

Approved: October 25, 2018

Posted: October 29, 2018



Town Council Meeting Minutes

Thursday October 11, 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 (arrived at 8:10 p.m.), 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

Regular meetings of the Town Council will be conducted on Thursday, October 25th and November 1st and 15th at 7:00 p.m. in the Matthew Thornton Room.

Eversource is once again offering a free Freon day event at the Transfer Station. 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.

The Merrimack Biosolids Composting Team at the Wastewater Treatment Facility has been selected as the recipient of the 2018 New England Water Environment Association (NEWEA) Biosolids Management Award, which recognizes and honors individuals, groups, engineering firms, specific projects, municipalities, or a specific facility whether municipal or industrial for their outstanding contributions/accomplishments in the field of biosolids technology and management within the New England States, and demonstrating a sustained commitment to biosolids utilization.

Public Works Wastewater Division's Chief Operator, Leo Gaudette, has been selected for the 2018 New Hampshire Operator Award from the New England Water Environment Association. This award is given annually to a person involved in the operations of wastewater treatment facilities in each of the New England states to recognize an individual who has shown a high level of interest and performance in wastewater operations and who has made significant contributions to the wastewater field. Mr. Gaudette also received the Employee of the Year recognition by Public Works.

The Parks & Recreation Department invites you to join them Friday, October 12th, for "An Evening of Comedy" at the John O'Leary Adult Community Center. The event will feature 3 well known comics making for a fun night out. The event will also feature a silent auction of sports memorabilia with the proceeds of the silent auction benefiting Naticook Day Camp's Scholarship Fund. Tickets to the show are \$20 and may be purchased at the door. Door opens at 6:30 p.m. and the show begins at 7:30 p.m. For questions call Parks & Recreation at 882-1046.

There are only 2 spaces left for the Merrimack Police Department's Firearms Safety course on Saturday, October 27, 2018 from 8:00 - 11:00 a.m. Contact Community Services Officer, Bill Vandersyde, at 420-1842 for further details.

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PFAS Update

Councilor Boyd thanked Clark Freise, Assistant Commissioner, NHDES, Benjamin Chan, State Epidemiologist, Lisa Morris, Director, Public Health, and others who were in attendance the prior evening for the public information meeting. There appeared to be 200± in attendance. He found the meeting very productive and stated his hope a similar meeting will be conducted in the spring. Councilor Albert spoke of being impressed with the amount of staff they brought out, and suggested the Council follow up with a communication expressing gratitude.

Highway Garage Project Update

Assistant Town Manager/Finance Director Micali stated the exterior is getting its finishing touches; windows and exterior doors will be put in shortly. Next week insulation and sheetrock will be addressed. The hope remains that staff will be in the building by Thanksgiving.

Comments from the Press and Public

Senator Gary Daniels, District 11

Spoke of a question raised by a Milford resident who attended a football game in Merrimack, was alarmed by the number of plastic bottles and cans that were thrown away and questioned if Merrimack has a recycling program.

Chairman Rothhaus noted it to be single stream and commented a call will be made to the School District to request they consider looking into that.

Recognitions, Resignations and Retirements

1. Recognition of Full-Time Years of Service of Town Employees [Continued from the August 16, 2018, Town Council meeting]

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present recognition awards to the following Town employees:

Police - Detective Scott C. Park - 30 year clock- Date of Hire: 1/31/1988

Denise Roy, Chief, Merrimack Police Department, touched on all that is asked of the staff. Detective Park has been a criminal investigator for a great deal of time and has been exposed to things the ordinary person should not see. Yet every day he comes to work and makes his colleagues laugh. No matter how horrible the situation, he will make you laugh. She spoke of his character and ability to get the job done.

Chairman Rothhaus presented Detective Park with a clock in recognition of his 30 years of service to the residents of Merrimack.

Detective Park spoke of having learned from a good many skilled individuals and of the compassionate leadership he works for.

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2. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz

Town Council will present an award to Assistant Chief Brian Borneman in recognition of his retirement after more than 24 years of full-time service with the Town of Merrimack Fire and Rescue Department. Brian retired on September 21, 2018.

Chairman Rothhaus noted Assistant Chief Borneman was unable to be in attendance. The Recognition will occur at a later date.

3. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present an award to Ernie Doucette in recognition of his retirement after 24 years of full-time service with the Town of Merrimack Public Work Department. Ernie retires on October 12, 2018.

Lori Barrett, Operations Manager, remarked Mr. Doucette is someone the town, his co-workers and she relies on. She spoke of his extensive skill set, work ethic, and ability and willingness to teach new employee. She wished him the best in his retirement.

Kyle Fox, Director, Public Works Department (PWD), spoke of his experience as a new employee having been helped by Mr. Doucette and commented on his character and work ethic.

Chairman Rothhaus presented Ernie Doucette with an award in recognition of his retirement after 24 years of service to the community.

Appointments

1. Annual Review with the Town Center Committee

Submitted by Town Center Committee Chair Nelson Disco

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

In 2007, at the behest of the Town Council, the Nashua Regional Planning Commission (NRPC) conducted the iTrac Study, intended to identify areas in the town center for improvement. The focus was sidewalks and making the area more pedestrian friendly. The iTrac Study recommended the formation of a committee to continue the work they had started in implementing the recommendations resulting from the study.

The Town Center Committee (TCC) reports to the Town Manager, works with town officials, residents, businesses, Conservation Commission, Watson Park Committee, and the former Economic Development Citizen Advisory Committee. Defined as the town center is the area in town that is east of the F.E. Everett Turnpike, north of the Rite Aid crossing, and south of Front Street.

The current largest project of the TCC is the Souhegan River Trail, which will ultimately connect Watson Park to Wildcat Falls and a trail along the Souhegan River that passes under the F.E. Everett

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Turnpike through an old sluiceway that was built for the mill that, at one time, stood on the east side of Rt. 3. During the work over the past year, structural deficiencies in the Chamberlain Bridge were discovered. Addressing those deficiencies will add substantially to the cost of the project.

The New Hampshire Department of Transportation (NHDOT), which is overseeing the project, suggested constructing a sidewalk on Woodbury Street and north of the Library, and to continue the trail. It was suggested an additional application be put in for another Transportation Alternatives Program (TAP) grant to put together with grant funds already received to address the sidewalk. The TCC is working with revising cost estimates and budgets. The NHDOT has approved the approach.

The 2016 TAP Grant (Woodbury Street) was cancelled and the funds diverted to the Souhegan River Trail project. An additional TAP Grant was applied for to cover the Woodbury Street and the north side of Baboosic Lake Road going from the Library to the F.E. Everett Overpass. This grant application is now in review; competitive selection process.

Over the past year, the TCC completed a section of the project; constructed a passageway from Rt. 3 to the Abbie Griffin Park. The Merrimack Rotary Club provided the design, materials, and labor to construct that walkway.

The Planning Board is doing master planning for pedestrians and bicycles along the entirety of Rt. 3 from Bedford to Nashua. As a public outreach project, the NRPC and TCC worked together to conduct a Public Attitudes Survey during the April elections. The response was favorable. The TCC set up booths at the Winter Carnival and July 4th Pancake Breakfast to inform the public of its work.

The Safe Routes to School project is another outreach program. The Capital Improvement Program (CIP) proposed by the School District now includes the completion of a sidewalk along O'Gara Drive (FY21).

The goals for the coming year include continuing to execute TAP grants. If grants are awarded, public hearings will be conducted to approve/accept the funds. The TCC will continue public outreach projects and look to bring complete streets awareness to Merrimack. They will coordinate efforts with the NRPC on the Rt. 3 bicycle/pedestrian plan and coordinate with the PWD in preparing CIP plans for the pedestrian ways. The TCC will prepare presentations to be shown on Merrimack TV to increase public awareness of its activities.

Requests of the Council include continued support of the construction of segments of the sidewalks included in the Town Center Master Plan, through the CIP process. The Council is looked to for assistance in recruiting membership. The TCC meets at noon one Friday of the month at Town Hall. Although that schedule works for the current membership, there is flexibility.

Public Hearing - None

Legislative Updates from State Representative - None

Town Manager's Report - None

Consent Agenda - None

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Old Business

MOTION by Councilor Boyd and seconded by Councilor Thornton to take from the table the item relative to the 2018 Rotary Club of Merrimack Annual Christmas Tree Sale. MOTION CARRIED 6-0-0

1. 2018 Rotary Club of Merrimack Annual Christmas Tree Sale [Tabled at the September 27, 2018, Town Council meeting]

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.

Bill Wilkes, Rotary Club, commented, for the past 25+ years the Rotary Club has held the sale at the old Shaws plaza. The owners of the site are working with the Rotary to allow use of that site to continue. It remains unclear the exact area on the site the sale would take place and how the issue of power would be addressed. The request of the Council is to authorize the use of Watson Park as a contingency location. It is believed a decision on the location will be made in the coming weeks.

Councilor Thornton questioned how the location worked last year noting employees of the neighboring business utilize the area for parking. Mr. Wilkes stated a request was made that they not park there during the event. They were accommodating.

It was noted the ice skating rink could be active at that time. Mr. Wilkes stated the Rotary is very respectful of the parking situation; keep trees off parking lot, etc. The fence will be erected in the coming weeks. There will be no conflict.

MOTION made by Councilor Boyd and seconded by Councilor Healey to authorize the Rotary Club of Merrimack to use Watson Park for their Annual Christmas Tree Sale

ON THE QUESTION

Chairman Rothhaus spoke of all the work the Rotary Club has done for the community commenting supporting the request is something he does easily. Councilor Boyd noted the request is that of a contingency location, and stated appreciation for their planning.

MOTION CARRIED 6-0-0

2. Overview of the F.E. Everett Turnpike Widening Project

Submitted by Public Works Director Kyle Fox

Town Council to be presented with an update based on the NH Department of Transportation (NHDOT) public hearing that was held on October 3, 2018.

Kyle Fox, Director, Public Works Department (PWD), noted on October 3rd members of the special committee, appointed by the Governor and Executive Council, held a Public Hearing to determine the necessity of the occasion of the layout of the proposed F.E. Everett Turnpike widening project. The project proposes to construct a third travel lane northbound and southbound in three sections from Nashua to Bedford. The first section begins in Nashua, crosses into Merrimack just south of exit 10.

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The second section goes from north of exit 11 to the northern part of town and the third section is in Bedford as it connects to the work that was done on the airport access road. Executive Councilor David Wheeler is the Chair of the special committee and Executive Councilors Christopher Pappas and Joseph Kenney are also members. In the ten days following the Public Hearing, the committee evaluates all matters brought to their attention.

Members of the NHDOT presented various aspects of the project. They presented the history of the Turnpike project and discussed the proposed project including the widening of the three sections, reconstruction of five bridges (two of which carry Town of Merrimack streets), right-of-way, sound, and environmental impacts. Following the presentation, the floor was open to public comment. All speakers spoke positively of the need for the project; specifically the widening. Multiple speakers addressed the lack of a sidewalk on Wire Road. The department was commended on the proposal for two sidewalks on the Baboosic Lake Road Bridge. Concern was expressed over the lack of sound walls in the Ministerial Drive/Vista Way neighborhood, the mobile home park on Camp Sargent Road, and by the East Ridge Condominiums. There was also a brief comment on the current traffic congestion on the north part of Rt. 3; particularly southbound north of Bedford Road, and the possibility of completing the interchange at exit 12 to help alleviate that congestion.

Director Fox spoke with the project manager, after the meeting, regarding the Wire Road Bridge comment. He has been asked to send a proposal. Following the advise of the Council, he will send an email to be included as part of the public record. The TCC drafted a letter of support for sidewalks on Wire Road, which will also be forwarded to the NHDOT for their consideration.

Director Fox noted the Town has worked closely with the NHDOT throughout the history of the project and will continue to do so. A meeting is tentatively scheduled for next week with the PWD and emergency personnel to talk about crossovers for emergency vehicles on the turnpike. They will continue discussion of all aspects of the project. Director Fox stated anyone wishing to provide comments to the NHDOT could utilize the PWD as a conduit.

Director Fox provided a photo of the record plan (video of discussion can be viewed [here](#)), which was shown at the Public Hearing depicting the F.E. Everett Turnpike bridge as it goes under Baboosic Lake Road Bridge. To accommodate the added length of the bridge and due to the geometry required to build the project, the bridge will be about 6' higher than it is today. Those impacts will carry out to the approaches. Sidewalks are proposed on both sides.

A photo was displayed of the Wire Road Bridge. Director Fox commented on how tight vehicles are to the guardrail making no area that is good for pedestrians crossing the bridge. The proposal the NHDOT went to the hearing with was 11' travel lanes for vehicles and a 5' shoulder. The proposal represents much improved width. The TCC recommended sidewalks on both sides.

Baboosic Lake Road has an existing sidewalk. The NHDOT proposal is for sidewalks on both sides. That will tie into the plans of the TCC to connect D.W. Highway to the schools and eventually have sidewalks on both sides of the road.

Councilor Boyd stated his support for the widening project noting the need for a commitment to sound barriers along that stretch of road and some type of graffiti management plan. He spoke of the work that has gone into creating and maintaining a very presentable community for north and southbound

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travelers. With the commitment made to economic development, it is essential to maintain and present Merrimack positively. When the NHDOT is conducting noise monitoring it cannot be done between the hours of 8:00-10:00 a.m. and 3:00-5:00 p.m. as those are times of bumper to bumper traffic and the appropriate decibel monitoring needed to adequately represent how the neighbors will be impacted cannot be achieved. He questioned the possibility of prohibiting trucks from using air brakes within the town limits along that stretch of road. The NHDOT needs to commit to some type of safety fencing along those bridges.

Councilor Boyd stated his hope the NHDOT and the delegation consider the comments provided and remarked while we support the project, we need to mitigate the level of impacts that could impose themselves on the community.

Director Fox stated he would pass the comments along. He stated, without doubt, there will be fencing on all three bridges. That is a standard feature on all DOT bridges over main roads.

Councilor Albert stated his support of the widening project. He spoke of concern with the lack of fencing on the Wire Road Bridge, and of being pleased to know fencing will be constructed. He stated his hope the Council will submit a letter specifically targeting the following neighborhoods; Back River Road near the turnpike, Vista Way, Roundtree Lane, Sunnydale Drive, Clay Street, Webster Green Condominiums, Maple Ridge Condominiums, and East Ridge Condominiums.

Town Manager Cabanel questioned if it would be a significant request to add sidewalks, on both sides of the street, when adding length to a bridge; would it change the dynamics significantly. Director Fox responded not significantly. In the scope of a project this large (\$100 million+), a sidewalk on Wire Road would be pretty minor in comparison. Director Fox remarked based on discussions he had with NHDOT following the Public Hearing, he believes they would be very receptive to the sidewalk on Wire Road.

Councilor Healey stated the need for sound barriers from Bedford Road north on both sides. She questioned what is planned for traffic congestion at exit 12. Director Fox responded at last week's meeting of the Highway Safety Committee, Representative L'Heureux indicated he heard from residents of Hilton Drive. Ever since the airport access road opened (exit 13), traffic, particularly southbound in the afternoon on that stretch of D.W. Highway, has increased dramatically making it difficult for folks on Hilton Drive to make a left if trying to head South on D.W. Highway. That problem has been discussed internally over the past few years. Being a State section of road, there is not a lot the town can do. We do happen to own, as a town, the Bedford Road signal, which is where our portion of Daniel Webster stops. A consultant was hired and the NRPC to obtain updated traffic counts. The signal was optimized to try and mitigate the problem as much as possible

Looking big picture, there are a few solutions; adding capacity onto D.W. Highway (add lanes) or finishing the exit 12 interchange, which may help. Motorists trying to get to the north side of Merrimack used to have to go down to exit 11; now they can get off at exit 13. If they could get off at exit 12, a lot of that problem would go away. The NHDOT did address that at the Public Hearing noting they looked at that as part of the conceptual part of the project. Unfortunately, to construct that would require taking of houses on Back River Road. It was decided, at that time, that was not something they were going to pursue because of that. If that is a desire, it is something that would

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need to be relayed to the NHDOT to see if that is something folks are willing to accept. At this point, the NHDOT does not plan on finishing the interchange.

Town Manager Cabanel questioned why traffic studies show all of the apartments being approved will not result in additional traffic concerns. Director Fox stated the projects are reviewed. Not being a traffic engineer he has a hard time understanding it as well. He offered the explanation; there is already a problem and adding traffic from a new development, wherever it is, isn't causing the problem. It is hard to hold one accountable for it. Chairman Rothhaus stated his belief the impact is evening hours in particular and that there is a left turn lane that will get them off the road, so it is really not adding to the delay. It might back up a little, but the traffic is still flowing because the development has a dedicated lane to exit.

Director Fox stated his understanding Representative L'Heureux engaged in a discussion following the Public Hearing. He believes Representative L'Heureux is trying to organize a meeting on November 14th. It will be a sub-committee of the Highway Safety Committee. Director Fox also spoke with a resident who lives in Webster Green and whose parents live in Hilton Drive and suggested that she contact Representative L'Heureux and be a voice on the committee as well.

Councilor Albert questioned why the solution at exit 12 couldn't be running the southbound offramp onto Back River Road right where it makes the hard turn by Norm's Transmission as opposed to taking a number of houses. Director Fox stated he could ask if they considered that concept.

Assistant Town Manager/Finance Director Micali stated his belief that is part of Representative L'Heureux's plan. The State owns land on the other side of Norm's Transmission. Representative L'Heureux brought that up at the hearing. He believes that could be part of the discussion on November 14th. It also could be the exit 13 discussion.

Chairman Rothhaus stated the desire of the Council for the items noted to be codified in a letter that will be sent to the State as comments associated with the Public Hearing conducted on October 3, 2018. Town Manager Cabanel remarked she heard the desire for the letter to include the road names identified by Councilor Albert and those included in Director Fox's communication to be specifically called out relative to sound and sight barriers, the sidewalks on both sides of Wire Road and both sides on Baboosic, and that decibel testing be done during periods of peak flow.

Senator Gary Daniels, District 11, spoke of the sound barrier (6' stockade fence) located just south of 101 in Bedford, which he believes to be there because of density requirements of the Federal Government. He questioned how many of the Merrimack residents he heard during the Public Hearing would fall into a category where a sound barrier would not meet the definition of NHDOT. He does not know how to fight that. He has been fighting to get a sound barrier to replace that fence in Bedford for four years. He suggested the Council may wish to include reference to that in the written comments. He believes that is why NHDOT did not specify sound barriers in some places where residents are indicating they are needed. Senator Daniels stated it to be a matter of density requirements. Bedford has 2-acre zoning; there are not enough houses in the area to meet the Federal density requirements.

Councilor Dave Wheeler, Executive Council, District 5, remarked he held a Public Hearing on the Ten-Year Highway Plan in Town at the start of the year. That plan starts with the Executive Council.

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They ensured the project stayed in the plan in a reasonable time slot. One of the things that came out of the hearing was that construction could begin in 2021. It could be phased or happen all at once. Those decisions are yet to be made. Special Council is always made up of three Executive Councilors appointed by the Governor and the full Council to make the decisions to determine the necessity for the project. Those special committee members have some discretion in conditioning their approval. The input being provided by the residents and Council is of importance to the special committee and although NHDOT's official deadline for this project is tomorrow, comments provided to him whether by phone or in writing, have no deadline. The special committee is expected to decide in the timeframe of 4-6 weeks. He stated his belief there will be a sound wall (17.5' tall and overlap in the middle) and there is in the plan the Camp Sargent Road COOP. Councilor Albert commented on the density level of the neighborhoods he identified. Councilor Wheeler stated his belief the special committee will review maps, densities, etc., and provide for as many sound walls as possible.

3. Removal of Merrimack Toll Plaza Discussion

Submitted by Town Council Chairman Finlay Rothhaus

The Town Council to discuss potential options for the removal of the toll plazas in Merrimack.

Chairman Rothhaus noted Councilor Boyd brought the issue to the Council's attention. The desire is for a discussion to take place with the Council relative to what the town might be interested in, the cost of acceptance, etc.

Senator Daniels remarked as the ten-year plan went through the Legislature, he was able to put in an amendment to create a study committee to look at the removal of the tolls at exit 10 and 11. It passed, and a study committee was formed including three House members and one Senator. He volunteered to be on that and was made Chair. In the 2 meetings that have had, they have received significant documentation from the NHDOT. Rating agencies have all rated the NH Turnpike as an A+ or A1 rating. NHDOT is taking the position if we remove the tolls at exit 10 or 11 that will decrease the rating of the highway system. The bonds on exit 10 and 11 are 30-year bonds that were put in around 1990-1991. They will expire in 2020. He raised the question the previous day as he had been told the bond at exit 12 expired in 2024 although the toll is already gone. The documentation he had said it opened on November 29, 1990. He suspects that bond might expire in 2020 as well.

The reports he received showed an inequity for Merrimack versus other communities in that other communities have access from the highway and do not pay tolls. The Merrimack tolls were being used by the NHDOT to keep the people on the F.E. Everett Turnpike as they felt if the tolls were removed at exits 10, 11 or 12, motorists would be getting off early and trying to get around the toll. With the construction of the airport access road it was quickly learned motorists can make their way around the toll. He does not believe the removal of the toll at exit 12 has had an any affect on that.

Senator Daniels stated Merrimack tolls are revenue losers. What they are being told is revenue from Merrimack tolls (approx. \$1.3 million/yr. each or 1% of the turnpike system) have never covered the operating cost, maintenance, or debt service of those tolls. The 2018 operating and maintenance cost for the two tolls is \$1.12 million, which does not include debt service, toll collection, system maintenance or the easy pass customer service fees. The cost to collect the toll is anywhere from \$0.20 to \$0.93. At exit 11, it cost \$0.93 to collect the \$0.50 toll. The contention is, if the tolls are revenue losers, be rid of them.

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Senator Daniels stated when exit 10 was put in, the State also put in Industrial Drive and Continental Boulevard from the Dunkin Donuts down to Pennichuck Square. One of the things he wished the Council to discuss is, if they are able to get the State to remove those tolls, would the town be willing to take over the maintenance of Industrial Drive and Continental Boulevard from Dunkin Donuts down to Pennichuck Square. He stated his belief that area was recently tarred/paved at a cost of around \$650,000. He has been told the yearly maintenance is about \$100,000.

During the discussions conducted the previous day, they received answers to questions posed. He sensed a little bit of a lack of interest in the House members. The three House members had been presented with proposals to remove Merrimack tolls multiple times before and are therefore treating this as just another attempt. There is an acknowledgement of inequity. They understand that Merrimack is getting hit harder with tolls than other communities, but they appear not to be willing to support the removal of tolls unless a stable source of funding can be found to absorb any lost revenue. They did seem to be willing to entertain some proposal that they have not seen before.

Senator Daniels commented he is in the mode of trying to find something new and exciting for them to look at. Some of the things brought up as potential were a past initiative to cap the monthly cost that is applied to an easy pass from people that go through the tolls frequently (threshold of 33 trips). Another possibility is forcing agencies currently tapping the highway fund to go before Finance and justify their agency cost as opposed to it coming out of there. Currently there is some \$75 million taken out of that fund to fund things such as the State police, judicial system, Fish & Game; anyone that can indirectly get their hooks into that money. That is something that they seem to be able to do without having to go before the budget process. It may be that a few million dollars could be found in there. There is an expectation that traffic is going to increase. He needs to conduct further research to determine the level of increase expected and if that would make up the revenue that would be lost if taking out the tolls.

One idea that has not been floated before is legislation that has a trigger so that you are monitoring toll traffic and if it is determined the level of traffic needed to compensate for the loss in revenue is achieved two consecutive years then it would automatically initiate the removal of the tolls. We could implement all electronic tolling, but that comes at a cost. Another possibility is taking out one toll at a time. There is also the question of whether this is done in 2020 or in conjunction with the widening of the F.E. Everett Turnpike. The advantage to that would be that some of the heavier equipment would already be staged.

Representative Richard Barry, District 21, stated the way it is set up the Governor and Council identify how much the tolls are going to be and the Legislature; Senate and House, identify where the tolls will be and the discount. There is a discount if you have an easy pass that you purchased from New Hampshire. That is part of the reason why we have Councilor Wheeler helping us get these things squared away. It will work out to be numbers. There is an awful lot of emotion. They brought up letters written to the NHDOT about Merrimack wanting the access to the highway and that we would do almost anything (nearly 30 years ago). He believes the issue is if you are going to put a toll up it ought to be where the highest traffic is, and it ought to be relatively spread across the State.

Councilor Wheeler stated a piece he is working on is the fact that an individual gets the Easy Pass discount if purchasing a transponder in New Hampshire. We have a lot of out of state people who buy

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NH transponders. He wrote the Attorney General questioning if it would be constitutional if we simply state we will not sell transponders to non-residents. That would give us a place to make up revenue.

Chairman Rothhaus commented he did not realize that all three of the tolls (now 2) were losers. He always believed exit 11 was a money maker. Understanding it is not, he questions why it would remain. Senator Daniels agreed reiterating they are referring back to a letter from 1986 where the Council asked for the tolls to be put in to increase business. He makes the pitch to the department that we have an obligation if a bond is going to last for 30 years, when that 30 years is up, let this go away and let's also acknowledge that while it has helped Merrimack become a business hub it has also helped the State because we are taking in that business profits tax and the business enterprise tax. We have seen as much growth down in Nashua and they don't have any toll. Chairman Rothhaus clarified it was for business only. We couldn't get the traffic onto the highway because it was so jammed up. It was because of an inadequate system to begin with. The Selectmen of the time were being held hostage. He does not accept the argument and has not accepted it for the past 30 years.

Town Manager Cabanel questioned why anyone would keep toll plazas open that are losers and not close them out of spite to the Town of Merrimack. Senator Daniels stated they are losers in the fact that they are not covering the cost of the tolls. However, they are bringing in some revenue. If you take it away the level reduces. He commented he was not suggesting the need to make up everything that covers the cost, we need to make up what would be lost if they were to be removed.

Town Manager Cabanel remarked if the net is a loss it is a loss. Why would you keep it up and talk to the town about accepting Continental Boulevard out of spite? Senator Daniels stated his agreement commenting we are fighting bureaucracy.

Representative Barry stated that is one toll where it costs \$0.93 to raise the \$0.50. The other tolls (overhead) are making money. They are not making enough money to cover the whole thing. Town Manager Cabanel stated if it is costing you more than you are bringing in it is a loss and for the State to continue to take a position that we are going to leave the tolls in there and lose money every year just so Merrimack gets shafted is astounding to her. Senator Daniels responded their position is you still need to take care of the maintenance of the turnpike. Town Manager Cabanel questioned why Merrimack has to do that. Senator Daniels stated that to be his argument.

Councilor Boyd commented on his shock that three House members are worried about losing money on a toll booth that is already losing money. What has always bothered him is a place like Manchester where the NHDOT is putting up signs that tell all the drivers that it is your turnpike dollars hard at work, but there are no tolls in Manchester. He thanked Director Fox for putting together the cost sheet regarding Continental Boulevard. In the grand scheme of things it is a sobering amount of money. If the Council is going to contemplate taking out a toll and assuming responsibility, there is always a price tag involved. He was shocked at the amount involved. He spoke of drainage maintenance commenting Merrimack is an MS4 community, which is an unfunded mandate. The community has no idea of the cost of that and the drainage maintenance. This is one of three projects where Merrimack would potentially be assuming costs as it relates to the MS4 piece. With regard to the pavement overlay, the town has no idea of the condition of Continental Boulevard running all the way down from Dunkin Donuts to Pennichuck Square. While the cost estimates are relatively reasonable, those can change once you begin work and see what is actually underneath. That issue needs to be part

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of the conversation and whether there is the potential to cost share if it is deemed work needs to be done outside of ordinary maintenance.

Councilor Albert stated agreement the cost to accept maintenance of the roadways outweighs the taking of the tolls. If a toll is losing money it should be taken down. He does not believe the town should accept an offer such as this. What is to say if we were to agree to this that the NHDOT would not decide to put tolls down at exit 8 just after the Pennichuck overpass and we would be back to square 1 with all Merrimack motorists paying tolls. At some point, those tolls have got to go, but he has not heard anything yet that he finds acceptable.

Councilor Healey stated agreement with her colleagues that trading a few toll booths for \$200,000/year in extra costs that get passed on to the taxpayers is not a reasonable exchange. She questioned if the numbers are correct noting exit 10 goes off to the outlets and based on how many cars she sees from MA and elsewhere, she does not believe they all know the back roads from Nashua to get across the border. They are paying tolls. She stated her full agreement this is not a fair exchange to be rid of two toll booths that should not be there in the first place.

Councilor Harrington thanked the representatives for trying to think of something that will work for the community. She spoke to Councilor Wheeler noting discussion that had occurred around moving the Bedford tolls to below exit 10. Councilor Wheeler stated there was discussion about moving the Bedford toll south if it would pick up the people headed down the airport access road. Stimulus funding was used to build the airport access road and there were conditions on that funding that there could not be a toll on it. The money was provided because it was a shovel ready project and conditioned. The discussion wrapped around would the Federal Highway Administration, now that some years have passed, let us move the toll booths south to catch the airport access road. Of course the NHDOT loves that idea because it would capture a lot more revenue. There was also discussion in the ten-year highway plan, which passed, around raising the main line toll in Bedford 50%. He fought that increase. There was an empty promise that if you do this now and spend all of this money then maybe we would take out the ramp tolls, but the two were not connected. He thought that was a bad deal for Merrimack, and a 50% increase on the main line was unacceptable as well. They had lots of threats like we won't build and widen your F.E. Everett Turnpike, but guess what it is still in the plan and is headed down the pike at a reasonable time with some construction starting in 2021. That was the discussion around the tolls that was in the ten-year highway plan. The 50% increase was put in and the Governor negated it.

Councilor Harrington commented she knows all states are looking to get the All Electronic Tolling (AET). Councilor Wheeler stated it is scheduled in the ten-year highway plan for route 95 in Hampton. It is something he does not agree with if not having a cash lane.

Councilor Harrington commented moving the Bedford tolls below exit 10 is significantly south. If trying to move to AET, it would not take much to establish that. She stated her suspicion if we were to agree to this they will take the tolls out and put one below exit 10. Councilor Wheeler stated that is not something he would support. The toll booth in Bedford was just constructed. That was millions of dollars. To tear it down and move it 5 years later is ridiculous.

Chairman Rothhaus stated agreement with the comments expressed. He too expressed concern with the cost associated with maintenance of the roads.

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Vice Chairman Koenig asked for clarification when stating the cost to be \$0.93 to collect \$0.50, is that strictly the booth that is manned and the other is not the same number or is it the figures associated with the exit. The response was it is the cost of the manned booth. Senator Daniels stated all combined, open road tolling, etc., it comes out to \$0.16/transaction. Vice Chairman Koenig questioned the costs for exit 11 in its total. Representative Barry stated if you look at the costs allocated to these tolls they are saying they don't cover the total cost. Costs associated with health insurance, retirement benefits, etc. are not factored in. They cannot get them to add all that back in because they don't want to get their actuarial people involved. They are looking at today's cost. He has been trying to fight that for a while.

Councilor Wheeler stated as they were fighting the earlier tolls he went to the Chamber of Commerce and asked them to poll their people to determine the number of businesses on Route 3 that are benefitting from the traffic. What has not been looked at is the serious increase in traffic from 6:30 - 8:00 a.m. and 4:00 - 6:00 p.m. That has got to impact the businesses in one way or another. At the time, they didn't give him any positive factor that said we really need it and will fight for it. Representative Barry stated his disappointment the Council is taking the position it is. He believes it to be a little shortsighted. If looking at maybe \$150,000 - \$200,000 maintenance/year and the ability to avoid the traffic impact.

Senator Daniels suggested if that is the concern perhaps focus should be on getting rid of exit 11. Exit 10 came with Industrial Drive and Continental Boulevard. He believes it will be difficult to separate that.

Vice Chairman Koenig remarked if we throw Industrial Boulevard into the mix of maintenance it becomes a much bigger number. When the Merrimack Premium Outlets (MPO) were built they offered money to the State to be able to pull down those toll booths to allow them better access to their patrons. Senator Daniels indicated he was not aware of that. Vice Chairman Koenig stated the MPO made an appeal to the Governor and asked what kind of a number would help. He is uncertain they ever got a viable number. He knows they were interested. Whether they would do anything now he is uncertain. If the number the town is being asked to come up with is containable he would support it and it would make sense, but \$200,000 - \$300,000/year to take over Industrial and Continental could be a little bit out of hand.

Senator Daniels stated the next meeting to be on October 24th (1:00-3:00 p.m. in State House 103) and questioned the message he should bring back to the committee or if a member of the Council wished to attend the meeting and express the desire of the Council.

Councilor Albert indicated a willingness to attend. He stated his disappointment in the position Representative Barry has taken in that he would accept the cost of maintaining these roads to the taxpayers, which he is one of. He disagrees with that and believes that is shortsighted. He believes there to be a good likelihood the tolls can get built south of us and we would still be stuck with them.

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4. 101A Widening Project Sidewalk Discussion

Submitted by Town Council Chairman Finlay Rothhaus

The Town Council to discuss whether a sidewalk is warranted on the property near Home Depot.

Councilor Wheeler stated a Public Hearing was conducted on the 101A widening project and the relocation of the intersection of Craftsman Lane and Boston Post Road. Most agreed with the realignment of Craftsman Lane making it into a T shaped intersection. The State is in discussion with the church about the cut-thru road. They want to make sure they can get their buses in and out of the school in an orderly fashion. Most were in favor of the project that adds turning lanes; one eastbound into where the apple pie place was and if coming westbound onto Continental Boulevard, a dedicated turning lane there and improvements in turning into St. John Neumann or Friendly's.

The sidewalk issue came up and is one of the biggest issues. If the State builds it, they expect the town to maintain it. There is an existing sidewalk in front of the Harley Davidson dealer, crosses the Home Depot entrance, goes in front of the Dunkin Donuts and Pizza Hut. West of that the brush hasn't even been cut and the sidewalk is very narrow. The proposal is to put a sidewalk on the PC Connection side of the roadway as well. He questioned the will of the Council relative to having a sidewalk installed that the town would have to maintain. PC Connection has concerns relative to their parking lot and has sent a letter requesting the special committee delay its decision. It is important to note the grassy area that abuts 101A is mostly State owned. The proposal includes the installation of stormwater treatment swales, which he does not believe PC Connection is enamored with. It would affect that nice grassy green hill. Even the trees that are there are on State property. PC Connection puts a good amount of their snow there from plowing their parking lot, which they could not do if there were water treatment swales there.

Councilor Boyd expressed vehement opposition to the sidewalk on the south side, an objection he raised at the NRPC about a year and a half ago. Focus should be on connectivity between Craftsman Lane and Continental Boulevard connecting up with Naticook Road. If you want people to use that sidewalk, you have a unique opportunity to connect two neighborhoods by extending those improvements to Craftsman Lane; putting a sidewalk there, and then doing the same thing down by Talarico going eastbound on the northbound side of Continental Boulevard connecting up with Naticook Road. It connects two neighborhoods and the crosswalks that are proposed at the intersection of 101 and Continental by St. John Neumann. He would not want the community to assume responsibility for a sidewalk that nobody will use.

Councilor Thornton stated PC Connection has 1,000 employees. They are a good company for the community. He spoke of the speed of the traffic and his belief the sidewalk would not be used. He does not want to connect that sidewalk for people walking into Nashua.

Councilor Albert stated agreement with the remarks of his colleagues. Chairman Rothhaus stated agreement with the comments regarding the southern side of the road.

Councilor Koenig stated he would argue for the sidewalk, but that is because he knows a lot of people at PC Connection do walk. They are constantly looping around the St. John Neumann church. He suspects they might use that sidewalk and loop around their parking lot. If we don't get sidewalks when the opportunity exists we will never get sidewalks there. He believes the town has the capacity

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and capability to address the maintenance requirements. He agrees with Councilor Boyd that the sidewalk should be extended completely on the other side of the road to make those connections.

Councilor Wheeler remarked it could still stay in the plan that there be a signalized crossing from the PC Connection entrance over towards Craftsman Lane and a short section of sidewalk from the western Home Depot entrance. You get just around the corner to Craftsman Lane and there already is another short section of sidewalk there that could be connected to. The other possibility is in the design, if you want to leave the space for the sidewalk for the future, that could be done as well.

Representative Barry stated agreement commenting part is because of what PC Connection said during the last hearing; it is not just that they have kept it as a nice place (their existing sidewalk), but also the berm of it goes back into the parking lot. They are worried about there being granite in the area and stated a concern should granite be found and there be the need to dig it up as part of the sidewalk construction, there is the possibility they could lose their connection to the outside world, e.g., internet, electric. Were that to happen for a single day, it would result in a significant loss in revenue.

There being no objection, the Council went out of the regular order of business to take up Item #s 1, 2, and 3 under New Business.

1. Donation to Merrimack Police Department

Submitted by Captain Brian Levesque

Town Council to consider the acceptance and expenditure of a donation in the amount of \$142 from the campers at Naticook Day Camp to the Merrimack Police Canine “Dallas”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Brian Levesque, Merrimack Police Department, stated the donation to be from the Naticook Day Camp. A demo was done during the July camp. The parents wished to do something for the program and donated to the department.

MOTION made by Councilor Albert and seconded by Councilor Boyd to approve the acceptance and expenditure of a donation in the amount of One Hundred Forty Two Dollars (\$142) from the campers at Naticook Day Camp to the Merrimack Police Canine “Dallas”, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7-0-0

2. Donation to Merrimack Police Department

Submitted by Captain Brian Levesque

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$520 from Theodore Curtis and friends to the Merrimack Police Department’s Special Investigation Unit, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Levesque commented Mr. Curtis was a Detective/Police Office form 1983-2004. He has been residing in town since and has always been a huge supported of the Police Department. His focus has always been helping the department and community safety.

Ted Curtis, 21 Savannah Way

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Spoke of having celebrated a Birthday in July and of friends who wished to get him a gift. He suggested a donation to the Police Department; specifically, the undercover drug unit. Having worked in that unit in the '80s he understands there are times when they need access to cash on hand.

MOTION made by Councilor Albert and seconded by Councilor Harrington to approve the acceptance and expenditure of a donation in the amount of Five Hundred and Twenty Dollars (\$520) from Theodore Curtis and friends to the Merrimack Police Department's Special Investigation Unit, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7-0-0

3. Donation to the Parks and Recreation Department

Submitted by Parks and Recreation Director Matt Casparius

The Town Council to consider and acceptance and expenditure of a donation in the amount of \$500 from Santander Bank to the Parks and Recreation Department to be used towards the annual Halloween party and sponsor the Magic Show that will be held during the event, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance and expenditure of a donation in the amount of Five Hundred Dollars (\$500) from Santander Bank to the Parks and Recreation Department to be used towards the annual Halloween party and sponsor the Magic Show that will be held during the event, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7-0-0

The Council returned to the regular order of business.

5. Request to Acquire Conservation Easement on State Owned Parcel

Submitted by Town Manager Eileen Cabanel

The Town Council to consider officially requesting to acquire a conservation easement over a portion of a State owned parcel known as Tax Map 5C/659 for the purpose to have the Town Center trail from Watson Park to Wildcat Falls.

Town Manager Cabanel indicated the desire to reinforce that the Conservation Commission continues to have an interest in a conservation easement on the State owned parcel. The original request was that the Commission acquire the entire 56-acre parcel. At the time, the State indicated they wished to use the 56 acres as wetland mitigation for the project and that they would consider an easement going along the river. If wetland mitigation property it is now conserved land whether under the auspices of the Conservation Commission or not. She suggested they be asked to approve the request as part of the wetland mitigation.

The Council stated agreement with a letter being written requesting the easement.

6. Watson Park Update

Submitted by Public Works Director Kyle Fox and Parks & Rec. Director Matthew Casparius

The Town Council to receive an update on the Watson Park project.

Assistant Town Manager/Finance Director Micali spoke of a meeting with abutters to discuss the project. Three abutters attended (four people). The parking lot expansion was discussed as well as the

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volleyball/ice skating rink location, and potential expansion for lighting of the ice skating rink. All feedback received was positive. One resident noted the increased usage of the park may warrant an additional portable toilet. The closest abutter to the parking lot stated her support. She mentioned cars are going down and parking out back at night. The gate and fencing around the parking lot should address that situation.

When asked, he noted the lighting is not in the budget for the current year. If lighting were to be done it would be decorative. At the old location, the lights went out at 10:00 p.m. He suggested, were there to be a problem, the Council could consider reducing the hours of operation for the rink.

Although not related to the project, a resident wished to understand the Council's position on access to the river and waterfront. He informed them the Council has not discussed this, as of yet. They were concerned with access and people using it. Residents noted there are a lot of non-residents utilizing the park and questioned if use could be restricted. He informed them it could not be based on the funding source that had been utilized.

Town Manager Cabanel noted the project had a great deal of in-kind work done as the town's match. As a result, monies remained, which were utilized towards the pavilion.

Assistant Town Manager/Finance Director Micali noted the question was raised of trails getting from Twin Bridge Park to Watson Park. He informed the resident(s) the town does not own the property between the two parks. They discussed putting end of trail/private property signs up. They seemed receptive to that idea.

He stated the request to be for approval to move forward with the volleyball/ice skating rink portion of the project in the back left-hand corner. The hope is that the water line will be in this year. It is not believed possible because of time constraints (in before frost). The contractor that was going to be utilized has a full schedule. Another contractor would have to be identified.

When asked, he stated the parking lot will be completed. Posts are going in by early next week. Chairman Rothhaus questioned if the signs that had been discussed previously have been erected. Director Fox stated his recollection there was a question of whether they would be enforceable.

Councilor Healey questioned the funding source, and was informed monies were allocated from FY18 year-end unexpended appropriations.

MOTION made by Councilor Koenig and seconded by Councilor Harrington that the town move forward with the relocation of the ice rink to Watson Park in the section identified, with the hope of putting in volleyball courts as well

ON THE QUESTION

Councilor Boyd indicated he would be voting in opposition to the motion noting his displeasure with the location.

MOTION CARRIED 6-1-0

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Councilor Boyd voted in opposition

New Business

4. Health Insurance – Combine with School District

Submitted by Town Manager Eileen Cabanel

Town Council to review letter requesting Healthtrust combine claims information for the Town of Merrimack and Merrimack School District for the purpose of looking into whether combining entities would be beneficial to our overall rating for health insurance.

Town Manager Cabanel remarked the idea of whether it would increase buying power for health insurance by combining the School District and Town was discussed at the recent joint meeting. The answer is yes we can. Both entities have insurance through HealthTrust. Both parties could keep their respective plans. The advantage is that currently we are not fully credible because we are not completely rated on our own as we do not have enough employees. All that is required is the submission of written notification, by both parties, permitting HealthTrust to combine the data of both entities to identify rates for consideration.

Councilor Albert questioned if the plan the School District has would be beneficial for the town. Town Manager Cabanel spoke of the length of time and amount of work it took to obtain the current plans the town has and the great cost to the town if switching. The School District's plan is a much richer plan with rates that are significantly lower than the town's given their experience, age of employees, categories the town has, e.g., police officers, firefighters, etc.

Councilor Harrington stepped out of the room.

MOTION made by Councilor Koenig and seconded by Councilor Healey that a letter be sent to the HealthTrust requesting they combine claims information for the Town of Merrimack and the Merrimack School District for the purpose of looking into whether combining entities would be beneficial to our overall rating for health insurance. MOTION CARRIED 6-0-0

Councilor Harrington rejoined the meeting.

Minutes

Minutes of the September 13th meeting were previously approved.

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The following amendments were offered:

Page 17, Line 3; insert "Councilor Boyd spoke of" before "The Michael Loverme 5K"

Page 17, Line 16; replace "Councilor Boyd" with "Councilor Albert"

MOTION made by Councilor Boyd and seconded by Councilor Healey to accept the meeting minutes of the Town Council meeting of September 27, 2018, as amended. MOTION CARRIED 7-0-0

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Comments from the Press - None

Comments from the Public - None

Comments from the Council - None

Adjourn

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

The October 11, 2018 special meeting of the Town Council was adjourned at 9:54 p.m.

Submitted by Dawn MacMillan