

Approved: February 14, 2019

Posted: February 15, 2019



Town Council Meeting Minutes

Wednesday, January 16, 2019 at 6:30 PM, in the Matthew Thornton Room



Chairman Rothhaus called the meeting of the Town Council to order at 6:30 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.

Public Comment - None

Review of Proposed FY19 Budget

Library

Lora Philp, Chair, Library Board of Trustees (LBOT), spoke of an employee having the dual role of Administration/Circulation. The desire is to make that position full-time Administration and move circulation to another position (15 hr./week). The individual is unable to be effective in her Administration role with responsibilities divided between two departments.

A current part-time maintenance person will move to full-time, which, particularly given the individual's skill set, is believed to be a move that will result in cost savings in the long run. The position was full-time about 6 years ago.

The Trustees have added to the budget support and installation of a new server and seven new (replacement) computers. Asked who handles the I.T. needs, Yvette Couser, Director, Merrimack Public Library, responded the library has an outside vendor, Dick Lambert, who works with a lot of libraries in the area and understands the amount of firewall necessary with patron accounts.

Councilor Albert noted Line Item # 01-15-8321-0 Maintenance-Buildings, identifies \$1,500 for trash removal. Asked if Building & Grounds takes care of trash removal, Assistant Town Manager/Finance Director Paul Micali stated trash removal is under the Town contract. The library has their own dumpster and their budget covers the cost of that just as the other departments within the Town having their own dumpster, e.g., Fire Department. Because the individual who cleans the Police Department goes back and forth between Town Hall for supplies, etc., he puts the trash behind the Town Hall building. Town Hall has its own dumpster. The company the Town contracts with takes care of trash removal throughout the Town.

Councilor Harrington stated the increase from a part-time to full-time custodian should be reflected in 01-15-8107-0 Wages - Custodial. It includes benefits for full-time custodial aide, but the position is listed as part-time.

Councilor Thornton requested clarification of 01-15-8510-0 Capital Reserve Fund allocation. Assistant Town Manager/Finance Director Micali remarked the \$75,000 is believed to be a good

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placeholder for the window repair/replacement in the children's room. The windows sit below grade, and during times of heavy rain, there is flooding. The plan is to remove the windows, fill the troth in, and raise the manhole up to grade so that it slopes away from the building. Councilor Healey suggested the title of the line be changed to be more descriptive of the intent.

Kyle Fox, Director, Public Works Department, explained the drainage from the parking lot of the Library and the other structures in the parking lot tie into the drainage on D.W. Highway in front of the Library. The water flows south. The drainage system was designed for a 20-year storm. It is not the amount of rain, but the intensity. During times of intense storms the catch basins and drainage system fill up very quickly. Once the pipes are filled the water has nowhere to go and then backfills into the troth and causes the flooding into the children's room.

Chairman Rothhaus questioned if the windows are all sub-grade, and was informed 90% of the windows are sub-grade. Asked if there is any way to ensure the ability to gain light, Director Couser stated her understanding if there is any kind of window, even a small one, there is no guarantee water will not infiltrate. Her recommendation to the Board was to remove the windows. It is not believed that would diminish the experience of those using the children's room. She spoke of the disruption that occurs when the room must be closed because of flooding.

Assistant Town Manager/Finance Director Micali, noted the Risk Manager for Primex (insurance carrier) has visited the site. They will not provide reimbursement for the project. However, he did indicate if it gets to the point where it becomes too dark, there are things that could be done with telescoping lights (mirror that pushes light down).

Councilor Boyd questioned the need for an Office Manager. Director Couser stated there is currently an Office Manager. Presently there is an Administrative Assistant who spends 17 of the 40 hours covering circulation. The individual reports to two different department heads. The demands are great, and cannot all be met. The compromise was to reduce the number of hours in circulation to 15, have the Administrative Assistant dedicate the 40 hours to that position and hire a part-time individual to cover the circulation needs.

Councilor Healey questioned 01-15-8353-0 Computer Services (7 new computers) and 01-15-8504-0 Office Equipment (7 computer replacements) both of which include funding for computers. She also asked for clarification of the acronym LBOT fines. Assistant Town Manager/Finance Director Micali remarked responded the LBOT fines is Library Trustee funds. They previously contributed \$3,500 for certain items. The total LBOT contribution to the budget is \$23,000. Director Couser stated the identified costs are for the actual computers and the technician who installs the computers/server.

Solid Waste Disposal

Kyle Fox, Director, Public Works Department (PWD), stated most of the Public Works budgets are near flat lined. There are minor changes to different line items up and down trying to narrow in on the traditional path of what expenditures have been and what is needed for each line item.

01-09-8370-0 Landfill Monitoring; the \$6,500 increase is primarily due to the PFAS compounds found at the landfill. There is increasing testing and reporting to NHDES.

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Under 01-09-8910-0 Capital Reserve Fund Purchases, the \$60,000 increase is related to the purchase of a loader (replacing 2005 loader having 21,000 hours).

Councilor Boyd questioned the future of recyclables in terms of being a viable revenue generator. Director Fox stated he and Steve Doumas, Foreman, have been to a number of seminars and work closely with the Northeast Regional Resource Association (NRRRA). They are trying to get a handle on it as well. He spoke of China's National Sword Initiative, which was discussed last year, and says they will not take America's trash anymore. It is fully implemented now. The new normal is that not a lot of people want recyclables. The NRRRA has done a nice job of finding new markets. There are new initiatives opening up. Like with any major change, there will be something that fills the void. We're not 100% clear on what that is yet, and there may be more pain in the upcoming years. That cannot be predicted at this point. There are a number of towns that have stopped accepting glass and plastics, and have started saying to throw stuff into the trash. The Town is in a good position having signed a three-year contract two years ago. All single stream still being brought to Harvey Industries down in MA. They are a great company working on changing their model to accommodate the new normal.

Councilor Boyd questioned if there could be a period where there is a downtick. Director Kyle stated that to be possible.

Steve Doumas, Foreman, compiled the 2018 report for trash volume. Trash intake was 200 tons less than last year and our recycling is up 50 tons. That is reflected in the budget. We are still going in the right direction with recycling, and it is still more economical.

01-09-8388-0 Special Waste Disposal identifies \$65,000 as a budget amount. He questioned if the fees that are charged are insufficient to cover the cost of disposal for refrigerators, tires, etc. Director Fox stated when the last fee structure was set, the amounts were designed to simply cover costs. The 2018 report shows a net amount of \$1,400 to the positive last year, Electronics was \$6,000, propane tanks was a negative \$185, and tires were a negative \$1,400. The fee structure will be reviewed this spring. The \$65,000 shown in the budget has an offsetting revenue.

Asked if the report included an analysis of fee avoidance, e.g., individuals going to the transfer station dropping off tires without stopping into the shed to make their payment. Mr. Doumas spoke of difficulty with tracking that. There are cameras available to allow for monitoring and capturing of plate numbers, etc.

Director Fox commented the previous day the team at the facility found a commercial operator disposing of something they shouldn't have. He was caught and it will be rectified.

Councilor Albert questioned waste oil disposal and was told it is collected by Clean Harbors. In the past, the Town received revenue from that. With the price of crude oil down so is the price for that. The Town pays a flat rate every time the container is emptied.

Assistant Town Manager/Finance Director Micali noted the cameras are high definition cameras that allow for zooming. Chairman Rothhaus questioned the consequence of someone from out of Town utilizing the facility, and was told they are simply asked to leave and not come back.

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Councilor Healey questioned if stickers are being utilized, and was told last year approx. 10,000 were issued. Councilor Healey suggested posting photos of violators on the Facebook page. Mr. Doumas commented a lot of times when someone is caught and a plate number is visible, he will contact the Police Department who will send an officer to the residence.

Councilor Boyd questioned the future relationship with the Nashua Regional Planning Commission (NRPC) as it relates to the hazardous waste disposal program, e.g., will Merrimack be able to regionally host the events, or will residents be referred to Nashua. Director Fox stated the NRPC has put out the schedule for the next three years. They will be in Nashua as they have the permanent State cited facility that will hold anything remaining over when they do the collection. There is one satellite site this year, in Pelham, and then they do a Thursday night site.

Councilor Harrington questioned 01-09-8355-0 Solid Waste Disposal; specifically the rate increase for tipping fees at remote disposal site, and was told there was a typo and the rate should go from \$70 to \$71. The single stream should show it going from \$54.50 to \$57.50

Highway

Director Fox stated the Highway Division maintains all our streets, bridges, parks, anything infrastructure related around the public areas of Town.

01-08-8104-0 Wages - Other Full-Time is down over \$4,368 as a result of retirements of long-time employees and the positions being filled with individuals receiving lesser salaries.

01-08-8333-0 Maintenance-Vehicles; increase of \$19,000. Historical costs were reviewed to identify a budget that will address the needs.

01-08-8341-0 Sand & Salt; increase of \$5,000. A calculation was done of average use, which equates to 2,500 tons/salt and 1,000 tons/sand.

01-08-8359-0 Other Outside Services; increase of \$35,000 related solely to bringing in a contractor to crush more of the asphalt pile. The pile is crushed every few years. The material is then able to be used for things such as backing up pavement when roads are paved (lips).

Councilor Albert questioned if the ground-up asphalt could be used on trails in conservation areas for grooming. Director Fox stated it would depend on the location of the trail. It could be used in dry areas. It also depends on the kind of performance sought. It is not as good a material as a processed gravel the Town would pay for.

01-08-8371-0 Maintenance - Grounds (MYA); increase of \$35,000 due to two projects; repaving parking lot at the MYA building and repairs to the Bise Field house. When the joint loss committee went through this past spring to conduct the annual review of the facility, there were a number of items noted that need repair.

Councilor Boyd questioned if the basketball net infrastructure is being replaced. Lori Barrett, Operations Manager, responded the MYA has mentioned they may try to purchase ones that are like

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the ones that were put in at Wasserman Park. Assistant Town Manager/Finance Director Micali stated the MYA has provided the funds to replace those basketball courts.

Chairman Rothhaus questioned the timing, within the CIP, of the intersection of Wire Road, and was informed 2027. Director Fox stated the Town will receive Federal funding (80%) for the project, and that is when it is scheduled for. It is left in the CIP as a placeholder, but is beyond the 7-year span of the current CIP.

Director Fox stated initially Federal funding was not available, and the project was going to be done as a Town project. Had that occurred the recommendation would have been for it to be done sooner. The NRPC was key in helping the town get to the State and have them do a Road Safety Audit of the intersection. That was done and met whatever criteria it needed to in order to warrant Federal funding for the project. We will get a better project at less cost to the Town, but it will be a wait. Vice Chairman Koenig remarked it requires funds to fix it for safety reasons, but 8 years from now? Director Fox noted it to be a statewide program. There are a lot of communities with their hands out. Asked what the cost is expected to be, he indicated \$1.2 million.

01-08-8505-0 Infrastructure/Paving; level budget proposed. The two large projects proposed for the coming year are Pearson Road and a portion of Peaslee Road. The method being used for the reconstruction is like what was done on Amherst Road two years ago; asphalt injected reclaim. The reclaimer pulverizes the existing pavement into the base. They reclaim it a second time this time injecting liquid asphalt into the base creating a stronger base.

Asked if that would include the widening of the fog line, Director Fox stated when the project is completed it will be the standard 24' width of pavement. Traditionally lanes were striped at 12', which is typical for highways. All new roads (main roads) except for Continental Boulevard and D.W. Highway, when resurfaced, are striped at 10'. The idea is to try and give pedestrians and bicyclists a little more room. Some positive feedback has been received. It is also a traffic calming measure.

Councilor Harrington spoke of receiving a communication from a citizen asking about Woodbury Street sidewalk. She stated her recollection that involves the Transportation Alternatives Program (TAP) Grant. 01-08-8910-0 Capital Reserve Fund Purchases; \$128,000; asked if Federal Grant funds pay 80%, Director Fox stated that to be correct. The TAP Grant is a pot of money the Federal Government gives to states to help augment non-motorized modes of transportation.

A competitive grant application was submitted last fall (Baboosic Lake Road sidewalk). It was chosen as the #1 project in the Nashua region by the NRPC, and information from the State on the awards is pending. Typically there is about \$5 million in the program statewide and about \$35-\$40 million worth of requests.

It was noted the 80% Federal funding (for the sidewalk) is for the design aspect of the project only. Construction is listed in the CIP in FY21 (over \$770,000).

Chairman Rothhaus stated he had believed the entire cost of the project would be \$125,000. Director Fox noted the amount is not just for Woodbury street. It is also sidewalks on D.W. Highway. Asked how far they go, he stated his belief it goes from the Library to the MYA building. It would fill in two key gaps from the Master Plan created by the Town Center Committee in 2009.

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Assistant Town Manager/Finance Director Micali stated it is not from the Library to the MYA. The project is from the Library on Baboosic Lake Road to O'Gara Drive. In the second part of the project, the grant will install 1,200' of sidewalk along Woodbury Street connection to the high school to D.W. Highway and will tie into the Souhegan River Trail. That is the project that was presented during the CIP process (\$905,000 total; 80/20 split). The monies identified in the budget are for the design.

Councilor Boyd noted that does not include traveling northbound from Baboosic Lake Road on the D.W. Highway up to Wire Road.

Councilor Boyd requested addition information on the "traffic preemption" listed at a cost of \$5,000. Director Fox remarked in all the traffic signal cabinets around Town there are traffic preemption systems. The Fire Department has controllers in their vehicles that allows them, as they are approaching the intersection, to put a call in; just like the loops or cameras create a call when a car sits there, it does a preemptive call for the emergency services. Like any electronics, they fail all too often.

Councilor Boyd questioned 01-08-8505-0 Infrastructure/Paving; if it would include road grading for Farmer Road for the dirt roads off South Baboosic Lake Road that abut the lake. Director Fox responded if they were to do a major upgrade to a gravel road it would be the fund. Typically they purchase materials out of the materials line item, and the 8505 fund is just for paving and associated work, e.g., guardrail upgrades. Asked if road grading would continue, and if the department has the appropriate allocation in the budget, Director Fox stated they do. The main allocation for that is the labor. We own the grader and have the labor force to do it.

Councilor Healey questioned 01-08-8322-0 Maintenance-Grounds; \$5,000 allocated toward five picnic tables.

Lori Barrett stated the current tables are made of wood, and do not last. The desire is to put them on a replacement cycle. Councilor Healey questioned how many there are. The answer was unknown. Councilor Healey questioned if a smaller price could not be found, and was told the department will shop around. Director Fox noted all purchases go through a competitive bid process. Another aspect for the switch to more durable tables is situations such as last summer when the tables were thrown down the hill at Watson Park. That has also happened at Veterans Park. Steel picnic tables will be a lot heavier.

Vice Chairman Koenig questioned the reason for the increase (\$19,000) in 01-08-8333-0 Maintenance-Vehicles. The year before the actual in FY18 was almost the same number being sought this year, and last year the Council dropped it to \$125,000. He questioned if there was something the Board thought would not be needed that allowed for reducing that line and that is why it is back up again. Director Fox stated his expectation the line item will be over-expended. Vice Chairman Koenig questioned if the choice was to reduce it or just not know how much we would be spending on maintenance. Director Fox stated his belief it was a combination of both.

The budget is being prepared 18 months in advance. A review was done of the actuals from FY17 and FY18 and they were both in the area of \$143,000. The belief is that is what will be needed.

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Asked about the amount of the salt budget used to date, Ms. Barrett stated materials are at about 40%; lot of icing events have been addressed.

Equipment Maintenance

Director Fox stated the budget is up \$1,300 from last year. The division (5 employees; Foreman and Mechanics) maintains the entire Town fleet, e.g., Police vehicles, Fire vehicles, Solid Waste, etc.

Wastewater Treatment Fund

Director Fox noted the proposal for an increase in 31-10-8316-0 Bulking Agent (\$10,000) and 31-10-8311-0 Chemicals (\$12,000). Both are directly related to offsetting revenues. The reason for the increase is an increase in flows, taking in more sludge from other communities and taking in more septage than we had from other communities, primarily because the Milford Wastewater Treatment Facility is no longer taking septic haulers into their facility.

31-10-8331-0 Maintenance-Machinery is up \$47,810. 31-10-8359-0 Other Outside Services is up \$46,761 primarily due to administrative cost rebate that the Wastewater Fund gives to the General Fund. 31-10-8910-0 Capital Reserve Fund Purchases is up \$71,564 due to a need to replace the compost screener. It is a critical piece of equipment in making compost they sell. The current screener is a 2001.

Asked if any funds are being allocated for analysis of wastewater and sludge for PFAS, PFOS, etc. Sarita Croce, Assistant Director, Public Works/Wastewater, stated that does occur. 31-10-8359-0 Other Outside Services includes a \$30,000 allocation for water analysis. That is specifically for PFAS compounds. Councilor Boyd requested that be labeled to include that description.

Councilor Healey questioned the number of tests the allocation covers, and was told typically one water analysis will cost \$250. A soils analysis is slightly more. She noted the EPA is coming out with some new analytical methods, and there is uncertainty with what their cost will be. Councilor Healey stated her belief the annual test is coming up in the spring, and with the changes taking place with the wastewater at Saint-Gobain, it might be worth retesting on our end what exactly is coming out of there. Assistant Director Croce noted there is a sampling plan that will be followed as Saint-Gobain's treatment system comes on site. We want to know and confirm that when we collect samples their results are indicative of what we get for results. She suggested waiting a while before testing wastewater particularly influent at the wastewater just because it will likely take some time for there to be a substantial decrease. It is likely materials have accumulated in the pipe itself at the main interceptor.

Councilor Albert questioned the increase in 31-10-8332-0 Maintenance-Vehicles (\$7,000). The description is trucks, loaders and sewer cleaner. He questioned if it is the truck used to go into the manholes, and was told it is. He commented on a past issue with the vehicles not having an ease of operation, and questioned if this vehicle addresses that.

Chairman Rothhaus stated the vehicle being referenced is at the maintenance barn. Director Fox remarked it was not the vehicle that was the issue it was the way it had to go into the sludge tanks. He noted lowering the tank 3' will correct the issue of ergonomics.

Councilor Boyd questioned if there is an idea of what might be coming down for rules from the EPA, and what the associated cost might be. Assistant Director Croce commented at this point the EPA is in the process of looking at the PFAS compounds and the possibility of developing some additional standards. She does not see anything coming down the line in the next year. What she does see coming down the line is different methods to analyze everything. Right now the method used to complete the analysis for soils in wastewater is not approved by the EPA, and over the next year they are going to develop a method for approval by the EPA and drinking water regulations. This new method (direct inject) will be able to be used to do the analysis. She is uncertain what the cost will be. Presently they spend a lot of time putting the sample in different containers and drawing the sample out before injecting it in the machine that does the analysis. The method they are going to for wastewater and the soils and solids will be where they do everything in a single container and then inject it directly into the machine. There should be less loss of material, which should equate to a better analysis with less potential for interference by the sample collectors as well as the laboratory technicians. She believes it will be a good method.

Councilor Boyd questioned if the Town is doing testing for analytes in its compost. Director Croce stated it is done at least once a year. The results range between 5 ppb all the way to a high of 19 ppb. She stressed the method used to do the analysis is called an isotope dilution. You put something called a surrogate in the sample and then you analyze the surrogate afterwards. If you put in 10 parts of that surrogate and only recover 5 parts, then you double your result because you are saying that the analytical method wasn't good enough to get all the surrogate in. She believes when going to the new method there won't be that type of analysis, your result will be your result because EPA will say if you get the surrogate recovery between 65% or 75% up to 130%, the result is the result. They have a minimum standard that the sample must meet. If it doesn't meet that, it is thrown out. The other thing the EPA will likely do is say if the blank is contaminated with some of the analytes of concern then you end up throwing out those samples also.

Director Fox reiterated the results have been 5 - 19 ppb. The standard is 500 ppb.

Councilor Healey asked if she believes the EPA will come out with Maximum Contaminant Levels (MCLs) for the compost (technically 500 is for soil), Assistant Director Croce stated they won't come out with an MCL for compost. What they will come out with will be a concentration, e.g., grams per kilogram. What the big concern is when it comes to PFAS compounds in compost is that when it rains, how much of these PFAS materials will leach into groundwater. NHDES commented in their report that we don't have the leachability studies to make that determination at this point. They are looking to research to help us get to that point. She does not believe that is in the near future.

Councilor Albert questioned 31-10-8245-0 Sewer; \$58,000 City of Nashua, and was told the pump station located in Pennichuck Square (101A) serves all the commercial and industrial businesses in that area and spreads west into the Joey Road neighborhoods. All the sewer in that part of the town is sent to Nashua to be treated. The Town does not yet have a pipe that goes all the way up Continental Boulevard. It is in the sewer Masterplan.

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Buildings and Grounds

Director Fox stated the division maintains the Town Hall facilities, Abbie Griffin Park, Police Station, and Adult Community Center.

Last year the Council and voters approved converting a part-time custodian into a full-time position. That cost is fully embedded into the budget. The only other large change is a decrease of \$197,500 in 01-17-8502-0 Buildings, which relates to the one-time expense of the HVAC project approved last year.

Councilor Boyd questioned if the custodians are union or non-union employees, and was told they are non-union employees. When asked, Town Manager Cabanel stated she has a proposal regarding wages for non-union employees.

Public Works Administration

Director Fox stated the Administrative Division oversees all the other divisions within Public Works. In addition, they do all the engineering duties, work with other Town department, primarily Community Development with Planning Board reviews and other project reviews, and they oversee construction of sub-division and other projects in Town.

There are no changes from last year. The total budget is increased \$1,700 from FY19.

Councilor Boyd questioned what the summer interns will be doing for the PWD and how the Farmer's Market Assistant is working out. Director Fox stated the Farmer's Market assistant he presumes is working out well. He has very little to do with it other than processing payroll. Assistant Town Manager/Finance Director Micali stated the Farmer's Market did not have an assistant this year.

Director Fox remarked they have budgeted for 3 interns in the Admin. budget and 2 in the Wastewater budget. The two in Wastewater focus on testing and analysis. Last year a large effort was put into all five working in both areas. Having 5 allowed for a Pavement Condition Index (PCI) update on the entire road network in Town. There is now an up-to-date database on that. This year the primary focus of the hours of the 3 is on stormwater. We are under the new MS4 program. We are overdue for the approval from the EPA.

Vice Chairman Koenig commented it appears the roads are in poor condition in a lot of areas. He questioned the consensus of the PCI update. Director Fox responded we are falling behind. We're not funding our need for road maintenance. There are 180 miles of road in Town. To do simple math, if you did a 1¼" overlay on all 180 miles at the current funding, it is a 35-year paving cycle. Pavements typically last 10-15 years. The focus has been to utilize half of the allocation each year on the main roads.

If you go to a pavement management seminar, they will tell you the best way to run your program is to keep your good roads good. The philosophy is once you have repaired a road it is cheaper to do little maintenance like crack sealing, etc. that will extend the life of your pavement versus putting money into your worst roads. That philosophy says punt your worst roads until you have money for reconstruction. That works great in a State setting where they have more funds, straighter roads, and a

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different funding source. The way the Town has structured the program to try and be cognizant of everybody's needs and the fact that everybody pays taxes, is with the half put into the main roads, the idea is we're trying to get them good and then we want to keep them good, and the funds put into the subdivision roads they do a sort of worst first take.

Vice Chairman Koenig commented on the efforts of the Town Manager to build up the infrastructure account. It seems to have stabilized at \$800,000 - \$1 million/year. It sounds like that is only about 1/3 of what we need. Town Manager Cabanel spoke of it taking some time to get to that level of savings. When creating budgets you are trying to accomplish a certain goal, meet a certain tax rate level. What she tries to do is give the Council a base to start with. If it so desires, the Council can add more. Vice Chairman Koenig stated agreement with the need to increase the amount in the budget to cover the cost.

Councilor Healey commented it appears every department has charges for cell phones, and questioned if there is a single contract for the Town. Town Manager Cabanel stated certain levels of staff that need cell phones in their roles have their own cell phones and are reimbursed.

Comments from the Press - None

Comments from the Public – None

Comments from the Council - None

Adjourn

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

The January 16, 2019 meeting of the Town Council was adjourned at 8:15 p.m.

Submitted by Dawn MacMillan