserved.

Deputy Director Tuomala stated RSA 230:11 states in part: "A highway or any alteration thereof may be laid out across any stream or body of water....", which is what is being done to get the public over Baboosic Brook.

Regarding public necessity, the existing metal pipe is failing. There is the need to replace it with a bridge as culverts are no longer permitted. Twelve hundred feet of Bedford Road will be reconstructed (same location), and there is the need to avoid road closure and the disruption of 8,100 cars. Were the culvert to fail, the road would not be able to be traveled over.

With the Petition, a Return of Layout will be filed for. If that is not received, grant funding will not be provided (80% of project cost). Total project cost is \$4.3 million.

The rights of landowners are another question that must be answered. The easement is in the open space land. Each lot has a 1/49<sup>th</sup> interest in the open space. There are no private lots affected. There would be no change from what was shown on the plan when the lots were purchased. The easement is the exact same as what is shown on the plan. There is no new area being taken. Use and intent is the same since 1984. For 33 years the Town has been using this road. The Conservation Commission forwarded a letter stating full support.

Councilor Boyd questioned if the original culvert had been replaced by an emergency culvert following the 2006, 500-year flood. Mr. Bouchard stated approx. 800' to the west of the culvert crossing, the road experienced a severe backwater condition because of the culvert size and the Darrah Bridge. There is a low point in the road (almost 3' lower than existing crossing of Baboosic Brook). With floodwaters backing up Baboosic, it overtopped the roadway, and destroyed a significant portion of the downstream side of the roadway. The Town put in a tremendous amount of work, e.g., concrete infill, new rock, to stabilize the road so it would not continue to deteriorate.

Kyle Fox, Director, PWD, stated in 2006, the NHDOT reimbursed the Town for the cost of that reconstruction done as part of an emergency contract to repair that stretch of road back to the condition it was prior to the damage. That is all FEMA and the State would allow. The following year, another flood resulted in the road washing out again, which is when the concrete reinforcing armor was put in on the downstream side. That is a big part of the reason for the high cost of the project being proposed; raising the grade of the road in the low spot to prevent the over-topping of the road, which is another part of the reason the new bridge is so large; forcing all the water that would go over the road during a flood event through the channel under the bridge.

Councilor Koenig questioned if the Darrah Bridge would remain into the future. Mr. Bouchard stated the engineering study, inclusive of hydraulic analysis, has been completed to identify the type of bridge that has to go into that area. That was approved by the NHDOT. They have moved into the preliminary design phase under the NHDOT funding for a State aid bridge. Those plans have been completed and submitted. They are now into the cultural resources and environmental permitting phase. The hydraulic analysis shows the Darrah Bridge being a 20' span and the existing culvert being almost a 20' span, there are severe impediments to the flow within Baboosic Brook, which causes that severe backup. Darrah Bridge will be removed. They are working with the American Council of

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Historic Properties and Division of Historical Resources for the mitigation that will be required as a result. The existing culvert will be replaced with an approx. 95' bridge to allow for 2-1 slopes under the bridge, down to the natural channel, and past that waterway that has been trying to go over Bedford Road in another location.

Councilor Koenig questioned if the new bridge would be wider than the current roadway. He spoke of having visited the area, and noted that portion of the roadway that goes over the culvert is extremely dangerous to anyone walking over it as there is very little room between the rail and the roadway white stripe, at the culvert. Mr. Bouchard responded the roadway will be wider, but there will also be a sidewalk on the bridge on the upstream side to handle pedestrian traffic. That sidewalk will tie into existing sidewalks at Pearson Road that go to the elementary school. Further to the west of that they are providing a gravel panel within the roadway such that once the Town moves forward with the Masterplan for sidewalks, there is in the construction the provision for putting it in now versus having to go back and add additional fill.

Councilor Albert asked for clarification the Pearson Road intersection is not included in any of this work. Mr. Bouchard stated that to be outside the purview of a bridge replacement project, the design of which is being funded under the State Aid Bridge Program of the NHDOT. When asked about projected start date, he indicated FY19 funds become available July 1, 2018. The hope is to have this resolved, the design finalized, and the project out to bid either at the start or middle of next year so that work can begin in the fall.

Mr. Bouchard explained the diagram displayed depicted the current Right-of-Way of Bedford Road as it was going over the Darrah Bridge, which still exists today. In 1984, they came up with the Highway Construction Easement to relocate the road, and put the new culvert in. That is on the Highway Construction Easement. There was never a formal hearing/vote to discontinue the Right-of-Way. You will continue to have the Right-of-Way of Bedford Road as it was prior to 1985 and exists today, and then you will also have the Permanent Highway Easement, which will allow for the roadway to be reconstructed on that portion of land. Councilor Boyd noted the new Bedford Road currently sits in the middle of the construction easement.

Vice Chairman Rothhaus reminded the Council the matter before it was that of the easement language.

Councilor Boyd questioned legal determination once becoming a permanent highway easement. Deputy Director Tuomala stated it would simply be an easement.

*Each member of the Council was asked whether he/she visited the site. Responses were as follows:*

Yea: Councilor Thornton, Councilor Koenig, Councilor Rothhaus, Councilor Flood,  
Councilor Albert, Councilor Boyd

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Nay: 0

***Findings and Discussion:***

- a) The description of the location; the portion of Bedford Road at issue is a section of Bedford Road in the area of the Darrah Bridge that is located between Pearson Road and Catskill Drive.

- b) The width of the road and the length of the portion at issue; the width of the road is variable as shown on the plan, and the overall length is approximately 1,200'. The Petition has a precise meets and bounds layout. Area is the same as described on the 1980s Orange Blossoms Estate Plan, and there is no new taking with the Petition.
- c) It crosses water; to be able to reconstruct a new bridge to replace the existing failing culvert that crosses over Baboosic Brook, the public will continue to use the easement area as it has done for the past 33 years.
- d) Petition falls under the reference of RSA 230:10 and 230:11:

230:10 - layout over a highway; a highway or any alteration thereof may be laid out across or over the existing highway, but no damages shall be awarded when the public have the right-of-way over the same land.

230:11 – layout across a stream; a highway or any alternation thereof may be laid out across any stream or body of water, but no highway or bridge shall be so laid out if the reasonable and proper construction thereof may prevent the use of such waters for navigation for boats or rafts or for running timber.

- e) The public convenience and the public necessity for the highway; the existing culvert is failing, and needs to be replaced to avoid failure and road closure, which would then disrupt the 8,000± cars/day that travel that road.
- f) The financial burden upon a Town's taxpayers for construction and/or maintenance; the Petition is needed to be granted the State and Federal aid for the bridge replacement. The grant with an 80% match will significantly reduce the financial burden that would be placed on the public from the \$4.3 million construction cost.
- g) The rights of owners over whose land the highway is located; there is no additional taking of land from the owners. The area falls within the open space for the Bramber Estates lots. Each lot has a 1/49<sup>th</sup> interest within the open space. The area does not extend within any of the owners' private lots. The area is the same as was outlined in the Orange Blossoms Estate 1980 subdivision plan as a Highway Construction Easement. The only change is to change construction to become a permanent easement. The intent remains the same, and the road was already relocated to its present location in 1984. It allows the general public to cross over Baboosic Brook.

***Vice Chairman Rothhaus declared the Public Hearing open at 8:19 p.m.***

David Bragdon, 6 Dutton Lane

Asked for clarification the property in question was part of the easement Bedford Road included. This would not result in giving up part of the land within Bramber Estates.

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Deputy Director Tuomala stated it would not. The discussion was had at the Planning Board in 1990. At that time, agreement was reached to give an easement to the Town for the relocation, but the land remains within the subdivision.

Mr. Bragdon questioned if the Town collects taxes on that area. Deputy Director Tuomala responded whatever he has for open space is part of that open space. How that is assessed she is unaware. The property is not being taken, what is sought is clarification that should have been addressed in '84 when the road was moved.

Deputy Director Tuomala stated, through her research, she noted every subdivision surrounding it, has treated it as if it was part of the Right-of-Way. Councilor Koenig responded to the question of size by noting it incorporates the stream that runs along the side of the road. Deputy Director Tuomala added it is 81,797 sq. ft.

*Vice Chairman Rothhaus declared the Public Hearing closed at 8:23 p.m.*

**MOTION made by Councilor Thornton and seconded by Councilor Boyd to accept the Petition and approve the layout with the above-stated findings. MOTION CARRIED 6-0-0**

*There being no objection, the Council took a five-minute recess at 8:23 p.m.*

*The Council reconvened at 8:28 p.m.*

**Legislative Updates from State Representatives** - None

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

The Planning Board signed the final Conditional Use Permit plans for the mixed-use project proposed near the Merrimack Premium Outlets on 12/5. Staff expects the site plan for the first phase of the mixed-use development will be submitted in early 2018.

### **Consent Agenda**

#### **1. Consideration of Changes to Chapters of the Merrimack Town Code [Final Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapters 90, 102, 123, 130, 136, 163, 167, 169, 174 and 183 of the Merrimack Town Code, pursuant to Charter Article V.

**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 90 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to move Chapter 102 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 123 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to move Chapter 130 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to move Chapter 136 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to move Chapter 163 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 167 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to move Chapter 169 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to move Chapter 174 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Koenig and seconded by Councilor Boyd to move Chapter 183 of the Merrimack Town Code, pursuant to Charter Article V. MOTION CARRIED 6-0-0**

### **Old Business**

- 1. Drainage Inspection Plan – DIP [Follow up from the August 17, 2017, Town Council meeting]**  
*Submitted by Public Works Deputy Director / Town Engineer Dawn Tuomala*  
Town Council to be presented with the plan to inspect existing drainage utilities to determine the condition.

Deputy Director Tuomala spoke of the creation of a drainage improvements plan. There exists in Town two types of drainage systems: 1) closed drainage system where you have curbing on the side, catch basins, piping between them, and an outfall, and 2) culverts (no structures involved), which bring a swale, ditch, brook from one side of the road to the other.

A number of years ago the closed drainage system was analyzed as part of the MS4. A sub-contractor was hired, located all of the structures, and assigned a number to each, e.g., catch basin = CB123, drain man hole = DMH123, etc. They were all then put into the GIS system. There are over 5,000 catch basins alone. The GIS system has not been updated. The PWD recently signed a contract to have sewer and drainage lines updated on the GIS layer.

Some of the lines that were connecting the structures back in the GIS were not always connected quite properly, e.g., went from one manhole to the wrong manhole, etc. Not all sizes and types of pipes were noted, but a fair amount have been done. The drainage culverts/cross culverts don't have the structure between them, and were not necessarily located as part of the project. Some are on GIS and some will have to be located.

Currently the 5,000 structures are cleaned (on a set scheduled) at least once every 3 years. There are paper evaluations done on the structures as they are cleaned. Those evaluations are sorted into categories depending upon the condition of the catch basin. They are evaluated, and work orders

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generated. Some are evaluated every year; depends on location and condition. A listing of all cross culverts was prepared many years ago and prioritized. That has not been fully kept up to date.

Previously the Town had no means of evaluating the interior. Most are between 12" - 36". Every time a road is repaved, they examine the culverts and replace, prior to repaving. Metal ones are where problems are being seen.

There is not enough time or staff to do evaluations of all structures. The Waste Water Department recently purchased a camera. The camera will verify pipe lengths, type, and diameter. Everything that is seen can be recorded. As you are putting the camera down, you can locate the pipes. Therefore, repairs can be made much more efficiently. The sewer department acquired the camera because they need to be able to evaluate their infrastructure. There is no reason why the same camera cannot be used to evaluate drainage. That is what they are proposing to do. There are buried structures where people have done construction, buried them, and they have long since been forgotten. Those will be able to be identified as well.

The most important thing the camera will assist with is the evaluation of condition of the pipe. It will be a very useful tool. Pictures of the camera were displayed, an explanation of how it can be used as well as a demonstration of its versatility was provided.

Deputy Director Tuomala stated the need to continue to replace culverts for paving. She recommended putting plastic or concrete and eliminate the metal whenever a subdivision comes in. The PWD has been replacing with either one of those materials depending on the circumstance. For subdivision roads they monitor construction. The Town requires as built of all utilities. The PWD requires camerawork prior to road acceptance. The desire is to take all the information obtained and get it on the GIS. The department will be able to rate and prioritize each culvert. When the information is put into the GIS they will be able to color code it as well.

The department is seeking two additional summer interns, which have been put into this year's budget; one in PWD administration and the other in wastewater, both being able to do some of the camera work. Camera work will have to be split between the sewer department and drainage. They would start with collector roads. The software connection between the camera and GIS requires an upgrade to be able to drop the information collected into the GIS. They would like to purchase a few tablets; to be able to gain better GPS locations of structures, and be able to put a form on so that when the catch basins are being cleaned, the form can be filled out on the tablet and downloaded. There is the need for education and certification on the coding aspects. That information will be able to be used to prioritize and as a result provide better budget estimates.

When asked, Deputy Director Tuomala stated a catch basin is usually placed along the lower points of the road or along the road drainage system. It depends upon how the engineer designed it (where trying to collect water).

Councilor Boyd questioned the cost. Director Fox indicated costs that will be presented in the upcoming budget are primarily the two interns. In terms of pipe repairs, over the past number of years there has been a consistent \$200,000 allocated for stormwater improvements. They would continue to utilize that funding source for repairs. Because the evaluation process is just beginning, they do not anticipate large expenditures above what has been expended in recent budgets. There will be a cost for

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tablets. When asked for a ballpark figure for all costs expected, e.g., software upgrade, tablets, interns, Director Fox offered an estimate of less than \$10,000.

Councilor Koenig questioned the cost of the camera. Director Fox stated his belief it was around \$8,900. Councilor Koenig questioned if there is adequate time to allow the camera to continue to be shared or if there is the need to consider the purchase of a second camera. Director Fox responded the problem, not having enough full-time staff to operate two cameras. The sewer inspector at Wastewater is the primary manager of the camera program, and he has 1 full-time employee. By augmenting with the two interns, they believe they will have sufficient staff to get the camera out every day. They would not have enough staff to get two cameras out.

Councilor Koenig questioned the number of miles of pipe to be inspected between sewer and drainage. Director Fox stated the sewer system has about 107 miles and drainage 200 miles. Director Fox noted the planning for the sewer side of things has occurred over years. The approach that will be taken for drainage is a systematic one. When they go into a subdivision they will not camera every foot of every pipe in that subdivision, they will take a representative sample in an area. They will be able to see where they have done it, and they will extrapolate those results over the remaining area. Through the years as they get more time and more inspections done, they will be able to fill in the gaps.

When asked, Director Fox stated the sewer system began in 1970; about mid-life at this point. It is not known how old the oldest pipe is on the drainage side. The bulk of growth in Town was in the '70s and '80s, which would be the age of most of the infrastructure.

### **New Business**

#### **3. Consideration of Changes to Chapters of the Merrimack Town Code [First Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapter 81 of the Merrimack Town Code, pursuant to Charter Article V.

#### **Chapter 81; Waterlines**

During the Public Hearing, concerns were noted regarding the amount of reimbursement the MVD would be responsible for with regard to waterline relocations. Suggested had been a reimbursement of 80% up to \$25,000.

Assistant Town Manager/Finance Director Micali stated when considering language around a percentage and cap, how to budget for such expenses became convoluted. He worked with the MVD, and identified the following option: for the low-end projects the amount of reimbursement would be up to \$7,500 and for the high end up to \$15,000.

Councilor Koenig stated he would go along with the second option. The 80% suggestion came from a rough guess of the amount of people in Town being served by the MVD. The option provided is not a large difference from what was considered, and still shows a change for cost factors.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to move Chapter 81 to a Public Hearing with the second option proposed. MOTION CARRIED 6-0-0**

#### 4. Toll Proposal Discussion

*Submitted by Town Manager Eileen Cabanel*

Town Council to discuss the Governor's Advisory Commission on Intermodal Transportation's (GACIT) toll proposal for acceleration and expansion of the Turnpike Capital Program.

On November 27<sup>th</sup>, NHDOT Commissioner Sheehan sent a letter requesting action relative to the toll increases, elimination of toll plazas, and acceleration of the projects in the Ten Year Plan (TYP).

Consideration was given to increasing the cost of tolls to fund acceleration of the projects in the TYP. The proposal to increase tolls did not include an increase in the Town of Merrimack. The Governor requested a Public Hearing, which was conducted on December 4<sup>th</sup>. Director Fox was in attendance.

Because it is felt to be such a large issue for the Town, e.g., widening of Route 3 would alleviate some of the traffic in Merrimack. A letter addressed by the Town Manager was sent, and read into the record at the Public Hearing. The letter stated the Town's support of the increased tolls, except in the Town of Merrimack, and acceleration of the TYP. As part of the discussion, there was talk of the tolls at exits 10 and 11 being removed in the out years (2022-2023). As the bond would be paid off, those tolls would be removed in conjunction with the widening project.

The matter was intended to be on the agenda for the Executive Council yesterday. The matter was tabled. A Public Hearing has been set for Concord (December 12<sup>th</sup>) and Manchester (December 13<sup>th</sup> at 7:00 p.m. at City Hall) on a proposed toll increase. The only thing the Executive Council can do is approve the increase in tolls. Acceleration of the TYP would have to be approved by the House and Senate. From there the Governor would sign it. One of the first hurdles is putting the funding source in place.

Vice Chairman Rothhaus stated his opinion tolls are the most inefficient archaic way of collecting revenue to fix your highways. He would like to see all the tolls gone.

Councilor Albert noted #20 on the agenda for the Governor's Council referenced eliminate tolls effective April 1, 2020. Assistant Town Manager/Finance Director Micali stated that to be the date they are paid off, and; therefore, correct.

**MOTION made by Councilor Boyd and seconded by Councilor Albert that the Town Council authorize the Town Manager to submit a letter in support to the Governor's Advisory Commission on Intermodal Transportation, for the acceleration and the expansion of the Turnpike Capital Program**

#### ON THE QUESTION

Councilor Koenig commented he hesitantly supported the Town Manager when she was writing the letter for a few reasons. Losing the tolls in Merrimack and then widening the highway between Nashua and Manchester are very important to all of us in Merrimack. The other aspects of the program that are a little onerous are having the turnpike system buy additional roads and bridges in Concord presumably so that the turnpike system could afford reconstruction and repair of those roads

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much like they bought the bridge in Portsmouth going up to Maine because they needed money on the other side of the coin of how we manage and maintain highways.

He finds that very onerous that they would collect tolls, and then pay for other pieces of road repair. Tolls are not the way to be doing it. If we should be utilizing revenue from another source, then we ought to do that or flip it the other way; go to tolls everywhere and put all the gas tax money into that bucket. To keep these two separate buckets and play games with how you associate them is very disturbing to him.

The few residents he has spoken with after seeing the article around tolls increases have stated they are against it as they don't see the benefits that come out of what is being proposed. He commented, if the Council goes on record as supporting this, there is the need to be prepared to explain the value and purpose.

Councilor Albert spoke of the benefit of the removal of tolls from Merrimack, the improved traffic situation with the widening of the turnpike, and all the local projects that could be completed as part of that, e.g., improvement of Wire Road Bridge. He questioned if the recommendation would be to remain silent.

Councilor Koenig stated he was not recommending that, he was simply cautioning the Council. He commented one of the things Director Fox was proposing at the Public Hearing was that the federal dollars that would be saved be put into projects like 101A. It is perhaps taken on faith that they would apply those funds appropriately toward projects that benefit residents paying those toll dollars.

Councilor Boyd echoed the comments of Councilor Koenig. Removal of the tolls in Merrimack has been a desire for a long time. That along with the widening of the turnpike would benefit Merrimack.

Councilor Albert spoke of the possibility the cost of the tolls could be raised without removal of the tolls in Merrimack. Councilor Koenig commented on information that contemplated a rebate of sorts for local users of the system, e.g., once you have gone through 40 times in a month you get the next 10 passes free.

**MOTION CARRIED 5-1-0**

*Vice Chairman Rothhaus voted in opposition*

**5. 2018-2024 Capital Improvements Program (CIP) Presentation**

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

Town Council to be presented with the details of the 2018-2024 CIP.

Assistant Town Manager/Finance Director Micali commented 6 years ago the Town identified estimated minimums that would have to be put into Capital Reserve Funds (CRF) to fund items planned for through the Capital Improvement Program (CIP). Total property tax dollars to be allocated to the CIP were estimated at \$1 million, and approx. \$50,000 was estimated for sewer improvements. What is being proposed for allocations to the CIP in FY19 is approx. \$2.1 million (\$1.7 property tax financing, \$300,000 sewer infrastructure, and \$10,000 into the milfoil capital trust fund). The increase is the result of inflation (overall cost of projects).

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Councilor Albert commented a short while back the Council discussed reducing the amount of unreserved fund balance from 8% to 4%. He questioned if a portion of those funds could be utilized for the CIP, and was informed the only mechanism for approval is through a Warrant Article.

Assistant Town Manager/Finance Director Micali spoke of historical data; FY07 was a low year with an allocation to the CIP of \$867,647. In FY19, the request is for \$1,765,000.

Each year monies are allocated to CRFs as a way of saving, over time, for capital expenses. This is done to avoid large fluctuations in the budget from year to year or situations where an unexpected expense is funded resulting in the inability to fund item(s)/project(s) that had been planned/budgeted for.

Just as monies are allocated towards saving for capital expenses, monies from the CRFs are expended each year on items that had been planned/saved for in prior years.

The proposed FY19 budget for the CIP represent an overall increase of \$68,000.

Major projects are those exceeding \$100,000. The CIP identifies costs looking out 6 years. Falling under the category of major infrastructure expenses are projects related to roads, bridges, buildings. An effort is made each year to increase the allocation to the CRF for paving projects. In FY18, the allocation was \$675,000. In each of the years following, being proposed is an increase of \$50,000 from the operating budget just to keep up with inflationary costs.

The cost of projects planned for FY19 would be addressed: \$425,000 from CRF, \$700,000 through the operating budget, and \$125,000 generated from the extra \$5 paid on registrations (road improvement).

Assistant Town Manager/Finance Director Micali went over the list of major projects (identified funding sources and amounts listed in parenthesis):

Public Safety Complex (Fire Station CRF; \$25,000 / Budget; \$25,000)

The project would combine the Police and South Fire Station to a single location. The police station was built in 1960 and 1975 as two separate medical buildings. It was remodeled in 1994 when it was donated to the Town for the Police Department. The Fire Station was built in 1973 as a two-bay garage, and was remodeled in 1987 to include living quarters.

There has been discussion over the past several years around the potential of moving the south fire station. Looking at some of the costs involved with repairs of the police station it was believed best to work towards a public safety complex combining the two in one location.

Like the approach with the Highway garage, a Space Needs Study would be done. Findings from the study would be presented to the Council in the fall of 2018/early 2019.

Councilor Albert stated support of the study noting the police department has outgrown the current facility in many ways.

Stormwater Drainage Improvements (Road Infrastructure CRF; \$200,000)

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These were discussed earlier in the evening by the PWD. In addition, anticipated projects for FY19 include Brenda Lane pipe outlet with riprap, swale repairs, South Baboosic Lake Road, Thornton Road, Waterville Road, Wilson Hill Road; box culvert replacement, etc.

Paving - Infrastructure Improvements (\$750,000 —Road Improvement (registration fee); \$125,000 / Budget; \$625,000)

Assistant Town Manager/Finance Director Micali noted in FY18 Amherst Road was done; taken down, reclaimed, and rebuilt. He went on to identify the numerous roads that were paved following the Pavement Condition Index (PCI) schedule for FY18.

Paving - Infrastructure Improvements - Gravel Roads (Road Infrastructure CRF; \$100,000)

There are 16 gravel roads throughout the Town. Maintenance is required each year in the form of grading and reshaping (approx. 300-400 manhours/year). There is also an approx. \$250,000 piece of equipment that is utilized (1997), which is scheduled to be replaced within the next 5 years.

Being considered is the paving of some of these gravel roads so that the 400 manhours could be utilized elsewhere, and perhaps eliminating the need for the motorized grader.

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Paving – D.W. Highway (D.W. Highway CRF; \$50,000)

Over the past few years the Town has paved from one end of D.W. Highway (Common Man area) up through by Reeds Ferry Lumber. It has been a few years since paving from Greeley Street to Chamberlain Bridge. The desire is to begin looking at crack sealing to try to expand the useful life of the road.

Seaverns Bridge Canoe Launch Ramp Access Improvement (Road Infrastructure CRF; \$50,000)

In conjunction with the Conservation Commission, consideration is being given to the relocation of the canoe launch to the Fields Farm Conservation lands. In its current location there are issues with drainage, parking, access, etc.

Addressing some of the minor projects identified within the CIP, Assistant Town Manager/Finance Director Micali noted the items listed will be discussed in detail with the individual departments during budget discussions with the Administration. The projects and amounts identified are subject to change. Some large expenditures for the out years were touched upon. The following items were listed for FY19:

HVAC (Town Hall & PD) (Budget; \$225,000)

Systems are aging out, and becoming costly to repair. The systems have been reviewed, and an estimate provided. This could be delayed based on the pending space needs study.

Councilor Albert stated his recollection the HVAC at the Police Department was revamped about 5 years ago. Director Fox stated there are 6 rooftop units at the Police Department, one of which was replaced in 2005. The remaining are from 1996.

Backup Console (Fire & Police) (Communication CRF; \$50,000)

Pool Car (Budget; \$20,000)

Used car for the Community Development Department. The department tends to receive the older used vehicles. When issues occur, they end up borrowing from other departments. There have been continual circumstances of maintenance issues with the department's vehicle.

Councilor Albert questioned why not transfer one of the cars intended to be replaced from within the Police Department (cruiser). Assistant Town Manager/Finance Director Micali noted those vehicles are already spoken for in terms of transferring from one department to another or being utilized elsewhere within a Police Department.

Vice Chairman Rothhaus stated a desire to hear how the SUVs are working out, e.g., maintenance costs, efficiencies. Assistant Town Manager/Finance Director Micali stated the fuel savings are great.

Rescue 1 Breathing Air Cascade Replacement (Fire Equipment CRF; \$25,000)

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Fire Apparatus Computer Replacement (Fire Equipment CRF; \$15,000)

Being replaced over a three-year period.

Fire Command Vehicle (Fire Equipment CRF; \$39,000)

First due vehicle; Assistant Chief or Chief.

Portable Radios (Fire Equipment CRF; \$298,000)

Equates to approx. 45 radios, which cover the full-time staff, 2 EMTs, and 1 or 2 spares. The expenditure has been in the CIP for several years. There has been some discussion of splitting this cost over two years. Grant opportunities are being considered.

Thermal Imaging/Night Vision Rescue Cameras (Fire Equipment CRF; 40,000)

Final year of a three-year purchase process.

Large Diameter Supply Hose (Fire Equipment CRF; \$15,000)

Fire Suppression Hose (Fire Equipment CRF; \$17,000)

Access Control/Facility Monitoring (Budget; \$20,000)

Building Official Vehicle (166) (Used) Budget; \$20,000)

Building Inspector Vehicle (184) (Used) (Budget; \$20,000)

Message Board (Budget; \$35,000)

Mower, Exmark (Budget; \$12,000)

Trailer for Hot Box (Budget; \$16,000)

Hot Box is used for patching of holes during the winter season.

Asphalt Milling Attachment for H-43 (Budget; \$25,000)

Used when making small road repairs.

Wheel Dump H-28 (Highway Equipment CRF; \$180,000)

Wheel Dump H-27 (Highway Equipment CRF; \$180,000)

Utility Vehicle H-43 (Highway Equipment CRF; \$35,000)

H-29 Plow and Spreader Fit-up (Highway Equipment CRF; \$29,000)

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Athletic Field Groomer (Highway Equipment CRF; \$35,000)

Mower, Exmark (Budget; \$12,000)

Pond Dredging (Budget; \$49,549)

In beach area.

Dock Replacement (Budget; \$42,326)

Replacement due to age.

O’Gara Drive Renovations (Budget; \$150,000)

This is put forward to initiate discussion of how the Council wishes to proceed.

Councilor Albert questioned if the amount includes the taking down of the basketball and tennis courts, and was informed the amount identified was a placeholder for the skatepark. He believes the matter should go forward as a Warrant Article.

It was suggested the name used to reference the skate park be made clearer.

Patrol Vehicles (Budget; \$90,000)

On a 3-3-4 replacement cycle; 3 are replaced in one year, 3 in the next, and then 4.

Motorcycle (Budget; \$25,000)

Existing motorcycle has an issue with not being air-cooled.

Crime Scene Vehicle Replacement (Budget; \$25,000)

A new ambulance is being purchased, and the ambulance that is being replaced will be sent to the Police Department. The cost identified is to outfit the new crime scene vehicle. Current crime scene vehicle is a 1979. Councilor Albert commented the crime scene vehicle receives significant use, and a repurposed ambulance is not the best fit for the need.

100 CY Trailers (4) (Budget; \$70,000)

Second year of a four-year purchase cycle for trailers that are used to transport trash to landfill.

Truck Cab & Chassis - Peterbilt Tractor (Budget; \$120,000)

Was purchased used when the recycling center/transfer station was opened (‘99 w/over 350,000 miles).

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Telephone Upgrade (Computer CRF; \$71,311)

System is 14 years old. Councilor Albert questioned if this upgrade would address the issues with the Police Department phones, and was informed it would not. Assistant Town Manager/Finance Director Micali stated the issue with those phones appears to be a line issue. The Town is working with Fairpoint to identify how that can be upgraded.

Voting Booths (Budget; \$50,000)

Must be purchased through a company approved by the State for such purchases.

Manhole/Sewer Rehabilitation (User Fee; \$25,000)

Cat 938 Loader C-1 – Compost Facility (User Fee; \$200,000)

Replace OEM Lights with new LED Lights in all Plant Buildings (User Fee; \$48,000)

Replace two Sludge Pumps (User Fee; \$25,000)

Town Hall Matthew Thornton Room Equipment (Franchise Fee; \$40,000)

Remote Equipment (Franchise Fee; \$10,000)

Other CATV Equipment (Franchise Fee; \$10,000)

Proposed for FY19 is the utilization of \$1,219,311 in Capital Reserve Funds, \$836,875 from the operating budget, \$323,315 through user fees/bonds, and \$60,000 from Cable Franchise Fees.

The beginning balance for the Capital Reserve Fund is \$3,184,000. Proposed allocation is \$1.7 million and proposed expenditures \$1.5 million resulting in a savings of \$200,000.

Councilor Koenig commented on the beginning statement relative to the amount that should be saved; approx. \$800,000.

**6. Execution of Highway Garage Loan Agreement – NH Municipal Bond Bank**

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

The Town Council to consider entering into a loan agreement with and sell its bond to the NH Municipal Bond Bank for the Highway Garage Project.

Assistant Town Manager/Finance Director Micali stated the Town is moving forward with the Highway garage bond. The bond bank does two bond sales a year; January and July. To be able to finance the April - November construction cycle, the \$3.3 million bond needs to be included in the January bond sale. For that to occur, a Loan Agreement must be executed. The Loan Agreement would allow the bonds to be sold to the bond bank, and establish a schedule of principal payments.

Both the Town and the bond bank are rated Aa. The bond bank will get the best rate on the bond when combining with other bonds resulting in a much higher amount when going out to sell.

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Councilor Albert noted the maximum interest rate of 3.75%. He questioned if the Town would be charged a lower interest rate if available. Assistant Town Manager/Finance Director Micali stated what that is intended to identify is a guarantee to the Town that the highest interest rate that will be paid on the bond is 3.75%. If it comes in at 2%, the Town would receive that 2% rate. The 3.75% is the guaranteed maximum rate of interest.

Councilor Albert questioned the fees and charges; if an unknown cost. Assistant Town Manager/Finance Director Micali responded there are some issuing fees, etc., which would be included as part of the cost of the bond.

Councilor Boyd questioned why three signatures are needed, and was informed the Treasurer's signature is required as the funds go to the Treasurer and the Treasurer is the only one that can expend the funds. The Town Clerk's signature is needed to ratify the vote that was taken by the Town Council. A signature from the Town Council is needed to indicate the Council has conducted the Town Meeting, is ready to enter into the bond, and is requesting the bond be issued.

**MOTION by Councilor Boyd and seconded by Councilor Albert that the Town Council enter into a loan agreement with and sell its bond to the NH Municipal Bond Bank for the Highway Garage Project, and that Vice Chairman Rothhaus, the Town Treasurer, and the Town Clerk be authorized to sign the loan agreement on behalf of the Town of Merrimack. MOTION CARRIED 6-0-0**

### **Minutes**

November 16, 2017

**MOTION made by Councilor Boyd and seconded by Councilor Thornton to accept the meeting minutes of the Town Council meeting of November 16, 2017, as presented. MOTION CARRIED 6-0-1**

*Councilor Thornton Abstained*

**Comments from the Press** - None

**Comments from the Public** - None

### **Comments from the Council**

Councilor Boyd commented on it being the 76<sup>th</sup> anniversary of Pearl Harbor. Back in 2011 the Pearl Harbor Survivors' Association ceased to exist with about 2,700 members remaining. He wished to thank the Pearl Harbor veterans for their service.

Councilor Boyd spoke of the recent loss of a very distinguished Merrimack resident, Colonel Bob Woods. He spoke of having had the opportunity to meet his Wife, Edna. Bob and Edna raised 7 children. Colonel Woods was born in Malden, MA and raised in Everett, MA. He was a graduate of Malden Catholic High School, and attended Providence College on a baseball scholarship where he received a Bachelor of Education. He participated in the school's ROTC program and upon graduation was commissioned as a 2<sup>nd</sup> Lieutenant in the US Army.

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He spent 25 years in the Army, did a tour of Vietnam as a Senior Advisor to the Vietnamese troops. He was awarded the Silver Star. The troops he was advising took on heavy fire and casualties. Colonel Woods was able to organize medivacs to the location to get the wounded evacuated. Instead of going back with them he stayed and directed the troops through the firefight. He was successful in leading the troops to fight off the enemy that had engaged them. He retired as a full Colonel after serving 25 years. Upon retiring, he and his family settled down in Merrimack.

He received his Masters Degree at the National War College in Washington, DC, and was employed at Sanders/Lockheed-Martin for a period working with their radar systems.

He coached Babe Ruth for many years in Merrimack. In 2008, after his youngest son was diagnosed with Young Onset Parkinson's Disease, he, and Edna, founded the New England Parkinson's Ride. The annual cycling event has raised over \$3.2 million for The Michael J. Fox Foundation in the 10 years since its inception.

He expressed his sincerest condolences to the Woods family.

Councilor Koenig noted the Tuesday night Planning Board meeting included a presentation from the Highway Garage Committee. The video of the meeting and presentation is available online.

A Land of Goshen, LLC. development out on Watkins Road off Amherst was approved. It has been in the approval process for 6 months or more for a variety of reasons.

The SRS Petroleum Services, LLC expansion project (near Horseshoe Pond) has included a good deal of drainage, etc., at the Town's request.

A conceptual discussion was had with NeighborWorks Southern New Hampshire about the potential development of land on the other side of Island Drive, which was originally approved for an elderly housing development. The desire is to instead put in multi-family, non-restrictive housing. They are small units (1,000 - 1,400') renting for \$1,000 - \$1,400/month. They are a non-profit organization, and would construct the units, rent them, and manage them.

The old Wendy's is being converted into a Mexican restaurant. The request before the Planning Board was to put in a 32-seat outdoor seating area, which was approved. When asked, he stated they would continue to have a drive-up window, but it would be utilized for pick-up of call-in orders; no ordering at the window.

Councilor Thornton questioned if the Town has ever put up decorations, etc. to celebrate the winter holidays.

Councilor Flood stated her belief the Chamber of Commerce has been the default group that does that out of the kindness of their hearts. She spoke of having met a woman who sings the Mosiah in Concord, and commented it would be nice to have an adult activity.

Vice Chairman Rothhaus remarked it is just a matter of time before Director Casparius has it figured out.

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Councilor Koenig spoke of the Holiday Concert.

**Adjourn**

**MOTION made by Councilor Koenig and seconded by Councilor Thornton to adjourn the meeting. MOTION CARRIED 6-0-0**

*The December 7, 2017 meeting of the Town Council was adjourned at 10:35 p.m.*

Submitted by Dawn MacMillan