

Approved: February 28, 2019

Posted: March 5, 2019



Town Council Meeting Minutes

February 14, 2019 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

Chairman Rothhaus, on behalf of the Council, expressed deepest sympathy to the family and friends of James Hall. Mr. Hall passed away on January 31st at the age of 71. Jim was employed by the Town as a firefighter for nearly 25 years; was a lieutenant for 13 years, and retired as Captain in 1995.

Chairman Rothhaus offered condolences to the family and friends of David Spence. Mr. Spence passed away on February 1st at the age of 70. David served as an EMT for Merrimack Fire and Rescue for many years as well as a call firefighter. He was the spouse of Betty Spence, who was a long-time Town employee, served on the Board of Selectmen and Town Council, and was the Town Clerk/Tax Collector.

Town offices will be closed on Monday, February 18th in observance of Presidents Day.

Filing period for Town Officers to be elected at Town Meeting is Wednesday, February 20th through Friday, March 1st at 5:00 p.m.

Regular meetings of the Town Council will be conducted on Thursday, February 28th and March 14th at 7:00 p.m. in the Matthew Thornton Room.

The Deliberative Session will be conducted on Wednesday, March 13th, at the James Mastricola Upper Elementary School in the All-Purpose Room.

The Parks & Recreation Department invites you to join them on Saturday, February 23rd for the 27th Annual Winter Carnival, which will be held at Wasserman Park from 12:00 - 3:00 p.m. This annual event features a variety of free indoor and outdoor games, crafts and other activities.

Town Manager Cabanel thanked the Public Works Department staff for their efforts during the recent storm.

Highway Garage Project Update

The Highway Department is now moved into the new highway garage. Demolition and retrofitting of the former facility for vehicle storage will begin shortly (hoped to be completed within the next 8 weeks).

Comments from the Press and Public

Mike Malzone, 8 East Chamberlain Road

Requested the censure and removal of Alastair Millns from the Merrimack Planning Board. He provided examples of his reasoning including recent ordering of the Community Development Department to not notify abutters of Planning Board meetings.

Mr. Malzone stated, at the December 18th meeting, Overlook Estates, which has gone past the scope of work that had been requested before the Town at a Planning Board meeting, was looking for an amendment to Tax Map 5D-4, Lot 099. The matter was tabled until a later date. A note added at the end, by Mr. Millns, was to not notify the abutters and residents of this next meeting. Mr. Malzone found the item was later put on the agenda for the January 22nd meeting, and was voted on with no notices to the abutters or through the website.

He stated he finds this to be appalling noting he has been before the Council in the past relative to legal notices in newsprint, and was promised this would occur. It did for some time, and then ended.

He requested the Council either address the problem or ask for resignations of people in the Community Development Department or the Town Manager herself.

He reiterated it is unacceptable to have a member of the Planning Board say not to notify the abutters.

None of the notices went out regarding that agenda item, abutters were not notified, and the matter was voted on. That is unacceptable, and he is very disappointed by the Town Council, the Town Manager, and the Planning Board.

Councilor Boyd asked for additional clarification of the meeting dates. Mr. Malzone stated the December 18th meeting was the meeting for which he received a legal notice in the mail. At that meeting, a continuance was requested, with Mr. Millns indicating at the end of the meeting not to notify the abutters. He questioned again why that would be requested. Not only did the abutters not receive legal notices, and commented that was the convenient date that none of those notifications went out on the website.

Chairman Rothhaus stated he would have to look into the matter. He stated his suspicion it is a matter of if a meeting is noticed and then continued, there is no requirement for additional notification.

Mr. Malzone stated concern with not receiving an email notification.

Vice Chairman Koenig stated it to be standard practice when a meeting is continued from a meeting that has been legally noticed, that the follow-on meetings will not be legally noticed because that statement at the Planning Board meeting is in fact a legal notice of the continuance to the new date. That is the reason Mr. Millns made his statement saying the meeting will be continued to this date, time, and place, without further legal notice to the abutters. He has heard him say that hundreds of times. That is stated at every meeting where there is a continuance.

Mr. Malzone questioned the Community Development Department not posting notification on the website.

Vice Chairman Koenig stated the agendas are always put on the website. Mr. Malzone stated they are always sent out to the list. This one was not.

Vice Chairman Koenig stated he could not speak to that.

Mr. Malzone remarked that is extreme coincidence, and looked for agreement. He stated that to be the first time that has not gone out. He commented he is curious if it was just him that did not receive it or if it was everyone.

Recognitions, Resignations and Retirements

1. Recognition of Town Committee Member

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

The Town Council to present a plaque to the following individual for her volunteer service to the Town of Merrimack:

- Fran L'Heureux – Zoning Board of Adjustment

Chairman Rothhaus presented Fran L'Heureux with a plaque in recognition of her volunteer service to the Town of Merrimack for over 10 years as a member of the Zoning Board of Adjustment. He extended sincere appreciation for her continual commitment and hours dedicated to enhance the quality of life for the Merrimack community.

Councilor Boyd commented when he and his wife purchased their home in 2005, he set about to get to know his neighbors, Mr. & Mrs. L'Heureux were two of the first he met. He spoke of developing a relationship with them and learning of what they have done in the community. He thanked Ms. L'Heureux for her guidance during the three years they served together on the Economic Development Committee, and spoke of the many ways in which Mr. & Mrs. L'Heureux have served the community over the years.

Appointments - None

Public Hearing

1. Public Hearing – Proposed Municipal 2019-20 Operating Budget and Warrant Articles

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

The Town Council will hold a public hearing to discuss the following:

- 2019/20 Proposed Municipal Operating Budget
- Collective Bargaining Agreements
- Capital Reserve Deposits General Fund
- Capital Reserve Deposits Wastewater
- Capital Reserve Purchase Fire CRF
- Change in Fire CRF to add Town Council as Agents to Expend

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- Proposed Issuance of Debt, as follows:
 - To raise and appropriate the sum of \$13,100,000 for Wastewater Treatment upgrades to the Souhegan, Thornton Ferry Pump stations as well as the Main Pump Station and miscellaneous upgrades to the main plant to include installation, and to authorize the issuance of not more than \$13,100,000 of bonds or notes.
- Petitioned Bonds, if any
- Other Petitioned Warrant Articles, if any

These hearings are being held pursuant to the requirements of NH RSA 33:8-a (I), NH RSA 32:5, I, NH RSA 21:35, NH RSA 40:13 II-b and Town of Merrimack Charter Article 8-3.

2019/20 Proposed Municipal Operating Budget

Chairman Rothhaus declared the Public Hearing open at 7:20 p.m.

Town Manager Cabanel provided a PowerPoint Presentation (can be viewed [here](#)).

A chart was displayed depicting appropriations and revenues approved for FY19 and proposed for FY20.

The largest impact to the increase in appropriations is the Wastewater Treatment Facility Phase III Bond (\$13,100,000). An additional \$200,000 is proposed for road resurfacing to bring the total appropriation for FY20 to \$1,000,000. Under revenues, the use of fund balance to offset the amount that must be raised through taxes, is proposed to be increased by \$216,588 (\$100,000 was added in addition to the \$116,588 from the Workers' Compensation rebate).

Noted was Capital Reserve Fund Expenditures, State & Federal Grants, bond for the Wastewater Treatment Facility, and self-supporting funds, are appropriations that have equal offsetting revenue, e.g., no impact on the tax rate.

Total to be raised by taxes is \$17,277,772, which represents a decrease of \$156,908 or 0.90% from FY19. At this point in time, utilizing last year's Town value of \$3,419,436,486, the tax rate would be \$5.05 or a reduction of \$0.05 from FY19. This does not include warrant articles for union contracts, which represent an impact on the tax rate of \$0.05.

Addressing the items that impact the proposed FY20 budget, Town Manager Cabanel noted the increased cost of health insurance (Guaranteed Maximum Rate (GMR) of 10.1% increase). The Town was informed earlier in the day the actual amount of increase will likely be lowered by 1%. Workers Compensation went up and down in various categories resulting in a collective increase of \$31,000. Debt service is decreased by \$24,000 as a result of a reduction in interest. The purchase of voting booths was in the FY19 budget and not in the FY20 budget (reduction of \$19,000). Vehicle maintenance increased by \$25,000. Maintenance of buildings and grounds increased by \$17,000. The Community Development pool car is not in the FY20 budget (\$20,000 reduction). The Naticook Lake beach/pond dredging at Wasserman Park is at a cost of \$95,000 (new item). The purchase of four police cruisers (1 additional over FY19) and fit-up (of all four), is at a cost of \$50,000.

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Councilor Albert commented, in past years, funds were encumbered for the cost of fit-up. Assistant Town Manager/Finance Director Micali stated his belief, at this time, there are no funds available in the current fiscal year to encumber.

Town Manager Cabanel continued, noting the increase of \$25,000 for the MYA parking lot and \$17,000 for the MYA programs/Bise concession stand. As was mentioned, the allocation to paving infrastructure was increased by \$200,000. The HVAC system in Town Hall was done in FY19. That cost, \$197,000, was removed from the FY20 budget. Other minor increases total \$17,798. Contractual raises for one union total \$59,000. Compensated absences is an amount set aside for those employees eligible to retire; reduction of \$160,000 and retirement costs have a reduction of \$98,000. Membership in the New Hampshire Municipal Association totals \$17,000 (reduced rate) for FY20. Allocation to consultants has reduced by \$20,000 (space needs for police station). The allocation for the 4th of July activities is \$10,000.

A staffing adjustment (part-time to full-time) at the Library resulted in an increase of \$22,000. Overtime costs are reduced for the Fire Department by \$16,000 and the Police department by \$48,000. The cost for paving the fire department lots is an increase of \$25,000. Outside services (ambulance collection fees) increased by \$13,000. Total expenditures (increases and decreases) results in a cost of \$115,798.

Regarding revenue, increases over FY19 were identified as ambulance revenue \$25,000, interest income \$55,500, building permits \$15,000, dump fees \$12,000 and administrative charges of \$75,000. Decreases were identified for the School Resource Officer grant (\$85,000), sale of property (\$15,500), miscellaneous charges for services (\$6,555). The net revenue increase is \$75,445.

Proposed Capital Reserve Fund (CRF) purchases include computer equipment; licenses and server upgrades \$50,000, road infrastructure; drainage improvements \$200,000, D.W. & Woodbury Street sidewalk project \$128,000 (recommend removal from budget as grant was not obtained), Turkey Hill Road intersection \$300,000, and Depot Street boat ramp \$15,000 for a total of \$643,000. From the Highway CRF; ¾ ton pickup \$35,000, 6-wheel dump truck, H-20 \$180,000, 6-wheel dump truck, H-30 \$180,000, traffic light pre-emption \$5,000, and landscape trailer \$15,000 for a total of \$415,000. Solid Waste CRF; loader \$250,000, and under the Library CRF; windows for the children's room \$75,000 (addresses flooding issue). Total CRF purchases from the General Fund \$1,433,000.

Under the Wastewater CRF, Sewer Infrastructure (self-supporting fund paid by user fees); manhole/sewer line rehab \$25,000, screener \$305,000, sewer rate study \$25,000, and replacement instruments & controller \$14,564 for a total of \$369,564.

Total CRF purchases proposed for FY20 of \$1,802,564.

Town Manager Cabanel stated her recommendation for a 3% wage increase for non-union staff. Unlike union employees, non-union employees do not have step increases or other benefits contained in union contracts, e.g., educational incentives, longevity pay. There are 45 non-union employees. The group is made up of department heads and secondary level, e.g., deputy chiefs, assistant chiefs, confidential positions such as those in the Town Manager's Office, and clerical staff. By and large, non-union employees are exempt (not hourly), and don't have access to overtime. She requested the Council support her recommendation. The cost (inclusive of associated benefits) totals \$114,057.

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Town Manager Cabanel spoke of the decision to increase the Town's value. The presentation noted last year's value of \$3,419,436,486. It is known there is at least one property that will have a value of \$20 million. When that \$20 million is added to the Town's value, it reduces the tax rate by approx. \$0.03, which is what the wage increase for non-union employees represents. She stressed, the value will change regardless of any other action.

Also recommended is that the allocation/revenue amount of \$128,000 for the D.W. & Woodbury sidewalk design be removed as a result of the grant not being obtained.

Assistant Town Manager/Finance Director Micali noted both the Wastewater and Media department budgets would be impacted by a wage increase for non-union employees; \$5,326 and \$4,667 respectively. Those amounts are offset by revenue as one is an enterprise fund and the other self-supporting.

Councilor Harrington spoke of the concession provided by union employees relative to health insurance, and questioned if the same is true for the non-union employees. The response received was "absolutely".

Councilor Healey questioned if the recommended changes would allow the budget to remain level funded. Town Manager Cabanel remarked we were at \$5.05, add in the union contracts, which represent another \$0.05, add in the general fund portion of the non-union wage increase, the sidewalks are both expenditure and revenue (wash), and add another \$20 million to value, and you are at zero. That is inclusive of CRF deposits. It would be level funded; \$5.10 in the current year, and \$5.10 proposed for FY20.

No Public Comment was received.

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

MOTION made by Councilor Boyd and seconded by Councilor Albert to add One Hundred Fourteen Thousand Fifty-Seven Dollars (\$114,057) in non-union wage increases under the General Government line item, and furthermore to add \$5,326 in non-union wage increases under Wastewater and Four Thousand Six Hundred and Sixty-Seven (\$4,667) in non-union wage increases under the Media Department, as recommended by the Town Manager. MOTION CARRIED 7-0-0

MOTION made by Councilor Boyd and seconded by Councilor Albert to remove from the proposed FY20 budget (under appropriations and revenue) One Hundred Twenty-Eight Thousand Dollars (\$128,000) from Highway as it relates to the Capital Reserve Fund purchases for the D.W. Highway and Woodbury Sidewalk design (Account 01-08-8590). MOTION CARRIED 7-0-0

MOTION made by Councilor Boyd and seconded by Councilor Harrington to move to the Warrant a proposed Municipal 2019-2020 Operating Budget of Thirty-Two Million Seven Hundred Seventy-Six Thousand Six Hundred Ninety-Three Dollars (\$32,776,693). MOTION CARRIED 7-0-0

Collective Bargaining Agreements

Chairman Rothhaus declared the Public Hearing open at 7:52 p.m.

Town Manager Cabanel noted the Council previously approved the Collective Bargaining Agreements (CBAs) and moved them to the Warrant.

The tax on high-cost employer-sponsored health coverage under the Affordable Care Act (not yet instituted), is 40% of the cost of health coverage that exceeds predetermined threshold amounts. Each of the unions has conceded, should that be established and implemented, they will adjust their health insurance plans to go below the definition of a Cadillac plan.

IAFF 2904 - Firefighters and Paramedics of the Fire Department

The 4-year CBA (July 1, 2019 - June 30, 2023) has a wage adjustment of 2% in each year of the contract.

NEPBA 112 - Police Dispatchers and Office Staff

The 1-year contract (July 1, 2019 - June 30, 2020) has a wage adjustment of 2% effective July 1, 2019.

Teamsters, Local 633 - Public Works Supervisors and Secretaries

The CBA is with the Wastewater Chief Operator, Industrial Pretreatment Manager, Laboratory Manager, Wastewater Maintenance Manager, Equipment Maintenance Foreman, Secretary/Scale Operator, Secretary, Solid Waste Foreman, Roads and Bridges Foreman, Construction and Highway Foreman, Parks and Recreation Foreman, and Assistant Maintenance Manager.

The 3-year CBA (July 1, 2019 - June 30, 2022) includes a wage increase of 2% in each year of the contract, a change in the short-term disability insurance to go from 70% up to \$700 per week to 60% without a cap, an increase in the boot allowance from \$130 to \$200 per year, and other small benefit and language changes specific to the needs of the group as well as the Town.

AFSCME 93, Local 3657 - Police and Fire Supervisors

The Collective Bargaining Agreement (CBA) is with Police Lieutenants, Captains, Deputy Fire Chief, Fire Captains, Fire Marshal, Fire Administrative Officer, Fire Lieutenants, Fire Inspectors, and Assistant Communications Supervisor.

The 4-year CBA (July 1, 2019 - June 30, 2023) has initial wage adjustments of 3% effective July 1, 2019 for fire employees and 2% effective July 1 in each year of the 4 years of the contract for all employees in the union.

Police Department employees can earn an additional incentive of \$416/year if they attain certification in 2 additional FBI - Law Enforcement Executive Development Association (LEEDA) Leadership Institutes. This incentive is in addition to the current command training certification incentive for having certification in one of these leadership institutes.

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The prescription drug plan is changed to be the same plan as all other full-time employees, RX \$10/20/45.

There is an increased incentive for Fire Department Paramedic Certification; from \$1,500 to \$3,500/year. This pertains to Fire Department employees only.

There is an increase in the life insurance benefit for spouse and children to \$10,000.

The agreement also includes other small benefit and language changes specific to the needs of the group as well as the Town.

AFSCME 93, Local 2986 - Public Works Department Laborers

The CBA is with the Maintainer I, Recycling Attendant, Equipment Operator I, Operator I, Mechanic I, Equipment Operator II, Compost Foreman, Equipment Operator III, Lab Technician, Operator II, Mechanic II, and Operator II/Lab Technician.

The 3-year contract (July 1, 2019 - June 30, 2022) includes a 2% wage increase effective July 1 in each of the 3 years of the contract for all employees in the union, a change in the differential pay from \$0.75/hour to \$1.00/hour, an increase in the clothing allowance from \$200 to \$275 and effective July 1, 2021, an increase to \$300, and other small benefit and language changes specific to the needs of the group as well as the Town.

Councilor Albert questioned if legal counsel was utilized during negotiations. Town Manager Cabanel remarked legal counsel was utilized to address language changes. In addition, negotiations went to impasse with AFSCME 93, Local 2986. Legal counsel was utilized for a day of mediation.

All contracts were negotiated by the Town Manager, Assistant Town Manager/Finance Director, and the Human Resources Coordinator. Councilor Albert complimented staff and the unions for coming together to negotiate the contracts.

No Public Comment was received.

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

Capital Reserve Deposits General Fund

Chairman Rothhaus declared the Public Hearing open at 7:59 p.m.

Town Manager Cabanel spoke of the change to the budget process as it relates to CRF deposits. The CRF deposits were previously included in the operating budget. They have been removed from the operating budget, and will be presented in a separate warrant article.

CRF deposits is a mechanism for setting monies aside (saving) for future capital projects. Saving over time rather than incurring large expenditures in a single year, avoids large spikes/variations in the tax rate and/or the need to bond when large purchases must be made. The Capital Improvement Plan (CIP) identifies items planned for future purchase as well as estimated costs.

Town Manager Cabanel stressed the importance of the article passing at Town Meeting. A chart was displayed identifying the planned CRF deposits for FY20 as well as deposits made in FY19. They include: Liability Trust Fund \$10,000; covers deductibles on claims, ambulance \$80,000, communications equipment \$125,000, computer equipment \$35,000, Daniel Webster Highway \$50,000, fire equipment \$250,000, highway equipment \$400,000, library building maintenance \$75,000, property revaluation \$15,000, solid waste disposal \$125,000, traffic signal pre-emption \$5,000, GIS \$20,000, road infrastructure \$450,000, and Milfoil \$10,000 for a total of \$1,650,000.

Town Manager Cabanel reiterated with the passage of this article, union contracts, and the operating budget, there will be no increase in the tax rate for the Town.

No Public Comment was received.

Chairman Rothhaus declared the Public Hearing closed at 8:02 p.m.

MOTION made by Councilor Koenig and seconded by Councilor Healey to move to the Warrant proposed Capital Reserve Fund Deposits in the amount of One Million Six Hundred Fifty Thousand Dollars (\$1,650,000). MOTION CARRIED 7-0-0

Town Manager Cabanel stated her disappointment in the Department of Revenue (DOR) for requiring the CRF deposits to be placed on a separate warrant article making it very confusing for the public, which has already approved the CRFs and endorse the idea of saving for capital projects over time. There is the possibility the confusion could result in the articles not passing, which would place the Town in the position of not being able to address capital expenditures through this mechanism and having the ability to pay in cash for large purchases.

Councilor Harrington spoke of the efforts that have been undertaken to inform/educate the public on this matter because of the importance of passage of the articles. She noted a presentation that will be shown on local cable regarding these articles. She is hopeful the efforts will have the desired result. She offered to make the presentation at any other venue desired. To date, presentations have been made at the Rotary and Senior Center. Plans are underway to make the presentation at a few churches as well.

Councilor Boyd remarked this is an issue the Council should engage the legislative delegation on to see if there is a legislative remedy available.

Town Manager Cabanel stated it to be very unusual to have such usage of CRFs. Most towns bond for large purchases. There are towns that bond on a yearly basis. Merrimack is unique in a very positive way in this regard.

Councilor Boyd requested the discussion be placed on a future agenda. Representative Rosemarie Rung was in the audience, and indicated she has taken note of the request.

Capital Reserve Deposits Wastewater

Chairman Rothhaus declared the Public Hearing open at 8:08 p.m.

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Proposed deposits into the CRF for sewer infrastructure improvements total \$350,000.

Town Manager Cabanel remarked this is the same issue of a savings mechanism. They have been separated as one impacts the tax rate and the other impacts the sewer rate.

No Public Comment was received.

Chairman Rothhaus declared the Public Hearing closed at 8:09 p.m.

MOTION made by Councilor Koenig and seconded by Councilor Boyd to move to the Warrant a proposed Wastewater Treatment Facility Capital Reserve Fund deposit of Three Hundred Fifty Thousand Dollars (\$350,000). MOTION CARRIED 7-0-0

Capital Reserve Purchase Fire CRF

Chairman Rothhaus declared the Public Hearing open at 8:09 p.m.

Purchases from the CRF for fire apparatus include computer replacement \$15,000, fire suppression hose \$17,000, and large diameter supply hose \$15,000 for a total of \$47,000.

No Public Comment was received.

Chairman Rothhaus declared the Public Hearing closed at 8:12 p.m.

MOTION made by Councilor Harrington and seconded by Councilor Thornton to move to the Warrant a proposed withdrawal from the Fire Capital Reserve Fund in the amount of Forty-Seven Thousand Dollars (\$47,000) for large diameter hose, supply hose, and computer replacement for the fire truck apparatus. MOTION CARRIED 7-0-0

Change in Fire CRF to add Town Council as Agents to Expend

Chairman Rothhaus declared the Public Hearing open at 8:13 p.m.

Each of the CRFs were approved by the voters. At that time, voters designated the Town Council as agents to expend. For some reason, this CRF does not include that language. This article will permit the Council to be agents to expend these funds on the specific items that were designated by the voters for expenditure from the CRF.

No Public Comment was received.

Chairman Rothhaus declared the Public Hearing closed at 8:14 p.m.

MOTION made by Councilor Harrington and seconded by Councilor Koenig to move to the Warrant a proposed change to the Fire Equipment Capital Reserve Fund to allow the Town Council to be agents to expend. MOTION CARRIED 7-0-0

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Proposed Issuance of Debt, as follows:

- To raise and appropriate the sum of \$13,100,000 for Wastewater Treatment upgrades to the Souhegan, Thornton Ferry Pump stations as well as the Main Pump Station and miscellaneous upgrades to the main plant to include installation, and to authorize the issuance of not more than \$13,100,000 of bonds or notes.

Chairman Rothhaus declared the Public Hearing open at 8:14 p.m.

Town Manager Cabanel stated this to be a bond that would be paid for by the sewer users, and would not impact the tax rate. The thirty-year bond is through the State Revolving Loan Fund, which provides the opportunity for payments to begin one year after substantial completion of the project as opposed to a bond that would require payments to begin 6 month after the bond is sold.

The project includes upgrades to the Souhegan, Thornton Ferry pump stations as well as the main pump station and miscellaneous upgrades to the main plant to include installation.

Town Manager Cabanel spoke of the presentation provided the Council at its [November 15, 2018](#) meeting. The presentation can be aired on MerrimackTV.

She spoke of the critical nature of the bond noting we are nearing the 50-year anniversary of the construction of that plant. Much of the equipment is that age. This is the first part of a phased project. This year, we are proposing a \$13,100,000 bond, and next year another \$9,000,000 bond will be proposed to complete this phase of the upgrade.

The concern is with the potential of equipment failure resulting in an emergency expenditure. She requested the public consider that and recognize this is a bond that would be paid for by the sewer users and not the tax payers.

Councilor Harrington noted the current rate for residential is \$242/year cost. Gradual increases would occur over the ten years of the bond (every other year) resulting in a cost of \$341/year. There are currently 85 wastewater treatment facilities in the State. At the present time, Merrimack is 5th from the lowest in terms of cost. After the ten-year period, Merrimack will be the 13th lowest, assuming no increases in other towns.

No Public Comment was received.

Chairman Rothhaus declared the Public Hearing closed at 8:22 p.m.

MOTION made by Councilor Thornton and seconded by Councilor Harrington to move to the Warrant a proposed Bond for Thirteen Million One Hundred Thousand Dollars (\$13,100,000) for Wastewater Treatment upgrades to the Souhegan, Thornton Ferry pump stations as well as the main pump station and miscellaneous upgrades to the main plant. MOTION CARRIED 7-0-0

Town Manager Cabanel reiterated the importance of passage of the articles specifically noting the Wastewater Treatment Facility bond requires a 2/3 majority to pass.

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The Deliberative Session is Wednesday, March 13, 2019 at 7:00 p.m. at the James Mastricola Upper Elementary School All Purpose Room. Snow date is Thursday, March 13, 2019.

Annual voting day is Tuesday, April 9, 2019 from 7:00 a.m. - 7:00 p.m. at the following locations:

James Mastricola Upper Elementary School All Purpose Room, 26 Baboosic Lake Road
St. John Neumann Church, 708 Milford Road (Route 101A)
Merrimack Middle School, 31 Madeline Bennett Lane

Legislative Updates from State Representative

Representative Rosemarie Rung informed the Council the New Hampshire House, earlier in the day, passed a bill (HB497), which would uphold the promise made by the State to pay a portion of the employer's contribution to the New Hampshire Retirement System (NHRS) for group 1 and group 2 members. The State's payment to the NHRS was reduced from 35% in 2008 to 0% as of 2012. This bill will require the State to pay 15% of the cost to the NHRS reducing the burden on our local communities.

Representative Rung, on behalf of herself and Representatives Thomas, Stack, and Murphy, stated, except for the bill intended to establish a commission to study the environmental and health impacts of PFOA contamination, which is scheduled for a public hearing on March 5th at 11:15 a.m., all bills they have submitted have gone through public hearing and are awaiting executive session.

Senate Bill 287 to reduce the maximum contaminate levels of PFAS had a public hearing on Tuesday. There was some resistance from the DES as they wish to have the purview of controlling what those levels are rather than a legislative solution.

At the request of the Town Clerk, she signed in against HB613, which would have required, at the time of car registrations, residents showing proof of insurance through the registration year. The Town Clerk felt that would pose undue burden on clerks to track that as many times the registration date does not sync in with the insurance effective date. The committee voted to retain that.

Senate Bill 300 was sponsored by Senator Shannon Chandley with Representatives Hinch, Barry, Stack, Thomas, and Rung as co-sponsors. The bill is to eliminate the ramp tolls at exit 11. A public hearing is scheduled for Tuesday, February 19, 2019 in the Legislative Office Building (Room 103) at 1:00 p.m. Were it to pass, it would become effective July 1st.

Town Manager Cabanel spoke of Representative Barry and Senator Daniels having come before the Council. The Town had not been able to gain information on revenue versus expenditures on each of the tolls. At that time, it was indicated the cost to collect the revenue at one of the tolls exceeded the expense of having the toll booth in operation.

Representative Rung stated she has had that discussion with members of the Public Works Committee who oversee the toll situation. What is very interesting is that to them just gross revenue is important. From gross revenue they earn toll credits with the Federal Government, which can be applied to large

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public infrastructure projects like rail. The toll payers in Merrimack in a way are underwriting some of the cost of rail should it come to the State.

Representative Rung stated she has informed members of the Public Works Committee that as long as there are tolls in Merrimack, she will not support rail.

Councilor Boyd questioned Representative Rung's thought process behind HB1120, which is to license apprentices and students studying to be tattoo artists. Representative Rung stated she is unfamiliar with the bill, and believes it might be on the consent calendar earlier in the day. She will look into it.

Councilor Boyd stated his understanding we are collecting about \$11,000 in fees and paying someone \$80,000 to oversee the program to collect that \$11,000.

Representative Rung remarked the challenge is in the number of bills (over 700 this session). She has been focused on those she has sponsored or co-sponsored; will follow them through and talk to committee members to try to influence their position, and is paying attention to bills in her own committees. When getting to general house bills, unless those that have been brought to her attention, she will defer to the committee's decision because they have received all the public testimony, information from the departments and divisions of the State.

Town Manager's Report

Town Manager Cabanel spoke of a solar and wood burning exemption petition received. It is a group initiative petition warrant article that came in on January 11th. Legal counsel was contacted and advised there is not sufficient time to put a notice in and conduct a public hearing for it to go directly onto the warrant. It would require the Council to take some action; conduct a public hearing (and take a position). It would become a Council initiative. The Council would have to call a special meeting on or before the 22nd of the month. There is a range of percentages the Council could decide upon regarding an exemption. The Council could also adopt it through Ordinance.

Councilor Albert spoke of not having seen the information. Town Manager Cabanel stated the intent of the submittal is for 100% exemption on all solar panels and wood burning. Asked what that would mean in terms of dollars, Town Manager Cabanel provided the example of a resident having solar panels on their home and that amenity being assessed at \$20,000, the petition asks that the \$20,000 be exempted. Councilor Albert stated concern with unintended consequences.

Town Manager Cabanel stated the language states the exemption from assessed value for property tax purposes for persons owning real property, which is equipped with a wood heating energy system. Councilor Thornton stated that to be an outdoor furnace that is piped into the house.

Councilor Healey remarked if you use propane are you getting taxed on that, oil, wood, etc. She is uncertain if the RSA language has the meaning it appears to have.

Town Manager Cabanel stated the Town currently has \$2.6 million in value for solar amenities. There is a large location that may be as much as \$10 million. It could be that exemptions would be as much as \$12,600,000.

Approved: February 28, 2019

Posted: March 5, 2019

Chairman Rothhaus commented should the Council wish to move this forward it could go into play this year. If not, it would be postponed until next year.

Councilor Boyd spoke of previous discussion of a solar exemption. Chief Currier had raised concerns over how that exemption might impact some of the changes he was trying to develop from the building permit perspective as it related to the materials used in terms of flammability, public safety, etc. He would like the Council to gain further input from Chief Currier.

Councilor Albert stated he does not agree with rushing something of this nature through the process. He would like to have a complete understanding of the impact of revenue lost. Councilor Healey agreed additional time is needed for consideration. Councilor Boyd commented having done prior research on the solar aspect, at the time, out of the 9,000± households and businesses in Town there were less than 100 that had solar panels on their property. The result would be that the majority of the taxpayers would be subsidizing the exemption on those properties. If a significant uptick in the number of properties having that amenity had been seen in the past few years, it would have lent credence to having the discussion. He is uncertain about the number of wood burning systems.

Assistant Town Manager/Finance Director Micali stated RSA [72:69](#) reads: “In this subdivision “woodheating energy system” means a wood burning appliance designed to operate as a central heating system to heat the interior of a building. The appliance may burn wood solely or burn wood in combination with another fuel. A central heating system shall include a central appliance to distribute heat by a series of pipes, ducts or similar distribution system throughout a single building or group of buildings. A wood burning appliance shall not include a fireplace, meaning a hearth, fire chamber or similarly prepared place with a chimney intended to be usable in an open configuration whether or not it may also be closed and operated closed; or a wood stove meaning a wood burning appliance designed for space heating purposes which does not operate as a central heating system or as a sole source of heat.”

It was noted the Council is required to hold a Public Hearing for the petition prior to April 12th.

MOTION made by Councilor Boyd and seconded by Councilor Thornton that the Public Hearing on the Petition presented by Amanda Hyde-Berger be placed on the agenda for the Council’s meeting of March 28, 2019. MOTION CARRIED 6-1-0 Councilor Koenig voted in opposition

Consent Agenda - None

Old Business - None

New Business

1. Review of the 2019-2020 Default Budget

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali
The Town Council will review the 2019-2020 Default Budget.

A slide was displayed outlining a comparison of the default tax rate.

Approved: February 28, 2019

Posted: March 5, 2019

The default budget is the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced, and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures.

Last year's approved budget was in the amount of \$34,511,890. The NEPBA 12 contract has a cost of \$70,783; associated benefits include health insurance \$76,375, a reduction in NHRS of (\$74,600), and Workers Compensation cost of \$30,327. One-time purchases (reductions) include capital expenditures of (\$279,690), CRF deposits (\$1,950,000), elections (\$3,979), and CRF purchases (\$1,752,311).

In FY19, there was a reduction in debt service of (\$1,253,954). In FY19, Debt service totals \$1,142,795. The total FY20 default budget is \$30,517,636.

When identifying the tax rate associated with a default budget, you must consider revenues. The estimated default revenue is \$15,949,341. That is determined by the proposed revenue of \$17,521,505 less the general fund capital reserve withdrawals of \$1,202,600 and the Wastewater Treatment Fund Capital Reserve withdrawals of \$369,564.

Vice Chairman Koenig noted the Council approved the use of \$666,588 of fund balance for the budget. If going to a default budget, we would not necessarily be using the \$666,588 from the general fund. Assistant Town Manager/Finance Director Micali stated he utilized that to provide an apples-to-apples comparison. Vice Chairman Koenig stated his belief that should not be included when discussing a default budget. To say if they vote for a default budget, they will get a lower property tax, he does not believe to be the case. Assistant Town Manager/Finance Director Micali remarked if not using the fund balance that \$666,588 reduction would be lost. Vice Chairman Koenig remarked the Council put that in place specifically to make this year's budget work. If going to the default budget, he would not assume that would be in there as there would now be other issues to be addressed.

Vice Chairman Koenig suggested the use of fund balance be removed from the calculation of the default tax rate. When asked, Assistant Town Manager/Finance Director Micali stated that could be done noting revenues are not voted on until September. If removed, there would be a \$0.01 differential in the tax rate.

Councilor Healey agreed with removing the use of fund balance from the calculation of the default budget.

MOTION made by Councilor Koenig and seconded by Councilor Harrington to move the default budget in the amount of Thirty Million Five Hundred Seventeen Thousand Six Hundred Thirty-Six Dollars (\$30,517,636) to the Warrant. MOTION CARRIED 7-0-0

2. Review of the 2019 Town Warrant

Submitted by Finance Director Paul T. Micali

The Town Council to review and make recommendations on each article of the 2019 Town Warrant.

Approved: February 28, 2019

Posted: March 5, 2019

Assistant Town Manager/Finance Director Micali recommended the numbering of the articles be amended. Local 3657 ratified the contract a day earlier than Teamsters Local 633. He requested the order be changed.

Article 2

Shall the Town vote to raise and appropriate the sum of \$13,100,000 (gross budget) for Waste Water Treatment upgrades to the Souhegan, Thornton Ferry Pump stations as well as the Main Pump Station and miscellaneous upgrades to the main plant to include installation, and to authorize the issuance of not more than \$13,100,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Town Council to issue and negotiate such bonds or notes and to determine the rate of interest thereon; and to further authorize the Town Council to apply for, obtain and accept any federal, state, or other aid, grants or other funds, that may be made available in conjunction with said purpose that may reduce the amount to be financed with bonds and notes, and to participate in the State Revolving Fund (SRF) RSA 486:14 established for this purpose; and to allow the Town Council to take any other action or to pass any other vote relative thereto. (2/3rd ballot vote required for approval)

MOTION made by Councilor Boyd and seconded by Councilor Koenig to recommend Article 2.
MOTION CARRIED 7-0-0

Article 3

Shall the Town vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$32,780,643 Should this article be defeated, the default budget shall be \$30,517,636, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the Town Council may hold one (1) special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Healey to recommend Article 3.
MOTION CARRIED 7-0-0

Article 4

To see if the town will vote to raise and appropriate the sum of \$1,640,000 to be added to the following Capital Reserve Funds previously established for the purposes for which they were created.

CRF	Amount to be Deposited
Ambulance	80,000
Communications Equipment	125,000
Computer Equipment	35,000
Daniel Webster Highway	50,000
Fire Equipment	250,000
Highway Equipment	400,000

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Library Building Maintenance Fund	75,000
Property Revaluation	15,000
Solid Waste Disposal	125,000
Traffic Signal Pre-emption	5,000
Property Insurance Deductible Trust Fund	10,000
GIS	20,000
Road Infrastructure CRF	<u>450,000</u>
Total CRF	1,640,000
Milfoil Expendable Trust Fund	<u>10,000</u>
Total General Fund Deposits	1,650,000

These appropriations are **not** included in the total town operating budget warrant article 3. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Koenig to recommend Article 4.
MOTION CARRIED 7-0-0

Article 5

To see if the town will vote to raise and appropriate the sum of \$350,000 to be added to the Sewer Infrastructure Capital Reserve Fund previously established. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Albert to recommend Article 5.
MOTION CARRIED 7-0-0

Article 6

To see if the town will vote to raise and appropriate the sum of \$47,000 for buying Large diameter Hose, Supply hose, and Computer replacement for Fire Truck apparatus and to authorize the withdrawal of \$47,000 from the Fire Equipment Capital Reserve Fund created for that purpose. (Majority vote required)

MOTION made by Councilor Boyd and seconded by Councilor Healey to recommend Article 6.
MOTION CARRIED 7-0-0

Article 7

Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the IAFF, Local 2904, which calls for the following increases in salaries and benefits at the current staffing levels:

Fiscal Year	Wage Increase	Wage and Benefit Costs Increase
2019-20	2%	\$ 53,411

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2020-21	2%	62,596
2021-22	2%	65,281
2022-23	2%	81,689

and further to raise and appropriate the sum of \$53,411 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers the Firefighters and Paramedics of the Fire Department. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Albert to recommend Article 7.

MOTION CARRIED 7-0-0

Article 8

Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the New England Police Benevolent Association, Local 112, which calls for the following increases in salaries and benefits at the current staffing levels:

Fiscal Year	Wage Increase	Wage and Benefit Costs Increase
2019-20	2%	\$ 11,184

and further to raise and appropriate the sum of \$11,184 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers the Dispatchers and Office Staff of the Police Department. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Albert to recommend Article 8.

MOTION CARRIED 7-0-0

Article 9

Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the American Federation of State, County and Municipal Employees 93, Local 3657, which calls for the following increases in salaries and benefits at the current staffing levels:

Fiscal Year	Wage Increase	Wage and Benefit Costs Increase
2019-20	2%	\$ 68,421
2020-21	2%	34,216
2021-22	2%	34,163
2022-23	2%	33,952

and further to raise and appropriate the sum of \$68,421 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new

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agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers the supervisory employees of the Fire and Police Departments (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Healey to recommend Article 9.

MOTION CARRIED 7-0-0

Article 10

Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the Teamsters, Local 633, which calls for the following increases in salaries and benefits at the current staffing levels:

Fiscal Year	Wage Increase	Wage and Benefit Costs Increase
2019-20	2%	\$ 18,146
2020-21	2%	18,180
2021-22	2%	16,927

and further to raise and appropriate the sum of \$18,146 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers supervisory and clerical employees of the Highway, Solid Waste Disposal, Wastewater Treatment, and Equipment Maintenance Divisions of the Public Works Department. (Majority vote required.)

MOTION made by Councilor Boyd and seconded by Councilor Albert to recommend Article 10.

MOTION CARRIED 7-0-0

Article 11

Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and American Federation of State, County and Municipal Employees 93, Local 2986, which calls for the following increases in salaries and benefits at the current staffing levels:

Fiscal Year	Wage Increase	Wage and Benefit Costs Increase
2019-20	2%	\$ 51,542
2020-21	2%	54,246
2021-22	2%	56,640

and further to raise and appropriate the sum of \$51,542 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers labors of the Highway, Solid Waste Disposal, Wastewater Treatment, and Equipment Maintenance Divisions of the Public Works Department. (Majority vote required.)

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MOTION made by Councilor Boyd and seconded by Councilor Koenig to recommend Article 11.
MOTION CARRIED 7-0-0

Article 12

To see if the town will vote to appoint the Town Council as agents to expend from the Fire Equipment Capital Reserve Fund previously established in 1972 Article 8. (Majority vote required)

MOTION made by Councilor Boyd and seconded by Councilor Healey to recommend Article 12.
MOTION CARRIED 7-0-0

MOTION made by Councilor Koenig and seconded by Councilor Thornton to waive the reading of Articles 2 through 12 of the Warrant. MOTION CARRIED 7-0-0

Chairman Rothhaus read the following into the record:

“2019 Town Warrant
Town of Merrimack
6 Baboosic Lake Road, Merrimack, New Hampshire 03054

The State of New Hampshire

To the inhabitants of the Town of Merrimack in the County of Hillsborough in said state, qualified to vote in town affairs:

You are hereby notified that the First Session (*Deliberative*) of the Annual Meeting of the Town of Merrimack will be held at the Mastricola Upper Elementary School’s All-Purpose Room on Baboosic Lake Road in said Merrimack on Wednesday, March 13, 2019 (snow date Thursday, March 14, 2019), at 7:00 o’clock in the evening (pm) for explanation, discussion, and debate of each Warrant Article. Warrant Articles may be amended at this session per RSA 40:13, IV.

You are hereby notified that the Second Session (*Ballot Voting*) of the Annual Meeting of the Town of Merrimack will be held on Tuesday, April 9, 2019, at 7:00 o’clock in the forenoon (am) for the choice of town officers elected by official ballot, to vote on questions required by law to be inserted on the Official Ballot, and to vote on all Warrant Articles from the First Session on Official Ballot per RSA 40:13, VII. The polling places for the election of town officers, and other actions required to be inserted on the ballot, will open on said date at 7:00 o’clock in the forenoon (am) and will not close earlier than 7:00 o’clock in the evening (pm).

The three aforementioned polling places will be as follows:

James Mastricola Upper Elementary School All-Purpose Room, 26 Baboosic Lake Road
St. John Neumann Church, 708 Milford Road (Route 101A)
Merrimack Middle School, 31 Madeline Bennett Lane

Article 1

Approved: February 28, 2019

Posted: March 5, 2019

To choose all necessary town officers for the ensuing year.

Two (2) Town Councilors 3-year term

Two (2) Ethics Committee Member for a 3-year term

One (1) Trustee of Trust Funds for a 3-year term

One (1) Library Trustee for a 3-year term

Article 13

Shall the Town vote to allow Keno games to be operated as prescribed by state law within Merrimack (by petition) (Majority vote required.)”

MOTION made by Councilor Boyd and seconded by Councilor Harrington to move the Town Warrant to Deliberative Session on March 13, 2019. MOTION CARRIED 7-0-0

3. 2nd Quarter Financial Review

Submitted by Finance Director Paul T. Micali

Finance Director Paul Micali will review the key financial information of the quarter ending December 31, 2018.

Assistant Town Manager/Finance Director Micali stated, at this time, there are sufficient appropriations for operations, and the belief all revenue projections will be met.

Health insurance is trending up for the General Fund; \$1,423,072.88 (quarter ending 12-31-18), which is approx. \$123,000 greater than the same period in the prior year. A rate increase was experienced as well as staffing level increases in addition to the change in census.

Regarding NHRS, due to staffing levels, an increase is seen in each of the categories.

Speaking specifically to the major areas in terms of a comparison of overtime costs, Assistant Town Manager/Finance Director Micali noted both the Police and Fire Departments are trending downward. That is related to staffing levels being up, the Special Investigation Unit being fully operational, and the patrol positions being backfilled. The other departments are all trending downward.

Councilor Albert spoke of 3 vacant positions within the Police Department. It was noted the report covers the quarter ending 12-31-18. Because it was trending down prior to the openings, it is not believed there will be a problem not exceeding last year's numbers.

Regarding revenue, we are at about \$500,000 in interest earned. The new Treasurer has done a great job.

Revenue from auto registrations is up. For the period in question, it was at approx. \$2.7 million, which represents an approx. \$127,000 increase from the same period last year. However, the number of registrations is not trending up. Revenue from building permits is at \$93,125 compared to the same time last year when it was \$82,270.

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Posted: March 5, 2019

The Charter states the Town must go out to bid for auditors every 5 years. That bid process is underway.

Minutes

January 16, 2019

The following amendments were offered:

Page 1, Line 18; insert “(LBOT) after “Trustees”

Page 5, Line 6; replace the period with a question mark

Page 8, Line 16; insert “Councilor Healey” at the start of the sentence

Page 9, Line 4; replace “engineers” with “interns”

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the minutes of the January 16, 2019 meeting, as amended. MOTION CARRIED 7-0-0

January 17, 2019

The following amendments were offered:

Page 11, Line 46; spell out “vacation”

Page 12, Line 33; insert “transit” following “para”

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the minutes of the January 17, 2019 meeting, as amended. MOTION CARRIED 7-0-0

January 23, 2019

The following amendments were offered:

Page 2, Line 33; insert a comma following “through”

Page 11, Line 29; “MOTION” should be underlined

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the minutes of the January 23, 2019 meeting, as amended. MOTION CARRIED 6-0-1
Councilor Albert Abstained

January 24, 2019

The following amendments were offered:

Page 7, Lines 46 and 47; correct spacing

Page 8, Lines 44 and 45; correct spacing

Approved: February 28, 2019

Posted: March 5, 2019

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the minutes of the January 24, 2019 meeting, as amended. **MOTION CARRIED** 6-0-1
Councilor Albert Abstained

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Albert thanked the Council, Town Manager, and Town staff for the condolences, kind words, and thoughts around the loss of his father.

Adjourn

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

The February 14, 2019 meeting of the Town Council was adjourned at 9:37 p.m.

Submitted by Dawn MacMillan