

Approved: September 28, 2017

Posted: October 6, 2017



Town Council Meeting Minutes

Thursday September 14, 2017, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Albert, Councilor Boyd, Councilor Dwyer, Councilor Koenig, and Assistant Town Manager/Finance Director Paul Micali. Councilor Flood and Town Manager Eileen Cabanel were excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on Thursday, September 28th, October 12th, and October 26th at 7:00 p.m. in the Matthew Thornton Room.

The Parks and Recreation Department invites you to join them at Abbie Griffin Park on Saturday, September 30th for their final free outdoor movie in the park of the season. The movie "Trolls" will be shown beginning at 6:45p.m. A special thank you to the Merrimack Lions Club for sponsoring this movie.

The Parks & Recreation Department has just 7 tickets remaining for their bus trip to see the Boston Red Sox take on the Houston Astros on Sunday, October 1st. Trip includes transportation from Wasserman Park and a ticket to the game in Bleacher Section 43. Cost of the trip is \$75. For more information contact the Parks and Recreation Department at 882-1046.

Due to a Department of Motor Vehicles software upgrade, the Town Clerk's office will be unable to process registrations or related transactions from Friday, October 6, 2017 through Tuesday, October 10, 2017. Transactions will resume on Wednesday, October 11, 2017.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington stated Clark Freise, Assistant Commissioner, New Hampshire Department of Environmental Services (NHDES), will be holding office hours in the Merrimack Memorial Room on the following dates and times:

Friday, September 15th from 3:00 - 5:00 p.m.
Monday, September 18th from 3:00 - 5:00 p.m.
Tuesday, September 26th from 3:00 - 5:00 p.m.
Wednesday, October 4th from 9:00 - 11:30 a.m.

There will be a public information meeting conducted by the NHDES on October 10th at 6:30 p.m. at the Masticola Upper Elementary School All Purpose Room.

Chairman Harrington stated the belief NHDES is inviting the Merrimack Village District (MVD) and Saint-Gobain to the meeting. She stated her belief the New Hampshire Department of Health & Human Services will also be represented. Attempts were made to verify that information earlier in the day. She suggested the Merrimack Delegation be invited as well.

Councilor Boyd stated his belief it is critical for the NH Dept. of Health & Human Services be represented at the meeting. It has been indicated the results of the community blood serum assessment would be released in September, and he would like to see that community forum used as an opportunity to amplify the findings and answer any questions residents may have.

Highway Garage Project Update

Vice Chairman Rothhaus stated the committee met earlier in the day, and the development of the building and site plan is continuing at a good pace. Last week the committee visited two sites that Turnstone has ongoing; Jeep & Chrysler off Route 13 and Weare Highway Garage, primarily to see what the structure might look like. The committee has been focused on steering the design to fit into the neighborhood. Earlier in the day the committee brought to conclusion discussions on the type of construction, styling, etc. The committee meets bi-weekly, and is expected to complete the design of the facility by fall, bid it during the winter, and start construction early next year.

Councilor Albert commented on being pleased with the efforts towards ensuring the structure fits into the surrounding neighborhood. Residents of that area have expressed concern the project could impact property values, etc. He directed those individuals to the committee. Vice Chairman Rothhaus remarked he has not spoken with anyone since the committee began meeting, but was aware of one family located across the street. He stated he could absolutely guarantee that is the focus; to ensure it fits into the neighborhood.

The front part of the structure will be clapboard sided. The committee is discussing the type of clapboard. Earlier in the day the committee was shown window types. Assistant Town Manager/Finance Director Micali commented the committee has taken three meetings discussing the need for this to fit into the neighborhood; must have a residential feel. The committee is also looking at options for the old building so that will better fit into the neighborhood.

Councilor Boyd questioned if the committee has considered a neighborhood forum. Assistant Town Manager/Finance Director Micali responded they are waiting until they are further along with conceptual designs. Right now, those discussions are being had and the architects and engineers are taking those discussions into consideration. It is likely, within the next month, the committee will understand if what is desired is cost effective. The idea of a public forum can be brought up at the next meeting.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives – None

Town Manager's Report

Due to a Department of Motor Vehicles software upgrade, the Town Clerk's office will be unable to process registrations or related transactions from Friday, October 6, 2017 through Tuesday, October 10, 2017. Transactions will resume on Wednesday, October 11, 2017.

Consent Agenda - None

Old Business

1. D.W. Drive & D.W. Highway Culvert Replacement

Submitted by Public Works Deputy Director / Town Engineer Dawn Tuomala

Town Council to be presented with the details of the D.W. Drive and D.W. Highway culvert replacement project.

Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department (PWD), remarked she was asked to provide timelines and identify traffic patterns. Information provided with the agenda packet identified the timeline of the project broken down by phase and included photographs depicting the existing traffic patterns and those which would be in place during the different phases of the project.

Deputy Director Tuomala stated the equipment was brought in last week. To accommodate equipment storage, a section of D.W. Drive (from D.W. Highway to Island Drive) was closed. It will likely be the last week of September/first week of October before anything is done with the traffic on D.W. Highway. Being proposed is moving the lanes over as far to the west as possible, have traffic continue as two-way, put barriers up, and hopefully be able to replace about half of the existing culvert (starting on the outlet side).

The second phase has two alternatives for when the inlet side is done. Alternative A has both lanes of traffic on D.W. Drive, which would mean widening it from Island Road up to the main intersection. Exploratory work has been done out there to find all buried lines, e.g., sewer, gas, water. This alternative may have been eliminated.

Alternative B would have the northbound traffic directed down D.W. Drive, continue, and come back up onto D.W. Highway.

If unable to do half of the culvert at a time, southbound traffic will stay in that southbound lane while that connection is completed in the middle of the road. Once that section is completed, the southbound traffic will be put where the northbound traffic is and their shoulder. It will be necessary, periodically, to do one-way alternating traffic for short periods of time.

Construction has begun. The 84" pipes arrived earlier in the day, and are steel reinforced plastic pipes, which were recommended by the consulting engineering company.

Deputy Director Tuomala stated the pipe coming from Shaws down to the culvert is being replaced. The headwall of that had fallen into the brook. The catch basin in that area was not in the best condition, and was replaced. Work has begun on the pipe to come back down to the brook. They had identified when the headwall fell the first link of the existing pipe broke off. That is believed to have been one of the driving causes of the culvert failure; there was water leaking out and around and coming down through. This work needs to be done first. Additional prep work will be done for a week or so after this portion is completed. The headwall for the major culvert is coming in next Tuesday.

When asked about the likely completion date, Deputy Director Tuomala responded the Town has the State permit until November 6th. The expectation is a total timeframe of 8 weeks. When asked, she stated the expected lifespan of the new pipe is 100 years.

When asked what would be done with the flow of water while the work is underway, she responded they cannot allow water to flow through the culvert while it is being worked on. A bypass pump will be put in place. A shallow trench will be dug across D.W. Highway and down across D.W. Drive and the pipe will be buried. Traffic will likely be alternating next week while that prep work is done.

When asked about construction hours, she stated work would continue through the daylight hours. When asked if evening hours were considered, she stated they don't have the equipment to do that, and spoke of the amount of residential space in the area, which would be impacted by bright lights, etc.

2. Letter Review for NHDES Commissioner & Merrimack Delegation

Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus
Review of the draft letters for NHDES and Merrimack Delegation.

Chairman Harrington spoke of the decision reached at the previous meeting to draft letters to Robert Scott, Commissioner of the NHDES requesting NHDES recommend Saint-Gobain conduct an air quality test of C6 (GenX) at their Merrimack facility and to the Legislative delegation regarding House Bill 463.

The letter to Commissioner Scott was read into the record:

"Dear Commissioner Scott:

The Merrimack Town Council respectfully requests the NHDES to recommend that St. Gobain conduct an air quality test of C6 (GenX) at their facility located in Merrimack NH. Specific site samples can be recommended by NHDES. While the Council understands that NHDES does not have any regulatory requirements for this test, we believe the test to be crucial to the citizens of Merrimack to assure them that no additional contaminants of PFOAs are being emitted from the St. Gobain facility.

It would be advantageous for St. Gobain to positively respond to this request since it would demonstrate good faith on their part to the Merrimack community.

Thank you for your time and consideration. Please contact Town Manager, Eileen Cabanel, if further information is needed."

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the letter to Commissioner Scott, New Hampshire Department of Environmental Services. MOTION CARRIED 6-0-0

The letter to the Merrimack Legislative Representatives was read into the record:

"Dear Merrimack Legislative Representative(s),

The Town of Merrimack continues to be concerned about the perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) contamination in the environment. The Town Council has been made aware that the production of C8 has been discontinued; however, it is the Council's belief that testing needs to be performed on the replacement C6 (GenX).

The Council understands that HB 463 is in a committee of conference. We respectfully request that the Merrimack Delegation look at establishing new Legislation/Regulations that would allow the DES the ability to conduct air quality analysis for unregulated emerging contaminants like C6 (GenX). We strongly encourage the Legislators look at any and all options to allow the DES the ability to test the air emissions of companies.

If there is anything that we can do to assist with the successful passing of this legislation, please feel free to contact myself or the other members of the Town Council.

The request is based upon the Town Council's attempt to remain vigilant in the safety of our citizens. Please contact Town Manager, Eileen Cabanel regarding your opinions of this request for future legislative action."

Vice Chairman Rothhaus questioned if an emerging contaminant is something that they recognize to have potential health issues or other items that might affect the environment or is a product that is produced considered to be an emerging contaminant when we don't know if it is contaminated or not. Councilor Boyd stated the later to be the case. Vice Chairman Rothhaus asked for further clarification when a product is produced, goes on the market, and is used in facilities like Saint-Gobain it is an emerging contaminant. Councilor Boyd stated that to be correct.

The suggestion was made to amend the letter; in the third paragraph, so that it ends "contact any member of the Town Council." and in the last paragraph by replacing "in the safety" with "for the safety".

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the letter to the Legislative Delegation, as amended. MOTION CARRIED 6-0-0

New Business

1. Committee Appointments – Planning Board Member Position Switch

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
Town Council to consider the request to move full member Vincent Russo, Jr. to an alternate member position and alternate member Paul F. McLaughlin Jr.'s request to be moved to a full member position on the Merrimack Planning Board as recommended by Planning Board Chair.

Chairman Harrington stated her understanding Mr. Russo's work responsibilities became ominous, he was not able to be in attendance for as many meetings, and expressed a willingness to move to an alternate position. Mr. McLaughlin was responsive to change.

MOTION made by Councilor Boyd and seconded by Councilor Albert to move full member Vincent Russo, Jr. to an alternate member position and alternate member Paul F. McLaughlin Jr.'s request to be moved to a full member position on the Merrimack Planning Board as recommended by Planning Board Chair. MOTION CARRIED 6-0-0

2. 2017 Rotary Club of Merrimack Annual Christmas Tree Sale

Submitted by Rotary Club Members Bill Wilkes and Peter Flood
The Rotary Club of Merrimack is requesting the use of Watson Park for their annual sale of Christmas trees.

Bill Wilkes, Member, Rotary Club of Merrimack, stated the old Shaws plaza is being renovated. A fence has been put up around the perimeter of the property, which inhibits the Rotary from being able to do its annual Christmas tree sale. The group assessed what location would be ideal; like to be between Greeley Street and Baboosic Lake Road. They are of the belief Watson Park would be a fantastic site. They can contain the event to the parking lot. They sell about 350 trees/year. In terms of traffic, the highest demand is usually mid-afternoon on Saturdays. The request is being made to allow the Rotary to utilize that site, at least for this year.

Councilor Albert spoke of how often the Rotary provides assistance to the community. They are a charitable organization. He stated his support of the request. Councilor Dwyer stated his support. He questioned if the location is large enough. He suggested the police be asked to assist with traffic flow on Saturdays. Mr. Wilkes responded he would not envision it being a problem, but would not have an issue with doing so. Councilor Dwyer suggested the Police be made aware of the dates in case that is needed; just to have a backup plan.

Councilor Dwyer suggested the Rotary may want to contact the Highway Department to borrow one of the generating lights. Councilor Koenig stated his appreciation for the Rotary and the effort. However, he was skeptical the sketch that was provided truly indicates the amount of space that will be utilized, and he was concerned about space for users of the park. Mr. Wilkes stated he would propose placing the trees and the trailer on the edge of the parking lot so that the parking lot space would be kept clear. Councilor Koenig commented he would encourage that the parking lot be left as clear as possible so that individuals wishing to utilize the park could do so.

MOTION made by Councilor Rothhaus and seconded by Councilor Dwyer to allow the Rotary to utilize Watson Park for their annual sale of Christmas trees between November 24 and December 24

ON THE QUESTION

Vice Chairman Rothhaus commented, under normal conditions, he might be hesitant to do this, but it is for the Rotary. What they contribute to the Town is unbelievable; most notably the 4th of July events. Because of his appreciation for that, he is supportive of the request.

MOTION CARRIED 6-0-0

3. NH Fish and Game OHRV Grant Acceptance for Merrimack Police Department

Submitted by Lieutenant Eric Marquis

Town Council will consider the acceptance and expenditure of a grant in the amount of \$1,080.00 made available through New Hampshire Fish and Game for the Merrimack Police Department to fund overtime patrols in areas of Town not accessible to standard patrol vehicles, pursuant to RSA 31-95:b and Charter Article 8-15.

Lieutenant Eric Marquis informed the Council the request is for the acceptance of the OHRV grant in the amount of \$1,080. The grant provides for 6 details to get into the wooded areas, e.g., Town park and conservation areas to show a presence.

When asked where the patrols are normally run, Lt. Marquis stated it is areas like the Horse Hill Nature Preserve, Grater Woods, Wasserman Park, etc. Some of the areas are chosen based on complaints received. When asked about timespan, he stated the days would be staggered, but on the weekends.

Councilor Koenig questioned if the time allocated includes transportation time, and was informed it does. When asked if the amount of the grant is similar to what has been received in the past, Lt. Marquis stated his belief the grant has been in this amount for the past few years. The commitment to report back is fairly light work. When asked if there is an accounting of the contact made, etc. in patrols of years past, he stated there is quite a bit of contact, not a lot of tickets. He reiterated the police presence is the greatest intent.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a grant in the amount of One Thousand Eighty Dollars (\$1,080.00) made available through New Hampshire Fish and Game for the Merrimack Police Department to fund overtime patrols in areas of Town not accessible to standard patrol vehicles, pursuant to RSA 31-95:b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any paperwork necessary to perfect the grant. MOTION CARRIED 6-0-0

4. Donation Acceptance to the Merrimack Dog Park

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the acceptance of a donation and installation of pavers in the entrance area of the Dog Park to help address an erosion issue from Home Depot, valued at approximately \$1,500, pursuant to RSA 31:95-e and Charter Article 8-15.

Christine Lavoie, Vice Chairman Parks and Recreation Committee, stated the dog park is open and running. The committee was approached by Home Depot inquiring whether there are any outstanding projects.

Mr. Derrick Muse, Dog Park Committee member, is a district employee of Home Depot, and serves as a liaison between the store and committee. Ms. Lavoie remarked Home Depot has been aware of the project from the start. The Committee advised them one of the things that had been hoped to occur during the initial installation was placement of pavers. The property is on a slope, and it was known there would eventually be erosion issues. Now coming on a year, they are aware of the erosion issues, which they hope to alleviate through the installation of the pavers. It was noted Home Depot will assist with the installation itself as well.

Councilor Boyd questioned if consideration was given to utilizing ¾" crushed stone in that area given the unevenness of that particular area. Ms. Lavoie responded it was not really discussed other than there could be concern with crushed stone with dogs running at a high speed (pads being ripped up). Pavers seem to be a good option. A good many of them have already been donated by a resident, and are onsite waiting to be installed.

Councilor Albert commented on the number of volunteers from Home Depot who will be helping with this project. He spoke of the work the Committee has done with attracting volunteers and receiving donations to keep the park up and running and looking good.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance of a donation and installation of pavers in the entrance area of the Dog Park to help address an erosion issue from Home Depot, valued at approximately One Thousand Five Hundred Dollars (\$1,500), pursuant to RSA 31:95-e and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any and all paperwork necessary to accept the donation, and that furthermore the Town send a letter of thanks to Home Depot for being tremendous corporate partners in our community for something the community has worked hard for over the last couple of years. MOTION CARRIED 6-0-0

5. Donation Acceptance to the Merrimack Dog Park

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the acceptance and expenditure of a donation from Boy Scout Daniel Figueroa from Troop 424 in the amount of \$158.84 to the Merrimack Dog Park, which is from the surplus funds that he raised from his Eagle Scout project of building the Dog Park sponsorship sign, which was installed last spring, pursuant to RSA 31:95-b and Charter Article 8-15.

Assistant Town Manager/Finance Director Micali thanked Eagle Scout Figueroa for the work he did on the sign. Having raised more than was needed to cover the cost, Scout Figueroa wishes to donate remaining funds to the Dog Park to cover the cost of maintenance, etc. on signs at the park. Councilor Koenig questioned if the monies would be earmarked for signs or simply placed in the dog park fund, and was informed it would be placed in the dog park fund.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a donation from Boy Scout Daniel Figueroa from Troop 424 in the amount of One Hundred Fifty Eight Dollars and Eighty Four Cents (\$158.84) to the Merrimack Dog Park, which is from the surplus funds that he raised from his Eagle Scout project of building the Dog Park sponsorship sign, which was installed last spring, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any and all paperwork necessary to accept and expend, and that a letter be sent to Eagle Scout Figueroa congratulating him on the success of his project and his generous donation for continued support of the dog park. MOTION CARRIED 6-0-0

6. Town of Merrimack Granite Signs – Heritage Commission

Submitted by Finance Director/Asst. Town Manager Paul T. Micali and Heritage Commission Chair Anita Creager

Town Council to discuss placement of granite signs.

Anita Creager, Chairman, Heritage Commission, stated the Heritage Commission two years ago voted to make welcome signs for the north and south ends of Town. Locations have been identified and the owners of the properties in both locations are acceptable to locating signs in the area. It was then learned of the need to contact the State regarding the required distance the sign must be from the centerline.

Ms. Creager stated the signs were made, and are ready to be installed. She reached out to Kyle Fox, Director, PWD, and was informed he had learned granite signs cannot be placed within 30-35' of the road. That would be pointless as passersby would not see a welcome sign that is placed 30-35' from the road.

She stated the need to identify a new location for the signs. Assistant Town Manager/Finance Director Micali has suggested the signs be placed in other locations, and that wooden signs be made, which are permitted within 15' of the centerline.

Ms. Creager noted if the signs were placed within the Town's portion of Route 3, it would not be a problem, but the welcome is too far out from the middle of Town. Assistant Town Manager/Finance Director Micali noted the State wants the signage to be collapsible so that if a car were to drive into it, it would have a break-away bottom, and the sign would collapse away from the car.

New locations suggested for the granite signs are in front of the Town Hall (east wing) and Watson Park.

Regarding the welcome signs at the two ends of Town, the plan is to have wooden signs made that will have more language including "Welcome to Merrimack". The commission has already spoken with the vendor that made the sign for Abbie Griffin Park. A design will be submitted to them within the next month, and a cost estimate provided. It is her belief the cost will be considerably higher than the cost of the granite signs, which were \$1,950 each. The wooden signs will be placed at the southern entrance to Harris Pond and the northern sign on the WFEA property. Neither is close to the Chamber of Commerce signs, and both are closer to the Town lines.

Councilor Albert questioned how the Commission went about deciding upon utilizing David L. Brooks. Ms. Creager spoke of the high recommendations received, that the vendor is local and the Council was made aware of the choice during the annual review with the Commission. Assistant Town Manager/Finance Director Micali agreed with the vendor choice. Installation is part of the cost.

Councilor Boyd asked if there has been any coordination regarding signage in Merrimack in terms of welcoming. At what point do we become over-saturated with Welcome to Merrimack signs. Assistant Town Manager/Finance Director Micali responded the Heritage Commission has taken on this project. He was not contacted by anyone regarding the Chamber signs, and is unaware if anyone in the Town departments was contacted. This was a project the Heritage Commission wished to pursue; to make the signs more traditional.

MOTION made by Councilor Rothhaus and seconded by Councilor Dwyer to approve the placement of granite signs as stated. MOTION CARRIED 6-0-0

Assistant Town Manager/Finance Director Micali commented the signs will say 1750 because that is when Merrimack became one Town. However, there will be those who will say 1746. The Town's letterhead says 1746. The Town of Merrimack has two Town charters. In 1750 there was an amendment to the Charter to gain three miles of land on this side of the Chamberlain Bridge.

7. Review of Code of the Town of Merrimack

Submitted by Town Council Chairman Nancy Harrington

Discuss methodology of Town Code review, pursuant to Charter Article V.

Chairman Harrington stated, by Charter, the Town Code needs to be reviewed every 5 years (last done in 2011). The list included as part of the agenda identified 31 chapters. Of those some will require amendments while others simply require re-approval.

All departments have reviewed the active chapters, and made recommendations. Chairman Harrington questioned how the Council wished to conduct the review, and provided two options for consideration: 1) schedule additional meetings with a single agenda item or 2) the agenda for each regularly scheduled meeting can include code review until the review is completed. In the instance of the 2nd option she, Vice Chairman Rothhaus, and Becky Thompson, Executive Secretary, Town Manager's Office, would identify the chapters to be addressed at each meeting.

Councilor Dwyer stated his opinion, with the review having been conducted by the departments, and their recommendations forwarded, he cannot imagine it would be very time consuming to simply review and approve the recommended changes.

Chairman Harrington noted whenever a review/change occurs, there is the requirement for a first reading, second reading, and public hearing. She suggested several chapters be addressed at a time and the process completed for those sections before moving on to the next several.

Councilor Albert questioned if the Councilors could each conduct a review and, if there are no changes proposed, sign off on it. Assistant Town Manager/Finance Director Micali stated the Town Charter

states that a review needs to be conducted every five years. The forum for addressing ordinances is identified in the Charter.

Chairman Harrington suggested if there are numerous chapters for which no changes are proposed they should be able to go through the process rather smoothly. Councilor Albert questioned if Councilors could identify the chapters for which they have no recommended changes, and put those through initially to expedite the process. Chairman Harrington questioned the amount of time that would be set aside to be able to identify which ones could be addressed that way. Those that can easily be identified as not requiring change could be lumped together.

The consensus of the Council was for the agenda of each regularly scheduled meeting to include code review until the review is completed.

A request was made that Councilors receive digital copies of the Town Code. Chapters 79 and 158 should be made available prior to the next meeting.

Chairman Harrington offered to work with Ms. Thompson to outline when certain chapters would be discussed, place it on a timeline, and present that to the Council so that all members are aware of those that will appear on each agenda, and can review the chapters in advance.

Minutes

Approve the minutes from the Town Council meeting of August 17, 2017

The following amendments were offered:

Page 6, Line 10; insert “as” before “the”

MOTION made by Councilor Boyd and seconded by Councilor Albert to accept the meeting minutes of the Town Council meeting of August 17, 2017, as amended. MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd announced Jay Minkarah as the new Executive Director of the Nashua Regional Planning Commission. Pending Commission approval, he will start on October 10th.

Councilor Boyd thanked the Merrimack Fire Department for the wonderful display on September 11th. He spoke of the tremendous amount of community spirit and pride they showed.

Councilor Albert spoke of having participated in the Crimeline Golf Tournament the previous day, and of how well the event went.

Approved: September 28, 2017

Posted: October 6, 2017

Councilor Dwyer requested the subject of the traffic lights at exit 11 be placed on a future agenda for Council discussion. He commented the evening traffic is insanity. The State has control of those lights, they are in one of the major intersections of our Town, and we are not permitted to synchronize those lights in any way. This has got to stop. Several members of the staff have tried, to no avail, to get the State on board with allowing for synchronization. He stated his experience to have been that the State will not act unless threatened with a lawsuit or had the public light shown on a situation.

When asked if the Council has ever taken any official action in this regard, Councilor Dwyer stated he is not aware that it has. He spoke of additional development/traffic coming to the area. He predicted the Council would have to contact legal counsel and make a legal challenge to the State.

Councilor Boyd remarked he and Councilor Koenig have been on the Planning Board, and whenever projects have come up they have always tried to resolve the synchronization of that light at Executive Drive. He suggested the Council move forward with legal counsel.

Councilor Dwyer suggested the Council instruct the Town Manager to make a formal written letter to the correct individual(s), wait for the response, and once received, take whatever action is deemed necessary.

Councilor Albert questioned if there is any approval pending relative to the impact the new development will have on the lights and the intersection. Councilor Koenig stated it has not been presented yet, but the Planning Board always considers traffic studies and things of that nature. Quite often they come back saying that it is only a problem for a very short period of time, etc. The Board does everything it can to alleviate those issues. The Board has gone to the State multiple times seeking some relief in that area with absolutely no success. He stated he fully understands what is being brought forward, and it needs to be worked out.

Adjourn

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

The September 14, 2017 meeting of the Town Council was adjourned at 8:52 p.m.

Submitted by Dawn MacMillan