

Approved: October 11, 2018

Posted: October 12, 2018



Town Council Meeting Minutes



Thursday September 27, 2018 at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

On behalf of the Town Council, Chairman Rothhaus expressed deepest sympathies to the family and friends of Marty Carrier who passed away on Sunday, September 23rd at the age of 79. Marty was greatly involved at the State and local level to include serving as Call Lieutenant and Call Deputy Chief of the Merrimack Fire Department totaling nearly 34 years. He served as a Commissioner with the Merrimack Village District for 11 years, as a member of the South Fire Station Building Advisory Committee and a long-time board member of the National Volunteer Fire Council and the New Hampshire Association of Fire Chiefs. Marty was valued and respected, and his volunteer service and contributions will never be forgotten.

The Council observed a moment of silence in memory of Martin Carrier.

The NHDOT will hold a public hearing regarding the proposed improvements (widening) to the F.E. Everett Turnpike in Nashua, Merrimack & Bedford. This public hearing will be held at the Merrimack High School at 7:00 p.m. on October 3rd. The project will widen the F.E. Everett Turnpike to improve traffic operations and safety comprised of three segments; 1) from the vicinity of Exit 8 in Nashua northerly to the vicinity of exit 10 in Merrimack, 2) from the vicinity of exit 11 in Merrimack northerly to the southern limit of the Bedford toll plaza, and 3) from the northern limit of the Bedford toll plaza northerly through the I293 exchange. This project is tentatively scheduled for advertising for bids December 15, 2020.

The New Hampshire Department of Environmental Services (NHDES) PFAS Public Information meeting will be held on October 10th at 6:30 p.m. in the James Mastricola Upper Elementary School All Purpose Room.

Regular meetings of the Town Council will be held on Thursday, October 11th and 25th at 7:00 p.m. in the Matthew Thornton Room.

Eversource is offering a free Freon day event at the Transfer Station. On October 13th from 8:00 a.m. - 4:00 p.m. residents can bring their Freon based appliances to the Transfer Station and the normal fee for disposal will be covered by Eversource.

PFAS Update

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The sub-committee of the New Hampshire Drinking Water and Groundwater Advisory Commission, which addresses land conservation projects, has recommended approval of nearly \$3 million in grants to support land conservation projects for source water protection throughout the State.

Councilor Boyd remarked while Merrimack was not a part of the process, during deliberations, he noted Merrimack's commitment to "exploration" and looking for lands within our own town to develop our own new sources of drinking water and source water protection; specifically the parcel the town approved off of Klara Drive. The full Commission is scheduled to meet on Monday.

Governor Sununu has signed HB1101, which provides specific criteria for air emissions and instructs the NHDES to identify a drinking water standard as it relates to Perfluorinated Chemicals (PFCs). Councilor Boyd commented on the letter the Council sent to the Legislative Delegation requesting a bill for specific air emission standards. It is believed NHDES will have rules in place by January 1st.

Highway Garage Project Update

Assistant Town Manager/Finance Director Micali stated the garage project is progressing. Earlier in the day work was being done on the roof over the office space. Windows are expected shortly, and doors are onsite. Flooring is being laid in the maintenance bay area. Siding on the two buildings (existing and new) will be able to be matched making it more aesthetically pleasing. The project is on target for a mid-November move-in date.

Comments from the Press and Public

Laurene Allen, 16 French Court

Provided the Council information obtained from the Senate sub-committee hearing held in Washington, DC on September 26th and titled "The Federal Role in the Toxic PFAS Chemical Crisis".

Ms. Allen, Ms. Katharine Hodge, Ms. Andrea Amico (Testing for Pease), and others from areas such as Michigan and Colorado attended the Senate hearing. They worked together on the coalition across the country on how to engage the Senate with the needs of each impacted community. They met with Senator Hassan's team as well as Senator Shaheen's team of leads representing the environment, military, etc.

As one of the top scientists in this area, Linda Birnbaum, Director, National Institute of Environmental Health Sciences and National Toxicology Program, was asked to participate. Questions asked of her and her responses can be viewed [online](#). Dr. Peter Grevatt, Director, Office of Ground Water and Drinking Water, U.S. EPA, also testified. Based on his comments, it appears the EPA is going to take a different stand, meaning it is pushed back to the states. For New Hampshire it leaves us in the same position we have been in. Ms. Allen commented based on a statement made by Director Grevatt, she is of the belief there is no intent to change the 70 ppt limit. The focus is on testing. In her testimony, Linda Birnbaum talked about cognitive and neurological challenges and associations and stated we cannot test our way out of it.

Ms. Allen commented there is this tension between health impacts, lack of human study and the role of the EPA. What needs to be kept in mind when engaging with NHDES is a public statement made by

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the EPA that the way the Agency for Toxic Substances and Disease Registry (ATSDR) does their science is not the way they do their science.

Ms. Allen spoke of the discussion the Council had at its September 13th regarding the community exposure assessment proposed by the ATSDR. She noted the Pease study and the Newburgh Study funding is under the Department of Defense. There was talk last year about including industrial communities in the data. It has not been considered since at least April. Merrimack is not being considered for any study other than documentations of support, which basically take exposure data from NHDES and somehow magically put it into fact sheets that say what you can expect based on the exposure that we believe you've had.

In a letter to ATSDR, the Congressional Delegation requested a community assistance panel, which is something they have had in Pease for several years. They asked for a more in-depth evaluation of community exposure including biological monitoring of community members and the assessment of adverse health outcomes and health trends.

Nancy Murphy, 20 Brenda Lane

Stated Merrimack Citizens for Clean Water has had the opportunity to access the movie "The Devil we Know"; an investigative documentary about a small town, Parkersburg, WV, that had a significant amount of contamination from DuPont, which was known to DuPont, and a lawsuit that ensued. She spoke of similarities to the exposure here and the contamination of public drinking water. The film will be shown at 7:00 p.m. on Friday, October 12th in the little theatre at the high school.

Recognitions, Resignations and Retirements - None

There being no objection, the Council went out of the regular order of business to take up Item #3 under New Business.

3. Donation Acceptance for Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance of the donation of a commemorative bench, with an estimated value of approximately \$571.33 (including shipping), to the Parks and Recreation Department to be placed near the waterfront at Wasserman Park, pursuant to RSA 31:95-e and Charter Article 8-15.

Kim Sherman, 3 Royal Court

Commented she and her husband reside in an area that allows them to walk to Wasserman Park, which is something she has done every day for the past 20 years. She would like to donate a bench and sitting area to overlook the lake. It is a location that does not have such an amenity and an area she enjoys on a daily basis. She commented her husband turns 50 next year, and she believes this would be a great surprise.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the acceptance of the donation of a commemorative bench from Kimberly Sherman to Wasserman Park overlooking the water, not to exceed Five Hundred and Seventy Five Dollars (\$575.00) in

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total cost pursuant to RSA 31:95-e and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any and all documents necessary to perfect the transaction

ON THE QUESTION

Councilor Boyd thanked Ms. Sherman for her donation.

MOTION CARRIED 7-0-0

The Council returned to the regular order of business.

Appointments

MOTION made by Councilor Boyd and seconded by Councilor Harrington to take from the table the Annual Review with the Conservation Commission. MOTION CARRIED 7-0-0

1. Annual Review with the Conservation Commission [Tabled at the September 13, 2018, Town Council meeting

Submitted by Conservation Commission Chair Gage Perry

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

The Commission was created by Town Charter in 1967, and operates under State RSA 36-A. Its charge is to ensure the proper utilization and protection of the natural resources and the protection of watershed resources, and balancing those against the outdoor activities we all enjoy.

Gage Perry, Chairman, Conservation Commission, spoke of the major parcels, which include the Horse Hill Nature Preserve (HHNP), Grater Woods, and Wildcat Falls. Each of these parcels has an active sub-committees that addresses the day-to-day operations. A sub-committee has been formed for the Fields Farm parcel located off of Amherst Road, and volunteers are sought to participate on that sub-committee. The Commission is working with the Public Works Department (PWD) and the Souhegan River Local Advisory Committee (SoRLAC) to determine what can be done on that parcel to improve accessibility.

A new sub-committee will also be formed (likely at the start of next year) for the Sklar Waterfront parcel, which adjoins town land (boat landing on Merrimack River). Volunteers will be sought.

Mr. Perry commented three members of the HHNP sub-committee have retired over the last 12-16 months. Roland Roberge, Deborah Huffman, and Newt Coryell served on the sub-committee since the time the parcel became the HHNP in 2002. Their vision and work have been greatly appreciated by all who have had the opportunity to walk that property.

Mr. Perry spoke of the work the Commission does with scouting organizations and the numerous projects that have benefited the town. This year the Commission was pleased to have the Girl Scouts

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come before to conduct projects. The Girls Scouts retreaded bridges and are currently working on walking sticks for the HHNP.

The Commission has undertaken the review of Chapter 111. Work that is done on the properties is believed to go a long way towards drawing people into the parcels. However, the greater the use the greater the need for regulation. It is believed the update to Chapter 111 will prove helpful to enforcement efforts. The update requires a great deal of research as each parcel has its own restrictions included in Deed language.

This year marks the 18th year the Commission has conducted the Seedling Giveaway at Currier Orchards. Approx. 400 seedlings were purchased for the event and 12 remained at the conclusion.

Nearly 2 years ago the Commission began working with Eversource; doing planning work in terms of when they would be in the area, what work would be done and how they would do it. The work was done over the summer, and for the most part is complete. They made a rather large road along the powerlines at the HHNP. Because of the sheer size of it, greater damage would be caused by trying to return the area to its prior state. Eversource agreed to gate it.

The Commission is funded through the Land Use Change Tax and a small budget that comes from the Town.

While a parcel of land is enrolled in current use, it's taxed at its traditional use value, which can result in significant tax savings to the landowner. When land is removed from current use, it is subject to a land use change tax equal to 10% of the full and true value of the land.

Historically, when receiving Land Use Change Tax funds, the Council has allocated monies into the fund when its balance is below \$1 million. Monies in excess of that threshold are allocated to the Town.

The Commission manages three funds; Conservation Fund, which is funded by the Town (current balance \$44,000), the Land Use Change Tax Fund (\$740,000 balance), and the HHNP Fund, which was created when the property first became its own parcel and individuals wished to make donations directly to that parcel (\$571 balance).

2. Greater Nashua Public Health Network (GNPHN) Presentation by Public Health Network Services Coordinator Patty Crooker

Town Council to be presented with the GNPHN's current programs and initiatives.

The Greater Nashua Public Health Network includes the City of Nashua and 12 surrounding communities, including Merrimack. Patty Crooker, Public Health Network Services Coordinator, Greater Nashua Public Health Network (GNPHN), provided a brief overview of some of the programs.

Network partners are referred to as the Public Health Advisory Council. GNPHN looks to those organizations to help as they develop different health related initiatives and priorities within the communities. The Executive Committee (Committee) is made up of different stakeholders who are really decision level folks in their organizations that can help brainstorm and implement ideas as well as provide data and information.

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Ms. Crooker commented Merrimack's representation has always been strong noting Fire Chief, Michael Currier and former Chief Mark Doyle were members of the Committee. Police Chief, Denise Roy is now a member. Representatives from the Merrimack School Board have historically been on the committee as well.

Main programs under the public health network include the public health emergency preparedness program. The GNPHN is tasked with trying to develop plans to be able to support the communities and residents during any mass public health emergency. Those plans specifically deal with distribution of medication or vaccine. Merrimack Middle School is one of the pod sites within the region (8 in total). The goal of the program, in regard to medical counter measures, is to be able to prophylax 100% of the population in a 48-hour timeframe (206,000 people).

The substance abuse prevention program, Beyond Influence, works closely with local prevention coalitions. They have been ongoing members of Merrimack's Safeguard since 2013 when they took over the program and have done a number of events in coordination with them. They now have a substance use disorder continuum of care program. They meet with the Mayor's Opioid Task Force in Nashua to come up with initiatives to address substance use within the region. That includes all municipalities. This specific workgroup was started by Mayor Donchess when he took office, but they work closely with the Beyond Influence leadership team. Ms. Crooker stated she and the Prevention Coordinator sit on both and ensure there is a lot of the same people at the table.

A new program, Young Adult Leadership, began last year. Historically there has been a real focus on providing suicide prevention education within the region. They utilize the NAMI NH connect program in order to achieve that. The Public Health Advisory Council member organizations decided to utilize one program to be consistent throughout the region. They have held trainings specifically for folks in public safety and emergency departments as well as mental health and school counselors. This program is targeted at the age group 18-24. It is a train the trainer program. The first training was done last year with 9 participants. Another training will be conducted this year.

Another large project is the community health assessment. The most recent assessment was published in 2017 (copy provided). It is a project advised by the Executive Committee of the Public Health Advisory Council, which is kept up-to-date as the process is underway, e.g., what data will be looked at, what health issues will be looked at, etc. This was the third community health assessment. It allows people to access data specific to our public health region and be able to use it not only to inform their organizations, themselves, and the communities, but also when organizations are applying for grant funding or trying to validate the outcomes of any initiatives. The first assessment was done in 2011 and some change can be seen since that time in some of the indicators.

Ms. Crooker spoke of the Community Health Improvement Plan. After the assessment is completed, the data is reviewed, and a determination made of the priority health issues within the region to focus on for the next three-year cycle. They then develop goals and objectives for each and activities under each to meet the identified goals and objectives. The most recent plan, dated 2015-2018, included priority areas of chronic disease, heart disease, stroke, diabetes, obesity, access to healthcare, emergency preparedness, and behavioral health, which included substance misuse, suicide, and mental illness.

It is now time for the new community health improvement plan, and many of the health priority areas are the same. There is a new priority area of maternal and child health. Questions and feelers are put out to determine where within that area people want to focus. A lot will be on education for healthy behaviors for people that are pregnant as well as information about children's health and development. They have separated the chronic disease priority into the chronic disease with heart disease, stroke, and diabetes, and now instead of obesity being in there, there is weight management, physical activity and nutrition, really looking at the positive aspects of health issues. Instead of trying to reduce the number of obese individuals within the region, which was one of the previous outcomes hoped for, they want to increase the healthy weight of individuals. It not only addresses those who are overweight or obese but also people that are under weight, and really looking at physical activity along with weight management and nutrition for that holistic approach.

Councilor Healey questioned if the results of the community health assessment are shared with area physicians and was informed they are. Ms. Crooker remarked they decided on doing it in a three-year cycle because the hospitals, in order to meet an IRS requirement, have to do community benefits assessments every three years. They all contribute to that same assessment. Hospitals are able to then disseminate it and have it available to their providers. There are providers on some of the work groups for the different initiatives. Ms. Crooker brings information to various entities/groups as well.

Councilor Healey questioned if the assessment would include items such as the recent report concerning an increase in pediatric cancer rates. Ms. Crooker responded there is a chapter in the community health assessment on cancer as it is one of the leading causes of death in the State. It was published in September of 2017. They try to limit the number of chapters included, but they do include different topics. Last year there was a special grant through the State (CDC funded), CDC Building Resilience Against Climate Effects (BRACE) Initiative on climate change and health. They subcontracted with the Nashua Regional Planning Commission on getting that assessment done. People have been very pleased with the results of the assessment, which is included as a chapter within the Community Health Assessment so that it is distributed that way as well as independently. They do try to come up with new topics that they have not covered before to be able to gain a baseline.

Councilor Boyd commented knowing that Lyndeborough, Wilton, and Mason are on the western peripheral of the network, how much of a difficulty is there for people in the rural parts of the network with regard to gaining access to the specific services offered. Ms. Crooker stated the services they offer as a network are easily accessed. It is really just a matter of getting in touch with them. A lot of the services tend to be around training, education, etc. They tend to have close contacts at a number of different organizations in each town but may not have many outward facing public events. If people are interested in different programs they have, it is easy to set something up. The issue is the capacity of that town or organization in order to be able to embrace or take on an initiative they might help them lead.

Councilor Boyd spoke of an element that seems to be missing. Harbor Homes has been working to get programs in place for people that are in recovery; pairing with a mentor. He questioned if it would be a focal point at some time to not only deal with the prevention aspect, which they are very strong in, but deal with the recovery piece as well. He commented on the need for continued support following an individual having participated in a program, e.g., the supports and services that were available in the front end are not as readily available. Ms. Crooker commented that was one of the reasons the State implemented their providing a substance use continuum of care position, to be able to facilitate the

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linkages between prevention, intervention, treatment, and recovery programs. Not only were they trying to increase awareness of the programs that were going on but increase their awareness of each other and ability to work together to ensure that there is a warm handoff for folks from one step to the next as well as try to identify gaps in the region.

One of the things they focus on is education about stigma and trying to teach our community to not judge people because of issues that they have. They also work closely with a number of peer recovery organizations. They do trainings for individuals who utilize the recovery organizations. They also have a community connections guide to recovery, which is maintained online. It lists not only emergency services that are available, but also regular health related services not specific to substance use, and then lists prevention, intervention, treatment, and recovery resources as well as providing important side information and data.

Councilor Boyd questioned the emergency preparedness component; specifically if coordination occurs with area animal control groups so that, in the instance of a crisis, there are resources available. Ms. Crooker replied beginning in 2009, they started doing co-located shelter planning so that there would be a pet shelter there as well. They work with veterinarians as well as the Disaster Animal Response Team of New Hampshire. They are fortunate in that the Division of Public Health in Nashua also oversees the city's contract with the Humane Society, which provides some leverage in contract language.

Councilor Boyd requested a link to the Greater Nashua Public Health Network be posted to the Town's website.

Councilor Albert asked for clarification and was told the Merrimack Middle School is a point of dispensing (mass clinic location). He questioned what would occur at the site in such an instance and was informed it would be for vaccinating or providing antibiotics or prophylaxis. There are plans for an acute care center and that is really a low acuity service for one specific issue, e.g., if influenza they would provide oxygen, perhaps IV antibiotics; nothing higher than that (just to take surge off hospitals). The two sites identified for those are the Nashua high schools. One of the neighborhood emergency help centers, which is a triage center, is located at the southern immediate care facility in Merrimack.

Public Hearing

1. Public Hearing – Traditional Cable Television Franchise Renewal Discussion

Submitted by Media Services Coordinator Nicholas Lavallee

The Town Council will hold a public hearing to gauge customer satisfaction with Comcast's traditional cable television service. This hearing is part of the ongoing Cable Television Franchise Renewal negotiations relative only to traditional cable television and does not include internet or phone services.

Nicholas Lavallee, Media Services Coordinator, spoke of a presentation given at the Council's September 13th meeting, which provided an overview of the current franchise agreement. Presently, there is a single cable provider in Town, Comcast, which is who the franchise agreement is with. He noted Bryan Christiansen, Comcast Senior Manager of Government and Regulatory Affairs, was in attendance to hear any public comment provided.

The current franchise agreement expires in January and is relative only to traditional cable television services and does not include the internet or phone services that Comcast provides. Mr. Lavallee noted the Town has had its inbox open to public comment as well, and received a single email this evening at 6:47 p.m. He also spoke to Noah Mandell, a resident who provided input at the Council's September 13th meeting.

Chairman Rothhaus read the following into the record:

"Dear Town Council, I will be unable to attend the Public Hearing scheduled for September 27th. I write with the expectation that my thoughts and concerns will be part of the Public Hearing record. In previous Franchise Agreements the Town required the vendor to maintain an office in Merrimack. This requirement has ceased, and the nearest office is in Londonderry. I urge the Council to consider reinstating the local office requirement.

Comcast has advised me that certain services can be best performed at their office in Londonderry. This would include exchanging a remote controller or a DVR. When I call Comcast for service I routinely get delayed because they have incorrect identification information. They refuse to correct it by phone requiring that I must come to the office and do this transaction in person.

For equipment exchanges they can send a service technician. We all know the difficulties of scheduling and waiting for a service technician. Londonderry is a long drive and an expense if you have to hire a taxi as I would often do. It is certainly not conducive to combining with other errands, which can be accomplished in Merrimack.

*Thank you for your consideration and your efforts on behalf of Merrimack residents.
Chris Christensen."*

Councilor Albert spoke of the document provided the Council entitled "Additional Items to Consider in the Renewal Franchise". He requested a copy of the document be provided to Bryan Christiansen noting the list identifies the items found to be important.

Chairman Rothhaus declared the Public Hearing open at 7:58 p.m.

Kurtis Kuszek, 273 Baboosic Lake Road

Mr. Lavallee spoke of having read the email received from Mr. Kuszek commenting some great points were made.

Mr. Kuszek stated he has been a resident for nearly a decade, is a systems and networks engineer by trade and works from home 100% for his primary income. He questioned if a review has been done of franchise agreements of neighboring communities to determine if there is the possibility for collaborative bargaining power.

Chairman Rothhaus commented the Council began its process with the presentation Mr. Lavallee provided at the September 13th meeting. This Public Hearing is one step in the process and one of the forums for soliciting public input.

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Mr. Kuszek commented this year the number of consumers who cancel their paid tv service (cord cutters) and don't re-subscribe will climb 32.8% to 33 million adults, according to new estimates from eMarketer, a market research company. Compared to 24.9 million cord cutters at the end of 2017, the increase is 43.5% year over year.

The dynamics of the market are changing and changing drastically fast. Those statistics do not include those who don't sign up for services. Merrimack needs to act to secure and protect access services. If these statistics continue at current rates, the traditional cable tv model is highly unlikely to survive the 10-year term of the proposed agreement. This likely forces Comcast to change their business model by providing IP TV services instead of traditional channel based offerings before the ten-year timeframe.

There is the need to ensure the Town is protected to allow fair competition moving forward. In that regard, he suggested implementing verbiage that gives negotiating power to the Town given the recent negative direction of federal protections regarding net neutrality and throttling of services such as such as Netflix and Hulu. This continues to be very important as more people cut the cord at a drastically increasing rate. Additional language could state services shall operate in a way that does not impede or degrade competing media content services that share the same physical or virtual infrastructure for the purposes of providing services to residents of the Town of Merrimack.

Page 15 of the draft contract, Section 4.1 needs to be redefined to update what is included in subscriber network.

Page 7, Section 1.1 (8), should also have the scope broadened. As defined, it is indemnifying Comcast from franchise agreement regulations and limitations impeding IP provider services as well as competing services over IP network. We need to empower the Town against losing its leverage as that transition happens in magnitudes during the extent of the agreement.

Implement verbiage protecting right-of-way access and preventing provider bullying on pole attachments. An example being new and existing construction of infrastructure shall provide unimpeded shared access for any municipal or competing content services providing its implementation does not reasonably interfere with the franchisee's ability to provide services as needed and inclusive of existing right-of-way including conduit and pole attachment rights. The franchisee should be expected to, at reasonable and direct cost, accommodate requests requiring access in a timeframe considered appropriate and fair by any persons involved in the request. This requirement supplements but doesn't supersede the FCC pole attachment rules and provisions.

That gives the municipality or designee the right and rates of utilization equal to a dedicated cable or telephone provider. It also grants the Town the right to authorize itself or designee to non-disruptively relocate lines on the poles in the event the franchisee fails to comply within 30 days for the purpose of fair use.

Mr. Kuszek remarked one of the ways that providers such as Comcast have historically tactically prevented competition is by dragging their feet on things like pole attachments. It is made such a bureaucratic process that it becomes much more expensive.

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Comcast passes the franchise fee directly from the Town to the consumers. Those fees are effectively a tax under another name funding the existing three PEG channels. Mr. Kuszek stated his belief Merrimack does not necessarily need to fund three public access channels with resident funds. The video equipment is antiquated. The Town doesn't supply programming guide data. If you want that information you have to go to the MerrimackTV website where all relevant content is housed. It is also not up to date.

He would prefer to see the funding from this used towards a technology infrastructure support fund going towards a dig once ordinance implementation like Keene and the National Broadband Plan has published recommendations around; effectively every time we do roadwork we dig once and lay down conduit. The Town lays the conduit for pennies on the dollar and can recoup some of that cost by leasing it to whomever sees fit to put in fiber, etc. That reduces the barrier of entry for any competition by 90%. We could lease it to organizations just like the pole space and provide more reliable service.

Addressing the idea of quality, USA Today has Comcast as one of the 20 most hated companies in America. The American Consumer Satisfaction Index rates Comcast as the lowest satisfaction rate of any television provider. Section 13.2 FCC customer service obligations, specified in our franchise agreement, says that under normal operating conditions, telephone answer time by a customer representative including wait time shall not exceed 30 seconds from when the connection is made no less than 90% of the time. What happens when they don't meet that requirement? How is anyone being held accountable?

Mr. Kuszek commented on the need to remember this is protecting the Town and its residents from a company with a long history of abusing its customers and why we sign a franchise agreement to begin with.

Mr. Lavallee commented he was pleased with the information provided by Mr. Kuszek and is looking forward to speaking with him. Information relative to cord cutting was something that was touched upon in the presentation. With regard to the quality of programming, the Town has high definition (HD) cameras in the ready. A lot of programming has to be downgraded to standard definition (SD) and then outputs to SD on the Comcast channels because we are on the SD tier. That is why a lot of the content doesn't look all that great. Online offerings are not HD because of the workflow; to get the meetings online as quickly as possible, they put an SD version up on YouTube. Over the past month, an upgrade has occurred in the control room to allow high definition content on the YouTube channel. As far as scheduling, the channels are scheduled from Friday morning until Thursday afternoon. One of the points brought up regarding the channels not being on the Comcast guide is something the Town has always wanted. In prior years attempts were made to push Comcast to include our local programming on their guide. It is a struggle for public access centers throughout the State and country to make that happen.

Steven Ayotte, 8 Berry Lane

Has been a resident since 2010. He spoke of being familiar with cable franchise agreements having gone through the process in Londonderry, where he resided previously. He questioned the process indicating he was concerned with the way people were addressing the language at the last meeting and with service.

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His family has Comcast cable television and has had a good relationship with them. He questioned the rationale for the Town Council being the franchise authority stating his assumption the franchising authority would be the Town government. Town Manager Cabanel responded the Town Council is the Town Government.

When asked for further clarification, Town Manager Cabanel explained the Town Council is the governing body of the town. Town staff reports to the Town Manager and the Town Manager reports to the Town Council. Town Council sets priorities, etc. and the Town Manager Administers.

Mr. Ayotte remarked in terms of the contract, it is the Council that is responsible for responding to complaints if a consumer/resident contacted Comcast and did not receive a response. He questioned if the Council has received any complaints relative to Comcast's service. Chairman Rothhaus stated he has not received any. Councilor Harrington stated that to be part of the discussion; complaints have been heard, but not through any official channel. The discussion was around a mechanism to inform the public to contact the Media Services Coordinator who acts as the Council's representative.

Mr. Ayotte asked for clarification there was a process in place for the past ten years. Chairman Rothhaus commented people were not familiar with it. Mr. Ayotte questioned the number of complaints it would take to trigger an investigation. Chairman Rothhaus responded when these conversations begin every 10 years, that is when conversation gets triggered. In the meantime people sort of just go with the flow. He has not personally received complaints.

Mr. Ayotte commented the tone of the last few meetings implied there would have been people in the room who would have filed complaints.

Mr. Ayotte noted the Town's website identifies a Cable Television Advisory Committee; however, indicates it has been disbanded. Mr. Lavallee stated the committee was disbanded shortly after the last franchise agreement was renewed. It was an advisory committee and the Town Council was still very much the franchising authority. When the Town went from Adelphia to Comcast, the situation improved dramatically. The number of complaints reduced to 2-3/year at most. Those complaints are immediately sent to Bryan Christiansen who is quick to resolve customer complaints.

Mr. Ayotte questioned why it took nearly a decade to pick up on the interest Comcast is able to gain through retention of franchise fees. Councilor Boyd commented he discussed this at the last meeting having read the agreement and noted the franchise fee would be provided to the Town every three months. He had questioned why the funds would not be transferred monthly.

Mr. Ayotte questioned what would occur if the current agreement were to expire before a new agreement could be put in place and was told the agreement would move forward month to month. There would not be a disruption of service. When asked what portion of the franchise fees is used to offset the tax rate, Town Manager Cabanel stated approx. \$400,000 in revenue was received, and \$250,000 is being utilized to offset the tax rate.

Mr. Ayotte stated his preference to be for the franchise fee to be raised to its maximum (5%) commenting if the department is given the full amount a better quality of programming content may be able to be achieved. Other media sources such as Hulu and YouTube are cracking down on what you can and cannot post making it more and more difficult for the smaller independent types.

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He questioned what would be done in terms of upgrades for media services and community access channels, e.g., wish list when negotiating. Mr. Lavallee remarked in terms of how he budgets the division, that is a discussion that will occur over the next couple of months, first with the Capital Improvement Plan he will submit on Monday and later in November/December during the budget process where he will put forth, for discussion, equipment, upgrades, etc. With the franchise agreement underway and the hope the Town will get an HD channel, he would look to spend a significant amount of funding in the head end at Town Hall so that the quality of programming can increase. He also believes the quality of programming online will change with such upgrades.

The Public Hearing was declared closed at 8:29 p.m.

Assistant Town Manager/Finance Director Micali noted the comment period remains open until October 10th. Input can be submitted to the Town Council via MerrimackTV@MerrimackNH.gov, call the Town Manager's Office at 424-2331, send a letter to the Town Manager's Office.

Councilor Harrington spoke of her expectation Mr. Lavallee would look to incorporate into the language what is appropriate from the input provided. She commented on being intrigued with the discussion of looking at broadband for the Town. It has been discussed, but plans should be put in place while there is a revenue stream being generated.

Councilor Boyd stated appreciation for the feedback provided. He is anxious to see what Keene has done as it ties into some of his comments regarding expanding municipal broadband to people based on people cutting the cord. It is important for this community to have choices.

Kurtis Kuszek, 273 Baboosic Lake Road

Remarked when it comes to municipal broadband, it is a very common pursuit for a lot of areas of America where you have ISPs come in as a last mile provider, so the town can run the fiber, lease the lines, and then hire the Comcasts, Fairpoints, etc. and then those are the people we call who hook into the municipal internet. If you look at other countries like the UK, they have 20-30 providers they can choose from. There are only 2-3 backend companies that do the overhaul on the back side, but you have 20-30 companies you can deal with.

Legislative Updates from State Representative - None

Town Manager's Report

The Public Works and Parks and Recreation Departments will meet with abutters to Watson Park to discuss the proposed improvements to the park including volleyball courts and skating rink to seek their feedback on the proposal. The meeting will be held on Thursday, October 4th at 6:30 p.m. in the Memorial Conference Room at Town Hall. The public is welcome to attend.

Town Manager Cabanel explained the meeting is intended to discuss the Council's initiative to move the skating rink there and put in a volleyball court; where it would be located, lighting, etc. mostly relative to the abutters.

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Councilor Albert spoke of how invested the Parks and Recreation Committee has been in Watson Park, and commented he is a little surprised this was not an agenda item for that committee.

Town Manager Cabanel commented it was one of those issues where deadlines are approaching, and the thought was maybe someone from Parks and Recreation and Assistant Town Manager/Finance Director Micali would go over and speak with the abutters and then thought it would just be easier to have a meeting. There was no intent to leave anyone out of the process.

Consent Agenda

1. Consideration of Changes to Chapter A198, Administrative 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 Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to move the Consent Agenda. MOTION CARRIED 7-0-0

Old Business - None

New Business

1. 2018 Rotary Club of Merrimack Annual Christmas Tree Sale

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

A request was made, by Mr. Wilkes, to table the item until the next meeting.

MOTION made by Councilor Boyd and seconded by Councilor Healey to table until the Council's October 11, 2018 meeting. MOTION CARRIED 7-0-0

2. Donation Acceptance for Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius
The Town Council to consider the acceptance and expenditure of a donation in the amount of \$278.30 from Boy Scout Rohan Sreenivasan, to the Parks and Recreation Department for future use for Wasserman Park, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a donation in the amount of Two Hundred Seventy Three Dollars and Thirty Cents (\$278.30) from Boy Scout Rohan Sreenivasan, to the Parks and Recreation Department for future use for Wasserman Park, pursuant to RSA 31:95-b and Charter Article 8-15

ON THE QUESTION

Councilor Boyd requested a letter be sent to Life Scout Sreenivasan expressing the Council's gratitude for the donation, and request the Council be made aware of the date of his Eagle Court of Honor.

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MOTION CARRIED 7-0-0

4. Committee Appointment Recommendation

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
The Town Council to consider reappointing the following recommended individual to the Parks and Recreation Committee, pursuant to Charter Article 6-1:

Maureen Hall – (Merrimack Senior Citizens Club Representative)

MOTION made by Councilor Boyd and seconded by Councilor Healey to reappoint Maureen Hall as the Merrimack Senior Citizens Club Representative to the Parks and Recreation Committee, pursuant to Charter Article 6-1

ON THE QUESTION

Councilor Boyd thanked Ms. Hall for her participation on the committee. Councilor Albert remarked Ms. Hall does a great job and represents the seniors well.

MOTION CARRIED 7-0-0

5. National Suicide Prevention Awareness Month Proclamation

Submitted by Town Councilor Chairman Finlay Rothhaus and Vice Chair Tom Koenig
The Town Council to issue a proclamation designating September as “National Suicide Prevention Awareness Month” to promote awareness of suicide prevention resources available to our community and to learn how to help prevent suicide.

A letter was received from Joe Frieders, Alderman, Yorkville, IL. Alderman Frieders has requested councils across the country participate in proclaiming September as “National Suicide Prevention Awareness Month.” Chairman Rothhaus requested the Council’s support.

Councilor Albert stated his support of the Proclamation. After 32 years in law enforcement in this community he understands that like every other community in this country, Merrimack is touched by this problem.

Councilor Boyd remarked suicide is personal to him having lost 2 friends that way. He noted the availability of resources for people to avail themselves of if they have a need. He stated his support of the Proclamation.

The following Proclamation was read into the record:

**TOWN OF MERRIMACK
TOWN COUNCIL
PROCLAMATION**

National Suicide Prevention Awareness Month September of 2018

WHEREAS; September is known in the United States as National Suicide Prevention Awareness Month with the intention to help promote awareness;

WHEREAS; Suicide thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; Suicide is the 10th leading cause of death in America claiming the lives of nearly 45,000 each year; and

WHEREAS; the Town of Merrimack is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents as partners in supporting our community; and

WHEREAS; organizations like National Suicide Prevention Lifeline and the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to discuss in public; and

WHEREAS; every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS; we encourage all residents to take the time to inquire about the wellbeing of their family, friends, and neighbors and to genuinely convey their appreciation for their existence by any gesture they deem appropriate.

NOW, THEREFORE, be it resolved that we, the Town Council of the Town of Merrimack hereby proclaim September as National Suicide Prevention Awareness Month in the Town of Merrimack, New Hampshire.

Dated this 27th day of September of 2018

MOTION made by Councilor Koenig and seconded by Councilor Thornton that the Town Council issue the proclamation proclaiming September as "National Suicide Prevention Awareness Month", as read. MOTION CARRIED 7-0-0

Minutes

September 13, 2018

The following amendments were offered:

Page 2, Line 15; replace "\$405,000" with "\$45,000"

Page 3, Line 14; replace "that" with "delay of the NHDES meeting"

Page 3, Line 18; delete "being" and insert "to remove PFAS" following "smoke stacks"

Page 5, Line; include the action that was taken to table the matter.

Page 7, Line 26; replace "Senator" with "Merrimack's State Senator Gary"

Page 9, Line 40; replace "Senator" with "Senate"

Page 11, Line 17; replace "Judaea" with "Judea"

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Page 11, Line 27; replace “If able to get off the EPA impaired water list” with the sentence with “If the lake is to get off the EPA impaired this, then,”

Page 18, Line 44; replace “Brulett” with “Brouillette”

MOTION made by Councilor Boyd and seconded by Councilor Healey to accept the meeting minutes of the Town Council meeting of September 13, 2018, as amended. MOTION CARRIED 7-0-0

Comments from the Press - None

Comments from the Public – None

Comments from the Council

Councilor Boyd spoke of the Michael Loverme 5K will be held on Sunday, October 7th at 12:00 noon at the Merrimack High School. All proceeds benefit the Michael Loverme Scholarship, which targets students that are looking to get into technology based education.

Councilor Albert wished luck to Assistant Fire Chief Brian Borneman. He spoke of having worked with him for many years. He was a pro and a great guy to have in an emergency situation and to work with. He will be missed.

Chairman Rothhaus noted the MYA is celebrating their 50th anniversary and are now looking for volunteers to join a committee to conduct a fundraiser to help offset costs of participation in the MYA for children who might not otherwise be able to participate. Contact information for individuals interested in participation on the committee can find found on the Town’s website.

Councilor Albert spoke of the collection, to benefit the food bank, taking place at the Merrimack vs. BG game.

Adjourn

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

The September 27, 2018 special meeting of the Town Council was adjourned at 9:00 p.m.

Submitted by Dawn MacMillan