

Approved: March 14, 2019

Posted: March 15, 2019



## Town Council Meeting Minutes

February 28, 2019 at 7:00 PM, in the Matthew Thornton Room

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

### Pledge of Allegiance

Vice Chairman Koenig led in the Pledge of Allegiance.

### Announcements

The filing period for Town offices to be elected at Town Meeting ends on Friday, March 1, 2019 at 5:00 p.m. Open positions: two (3 year) positions on the Town Council, two (3 year) positions on the Ethics Committee, one (3 year) position on the Board of Library Trustees, and one (3 year) position on the Trustees of the Trust Fund.

The Town's Deliberative Session will be conducted at the James Mastricola Upper Elementary School (JMUES) in the All-Purpose Room on Wednesday, March 13, 2019 at 7:00 p.m. The snow date is March 14<sup>th</sup> at the same time and location.

The Merrimack School District's Deliberative Session will take place at JMUES in the All-Purpose Room on Tuesday, March 5, 2019 at 7:00 p.m. The snow date is March 7<sup>th</sup> at the same time and location.

The Merrimack Village District's (MVD's) Annual Meeting will be conducted at JMUES in the All-Purpose Room on Tuesday, March 26, 2019 at 7:00 p.m.

The New Hampshire Department of Environmental Services Maximum Contaminant Levels (MCLs) for PFCs, public hearing session will be held at JMUES in the All-Purpose Room on Monday, March 4, 2019 from 5:30 - 9:00 p.m.

A special meeting of the Town Council will be conducted on Wednesday, March 13, 2019 directly following the Deliberative Session at JMUES in the All-Purpose Room. This special meeting is intended to allow the Council to discuss the Deliberative Session.

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

### Highway Garage Project Update

Assistant Town Manager/Finance Director Micali commented the old garage is being re-sided to match the new facility. He questioned if the Council wished to name the new facility. An open house for the taxpayers of Merrimack will be conducted towards the end of May (date to follow).

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Councilor Albert spoke of a survey put out by the Parks and Recreation Committee seeking information on what residents wish to see done by the committee/department, e.g., activities. The survey can be found on the department's [webpage](#), Facebook page, and on the Friends of the Merrimack Dog Park site. A paper copy is also available at Town Hall.

### **Comments from the Press and Public**

Connie Ouellette, 45 Island Drive

Stated a desire to address safety concerns regarding the entrance to her neighborhood from the south heading towards Nashua. The only way to avoid traffic concerns is by going up to Dunkin Donuts and making a U-turn. During times of bad weather, traffic cannot see residents entering. A stop sign is good, they know they are yielding/stopping exiting. It is the entrance, with the other traffic coming straight from Route 3, that is a concern.

Margaret O'Neill, 60 Island Drive

Stated she has used the intersection for 40 years. Norma French worked to obtain the left-turn lane to come in from the north and going south on D.W. Drive. The proposal shows a stop sign at the north end of D.W. Drive. That is not where the issue is. The issue is at the crossover. People from the condominiums don't use their stop sign and rush across, and people coming from Island Drive going north to make a left-hand turn and go south on D.W. Highway are forced to slam on their brakes (several accidents in the area). In addition, there are motorists skirting D.W. Highway during rush hour by going up D.W. Drive and cutting back into the traffic flow. There is no sense in putting a stop sign at the north end of D.W. Drive. It would be better to put it either before Island Drive or before the condominiums.

The cut-over does not have room for two cars. There are buses going through there and cars turning in instead of coming up D.W. Drive. There is the need for it to be widened and a yellow line going all the way up D.W. Drive because people don't understand that is a two-way street. Motorists see a sign when traveling north on D.W. Drive, but not when traveling in the left-turn lane. The diagram that was provided is incorrect. The yield sign is fine, has been there for 40 years, and is working fine. The problem is back down further across from the condominiums.

There is the need for additional visibility with the stop sign and for the condominium association to enforce their own rules, and for the Town to enforce it.

### **Recognitions, Resignations and Retirements**

#### **1. Recognition of Retirement of Town Employee**

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present an award to Master Patrolman Jim Sullivan in recognition of his resignation after almost 14 years of full-time service with the Town of Merrimack Police Department. He will be awarded with a plaque. Jim resigned effective on January 29, 2019.

Denise Roy, Chief of Police, remarked Master Patrolman Sullivan started with the Department as a part-time officer in 2000 from D.W. College where he was doing security. They immediately knew he

**Approved: March 14, 2019**

**Posted: March 15, 2019**

was the right fit having that community-policing base. In 2005, he became a full-time officer. Over the past 19 years he has had a myriad of positions; patrol, detectives. He has been involved in many large cases, e.g., integral part of solving a bank robbery. Most recently, he was assigned to the Academy as a Cadre, which is someone who mentors new officers. It was known that would be a great fit as he has been a field training officer for the department, which is an individual relied upon to mentor new officers and help integrate them into our community policing philosophy/culture.

Chief Roy expressed her gratitude for all Officer Sullivan has done for the department and community over the years.

Officer Sullivan thanked the Town for the opportunity to increase his experience through police work, and those he has worked with over the years.

Officer Sullivan was presented with a plaque in recognition of his loyal and dedicated service to the Town of Merrimack.

### **Appointments**

#### **1. Trustees of Trust Funds Update / Review**

Submitted by Trustees of Trust Funds Chairman Chris Christensen

Town Council to be presented with the details of the Performance Update of the Trustees of Trust Funds.

Chris Christensen, Chairman, Trustees of Trust Funds, stated the Trustees are elected for 3-year terms, on an alternating basis, and manage funds the Town owns. A page on the Town's website includes annual reports, agendas and minutes of meetings, lists some of the RSAs the Trustees are guided by, and the investment policy, which is updated annually.

The books are audited yearly as part of the Town's audit. Copies of the reports go to the Council, the Department of Revenue Administration, and the Attorney General.

The Trustees also participate in the audits of the school district and the MVD as the Trustees manage their Capital Reserve Funds (CRF). Some of the perpetual funds also relate to the school district.

The funds are broken down into two categories expendable (CRF), which are funds that can be expended by the Council. The Trustees are charged with ensuring the funds are expended for the purpose for which the CRF was established. Because of the oversight responsibility, Trustees cannot hold a position on the Council, cannot be Town Treasurer, a member of the School Board, or School District Treasurer while serving as a Trustee.

The other category is non-expendable (perpetual). Currently there are approx. \$7.1 million in those funds. Those are monies that have been given to the Trustees over the years for perpetual care for cemeteries, bequests for the school, fire department, library, scholarships, etc. The funds are invested, and the income generated is used for the purposes the funds were established. With those funds, the Trustees can expend income generated from the investment(s) only.

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Mr. Christensen noted the balance of the perpetual funds in 2008 was approx. \$3.2 million. By 2016, the balance was \$6.25 million. That was a sluggish period in the economy, but the funds were invested very defensively, and because they invested in stocks having strong dividends, the portfolio grew.

In 2016 they began transitioning to a more growth-oriented portfolio and the \$6.25 million is now about \$7.1 million.

The Council was provided with a list of the perpetual funds as well as the 22 CRFs. The Town has a little over \$7 million in CRFs, the MVD has about \$5.5 million, and the School District approx. \$600,000. The Town uses CRFs as a means of saving/planning for known large future expenditures and to avoid spikes in the tax rate from year to year.

William Wilkes, Trustee, noted some of the intended uses of CRFs; fire equipment, D.W. Highway improvements, fire station improvements, milfoil remediation, highway equipment, sewer improvement.

Councilor Boyd spoke of the success of the Trustees regarding investment strategies. He thanked them for their efforts on behalf of the Town. Mr. Christensen commented as they reached a larger volume and reoriented more towards a growth economy, they enlisted Cambridge Trust to do some of the management of the funds.

Councilor Albert expressed his gratitude to the Trustees for the job they have done on the Town's behalf.

Town Manager Cabanel questioned the status of the income balances, e.g., nearly \$2.4 million in income; if some of the funds are limited in terms of how they can be expended to the point where they are continuing to accumulate. She provided the example of the Watkins CRF, which has a balance of \$672,000 in income generated.

Mr. Wilkes stated the quick answer is there must be a request for the use of the funds, and the Trustees must manage the requests to ensure funds are expended on worthy projects, etc. They do not do outreach, they respond to requests.

Mr. Christensen commented the Watkins CRF is slated to be expended for school purposes. In the past, the Trustees gave the school district the income at the end of the year (about \$30,000). But because it was given to the district at year end (June), the funds had to go into surplus, which then went back to the Town to reduce the amount of taxes that had to be raised in the following year. It was not doing anything for the students. They agreed with the School Board to hold some of the funds until they were requested. Over the past three years, they have rebuilt three elementary school libraries and the JMUES library; put in electronics, new furniture, etc.

Because they are holding the funds on the income side, instead of just collecting interest, it is reinvested in equity. That has resulted in some growth that would not be seen if the small amounts were given out every year.

Councilor Harrington questioned where the Council would locate information on the intended purposes for each of the CRFs. Mr. Wilkes stated that information could be provided upon request. Mr.

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Christensen stated there are none specifically for the Town. There is the Shed Harris Fund, which is specific for fire protection in the Village of Reeds Ferry. Councilor Harrington requested a brief explanation on each of the CRFs be provided to the Town Manager.

Councilor Harrington questioned if there is a percentage of the funds that must remain liquid in case a request is received or if it is easily liquidated. Mr. Wilkes stated, if they are aware something is on the horizon, they must keep funds available. There are limitations regarding what the CRFs can be invested in. They try to invest in a manner that maximizes the return for the Town while also having funds available when needed.

**Public Hearing** - None

### **Legislative Updates from State Representative**

Representative Kathryn Stack stated HB726, which is relative to the secure psychiatric unit, was moved forward. Over three decades, the State has been transferring civilly committed patients, whose mental illness is so severe that they are a threat to themselves and others, from the State hospital, an accredited mental health hospital, to the State prisons and the secure psychiatric unit. As a fully accredited facility they are co-mingled with sentenced prisoners.

The legislative committee, for the past two decades, has recommended building a secure psychiatric forensic hospital for these individuals rather than repopulating them with the criminal population. In a recent ten-year statement, the health plan called for a new facility. Governor Sununu has stated his support for the construction of a new forensic psychiatric unit.

Councilor Albert questioned if the transport of prisoners is included in that legislation. He spoke of discussion of how individuals with mental illness would be transported. Representative Stack remarked there is discussion of that, but it is not included in this bill. Representatives will keep an eye out for that.

Representative Stack stated HB564 is relative to the possession of firearms in the school safe zones. That moved forward. A majority of the committee felt implementation of the bill, which would codify the Federal Gun Free Schools Act in New Hampshire, is the best thing for the students and our State. The majority opinion of the committee is that firearms do not belong in our schools or on school property except for trained personnel authorized by school administration.

Vice Chairman Koenig questioned how this differs from existing law, and was informed it would establish a 1,000' buffer zone from school property throughout the State. Currently it is on a town by town basis.

Representative Stack spoke of some of the instances where firearms would be permitted. She provided the example of a parent or known other, having the ability to carry, picking a child up from school. That individual would be required to keep their weapon in their vehicle away from the 1,000' buffer.

Representative Wendy Thomas spoke of the MVD Warrant Article meeting at which Representative Rung provided a presentation. There are two warrant articles to clean wells 7 and 8 and 2 and 3. This would increase the water usage yearly amount by approx. \$250.

**Approved: March 14, 2019**

**Posted: March 15, 2019**

HB232 - prohibition of sanctuary policies; was defeated 211/132.

HB107 - control of invasive aquatic species; passed by a voice vote.

HB623 - rates of the business profits tax and business enterprise tax; passed on a vote of 200/141. This puts a tax on businesses. It freezes the business enterprise tax and business profits tax. Most of the taxes come from multi-national and wealthiest firms. It increases the State revenue by about \$10 million. The money from this taxing will offset some of the private property taxes.

Councilor Healey questioned how the money would get from the State level to the municipalities. Representative Thomas indicated she could provide a copy of the bill to the Council.

HB481 - Relative to the legalization and regulation of cannabis; the vote was to go forward with it 209/147. Representative Thomas noted she spoke with Chief Roy earlier. The Chief is not supportive of legalization, but has stated she would comply with any law that comes down.

HB567 - using the Atlantic Time Zone in New Hampshire; there is discussion with neighboring states; Massachusetts, Maine, and perhaps Vermont and New Hampshire would move to this. The bill passed. Representative Thomas stated she voted against it noting, in the darkest of the winter, the sun would rise at 8:00 a.m. Asked what the intent is, she explained it would eliminate the hour change in the fall and spring. There are statistics that show when that is done there are more automobile accidents, suicides, etc.

HB438 - removing the exemption for premium cigars from tobacco tax; previous legislation decided all tobacco products could be taxed except for premium cigars.

HB218 - removal of the use of deadly force by a law officer; that bill did not pass 62/277.

Representative Bob L'Heureux has joined Representatives Rung and Thomas on the Resources, Recreation & Development Committee. That committee heard a bill from Representative Jeanine Notter regarding going after polluters who contaminate the water and having any judgement placed into the clean water fund. Representative Thomas noted that would give zero relief to private well owners. It is only for public water. This fund is only for treatment of the water.

HB572 - Proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.

Councilor Albert questioned if there is a review of the current bail laws taking place. Representative Thomas stated that is in a bill, but she is uncertain if it has been heard. Bills going through now are those having fiscal notes attached. Councilor Albert requested the Representatives consider that carefully.

**Town Manager's Report** - None

**Consent Agenda** - None

**Old Business** – None

Approved: March 14, 2019

Posted: March 15, 2019

## New Business

### **1. Donation Acceptance for the Merrimack Police Department**

Submitted by Deputy Chief Brian Levesque

The Town Council to consider the acceptance and expenditure of an anonymous donation of two 40 MM Sage Less Lethal Projectile Launchers valued at \$4,091.04, pursuant to RSA 31:95-e and Charter Article 8-15.

Deputy Chief Brian Levesque stated the anonymous donation is of two 40 MM Sage Less Lethal Projectile Launchers valued at \$4,091.04. The devices fire foam batons and non-lethal irritant sprays, e.g., CS, OC. Too often now police departments across the country are dealing with emotionally disturbed people. At that time, they are called in to deal with a critical situation. The desire is to be able to de-escalate a situation, which can quickly turn into a lethal force situation. What the device would allow is the ability to buy time and distance. The department currently has several less than lethal devices such as OC spray, tasers; however, all need to be utilized when in close proximity with the suspect. This device can be used up to 125' away. It would buy time and distance to de-escalate the situation, and hopefully avoid a fatal situation.

Although dependent on the distance, it is like being struck by a fast ball pitch by a major league pitcher. These devices would be in the supervisors' vehicles so they could be easily deployed. The department currently has instructors that can teach less than lethal devices. Training would be provided, and the equipment would be utilized in accordance with a standard operating procedure developed for these weapons.

Councilor Albert questioned the ammunition that would be used and was informed it is a foam baton. Asked if CN would be used out of it as well, Deputy Chief Levesque responded there are several different munitions based on situation, distance, etc.

Asked if there is certification required, Deputy Chief Levesque responded knowing this was being looked to down the road, officers have been put into instructor school, which is the only certification needed. Certified instructors can then train the officers.

Asked about issues of liability, Deputy Chief Levesque commented with the job they do, there are always liability issues. However, in the absence of the proper less lethal tools, there would be additional liability. There are reports that just pulling out the device and showing it de-escalates situations without having to fire it.

Asked about maintenance requirements, he stated his belief it would be typical cleaning after use. Asked about the donor, Deputy Chief Levesque stated the anonymous donor approached the department, was shown several options, and chose this.

Councilor Healey asked and was provided a description of the tool, its accuracy, and intended target areas.

Asked how effectively the equipment would get to a scene if located in supervisors' cars, Deputy Chief Levesque responded all supervisors respond to "hot calls". Asked about accuracy, he stated most confrontations are 25' or less. During training, they will cover range. Deputy Chief Levesque was

Approved: March 14, 2019

Posted: March 15, 2019

uncertain of the exact data relative to percentage of accuracy at the greatest distance. It is a rifle barrel, so it does fly true to its path.

Vice Chairman Koenig questioned the cost of munitions. Deputy Chief Levesque stated part of the bid includes different munitions as well as a training pack. He noted, if providing the manufacturer with an after-action report, they will replace the munition. They want to gather the data to ensure these are being used the proper way. Asked if the donation covers the cost of the two units plus the training packs, he indicated it does. Asked if all officers would be trained, he stated with Supervisors carrying the device, they will start with them and continue training from there.

**MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the acceptance and expenditure of an anonymous donation of two 40 MM Sage Less Lethal Projectile Launchers valued at Four Thousand Ninety-One Dollars and Four Cents (\$4,091.04), pursuant to RSA 31:95-e and Charter Article 8-15, that the Town Manager or her proxy be authorized to sign any paperwork necessary to effect the transaction and furthermore that either the Town or Police Department submit a letter of gratitude to the anonymous donor for the gracious contribution. MOTION CARRIED 5-0-0**

**2. Consideration of Changes to Merrimack Town Code Chapter 183, Vehicles and Traffic [First Reading]**

Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

The Town Council to consider the acceptance of recommended changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code, to change the yield sign to a stop sign on Daniel Webster Drive, pursuant to Charter Article V.

Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department (PWD), stated Mrs. Ouellette came into the office regarding this issue, and they have visited the site; D.W. Drive where it intersects with D.W. Highway. Many issues were brought up. In addition, she has heard from others who have had issues in that area; one of which came from the Police Chief who has noted, when accidents occur on the F.E. Everette Turnpike, motorists come down onto D.W. Highway. Quite often they will take D.W. Drive as a bypass. There was a multi-faceted reason for bringing this forward.

There are things the PWD can do to assist in this area, but this change requires the approval of the Council. One of the easiest things that could be done is to change the yield sign at D.W. Drive to a stop sign. That will stop people from entering D.W. Drive. She pointed out on a map an area where residents of the condominiums are coming in making right/lefts, people on D.W. Highway stopping and starting, etc. It is likely, at some point in the future, reconfiguration will be considered, which will require time and money.

The desire is for increased safety. One of the first steps would be changing the yield sign to a stop sign. The intent would be to pull it back. The current yield sign is almost to D.W. Highway. If there is a motorist on D.W. Highway wanting to take a left into the condos, someone behind them then comes around the side, and now you have three motorists in the same area. With the stop sign, what is hoped is to be able to pull motorists back to stop that one particular movement. Also being looked at is re-striping the area, but that is not something that is done this time of year.

**Approved: March 14, 2019**

**Posted: March 15, 2019**

There is a delineator post that had a reflector on it, which is now missing. Different types of reflectors are being looked at (perhaps larger) so that as motorists are coming down D.W. Highway and wanting to make the left, that would be more visible.

What is needed from the Council is a decision on changing the yield sign to a stop sign, which requires a change to the Code.

The department went before the Highway Safety Committee. They recommended changing the sign.

Councilor Albert commented he has looked at that intersection many times over the years, and it goes against all logic for motorists to make left-hand turns at those angles. He questioned why the section from the entrance of the condominiums to the northern most part is needed. He suggested closing that off and widening the intersection across from King Kone as the main entrance. If it is a safety issue, Jersey barriers could be placed on each end to close that section off. The intersection across from King Kone could be used as the main access to and from that neighborhood.

Deputy Director Tuomala stated the roadway was originally part of the D.W. Highway, which was straightened out. The very first thing she said to Mrs. Ouellette was just that; shut that section off. It would take time and design. There will be the need for turn lanes, etc. The condo. entrance probably should not have been put right across the street. That can be put on the to-do list, but it will; take some doing.

Councilor Albert agreed it needs to be addressed, and suggested the process of a future reconfiguration and the cost needs to be started.

Councilor Boyd commented he wished this discussion was had a year ago when that part of the road was dug up for the culvert work. There could have been a more substantive conversation about widening that part of the road. He has no concerns relative to a stop sign. He questioned if there is anything that would prohibit putting a right-hand turn only on Concord Road (condos.). If motorists wish to go north, they can drive back around and get back up to Merrimack 360 and use the signalization system to make a safe left-hand turn. He agrees with the need for the area to be reconfigured, and questioned if a short-term fix could be the right-hand only turn.

Deputy Director Tuomala stated she would have to investigate that. That road is a private road. Councilor Boyd remarked at some point it comes to a right-of-way. Deputy Director Tuomala indicated she would investigate the possibility.

Vice Chairman Koenig commented coming out of the condos. is not a problem he heard brought up. Councilor Boyd responded Deputy Director Tuomala mentioned that intersection/driveway probably should not have been put in. He was looking to address the problem of the residents of Island Drive trying to make that southbound turn into their homes.

Councilor Healey questioned if placing the stop sign in that location would solve the problem. The residents spoke of a yield going to a stop sign may not be the right solution. There was mention of a yellow line all the way up, and at the condos. Deputy Director Tuomala remarked that is one issue. Asked if the issue would be resolved with the placement of the stop sign, she responded not completely. It would take care of the portion of the resolution that needs to be approved by the

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Council. She will take it further. She has requested accident reports, etc. With that information in hand, she can consider what else can be done in the area.

Councilor Harrington agreed with the suggestion of Councilor Albert. It will create inconveniences, but when weighing inconveniences and safety, she lands on the side of increased safety.

Councilor Albert questioned if the breakdown lane/fog line (white line) would be removed. Deputy Director Tuomala stated it may be extended more. It will be pulled up further. It will not block the entire intersection. Councilor Albert remarked public input indicated this would not address the right area.

Margaret O'Neill, 60 Island Drive

Stated the real area of concern is right at the condominiums. If traveling north on D.W. Drive, before you get to the condominiums, there could be a stop sign. That would address the motorists racing up D.W. Drive to cut into traffic. It also prevents motorists from coming out of the condominiums and rushing across the road. They ignore their stop sign because there are overhanging trees. Motorists coming from Island Drive, turning right, and going left so that they can go south, are cut off.

Northbound, the intersection has never really been an issue for merging. Coming south it was a distinct help to have the left-turn lane at the edge of Eastridge. There is nothing on the grassy median saying this is a two-way street. The real problem is down at the condominiums. Before we get to the condominiums there must be at least two stop signs; one so that the traffic from the condominiums stops and one so that motorists from Island Drive stop or D.W. Drive stops.

Asked if she has discussed this with the Highway Safety Committee, she indicated she has not. She was made aware of the discussion that would occur tonight, and wished to provide comment.

She suggested were the grassy area removed and a left turn lane put in, it would be good for King Kone and people coming south and into Island Drive.

Deputy Director Tuomala remarked one of the first things she did when she came on board was to come before the Council to request the stop sign on Island Drive. There is a stop sign on Island Drive.

Vice Chairman Koenig responded what is being requested is a stop sign on D.W. Drive at Pondview Drive so that you can't go straight through on D.W. Drive without stopping.

Deputy Director Tuomala stated that discussion took place when the stop sign was put on Island Drive, and nobody wanted to have any other stop signs.

Vice Chairman Koenig stated his opposition commenting he feels the yield sign tells people to yield, and if they are not willing to do that, they will not pay any attention to the stop sign either. He suggested a stop sign placed at Pondview Drive would stop the cut-through traffic and the concern with D.W. Drive. He is uncertain it is a total solution. Any changes regarding cutting off that piece of road would require a turn lane on D.W. Highway so that motorists could get onto Pondview/Island Drive. That is not something that could be done quickly, and he would not recommend shutting of that road in advance of that.

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Councilor Boyd commented it reminds him of Loop Road further north at Lobster Boat. When you go beyond Lobster Boat, go over the hill past the parking lot, there is a stop sign. You must stop there because you have the lights at the Lobster Boat and the second set of lights at Baboosic Lake Road. You could have the same concept there.

Councilor Harrington expressed the opinion a stop sign is adhered to more than a yield sign. Coming out of a driveway has different implications than when you are on a road. She views it differently.

Councilor Albert questioned if anything would be lost if making the yield sign a stop sign. He does not see it as gaining or losing anything.

Councilor Harrington noted the issue has gone before the Highway Safety Committee. She was not hearing the stop sign is a major issue to them.

Councilor Albert commented he would go with the recommendation of the Highway Safety Committee. He strongly recommended the whole intersection be reconfigured at some point in the future. By taking that piece of land and closing off that section of road we create more space to make turn lanes.

Deputy Director Tuomala stated what would end up happening would be to move the green island back to where the road is, and use that area for the additional lane. There are certain distances that must be achieved and other turning areas.

Vice Chairman Koenig remarked what would be lost by putting a stop sign up is the opportunity to merge in with traffic in a smooth flow. Trying to merge into traffic from a dead stop does not work well. The concern about motorists turning left and cars going around is an issue he has not witnessed.

Councilor Healey spoke of witnessing motorists who don't respect the yield sign. That occurs throughout the Town. If people are driving over 30 mph on the D.W., they are speeding. It will only worsen with the new construction. Deputy Director Tuomala commented when the F.E. Everett Turnpike is redone, it will be more difficult.

**MOTION made by Councilor Harrington and seconded by Councilor Albert to move the recommended changes to Chapter 183, Vehicles and Traffic, to Public Hearing. MOTION CARRIED 4-1-0**

*Councilor Koenig voted in opposition*

Councilor Albert suggested Ms. O'Neill speak with the Highway Safety Committee regarding her concern.

### **3. 2019 Deliberative Session**

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

Town Council to discuss the details and motions of the upcoming 2019 Deliberative Session being held on Wednesday, March 13, 2019.

The Council discussed who speak to and motion/second passage of the articles. Councilor Harrington spoke of the need for a discussion/presentation around Capital Reserve Funds (CRFs).

**Approved: March 14, 2019**

**Posted: March 15, 2019**

Town Manager Cabanel remarked the Chairman typically provides a presentation on the operating budget. She is of the opinion that would be the time to focus on that. It could be reiterated for the articles around CRFs. Councilor Harrington suggested the Chairman address both Articles 3 and 4.

Lynn Christensen, Town Moderator

Requested handouts be available; specifically on Article 2. Assistant Town Manager/Finance Director Micali stated he and the Town Manager are working on a handout for the Deliberative Session explaining all the articles. Vice Chairman Koenig requested a separate handout be available regarding Article 2, and was told there would be.

Councilor Harrington stated the desire to ensure the voter information guide will be sent out. Town Manager Cabanel stated it would.

**Article 2** - Wastewater Treatment Facility (WWTF) Bond; Councilor Harrington/Councilor Boyd  
- A presentation will be provided on this Article.

**Article 3** - Operating Budget; Chairman Rothhaus/Vice Chairman Koenig

**Article 4** - General Fund CRF Deposits; Chairman Rothhaus/Vice Chairman Koenig

**Article 5** - WWTF CRF Deposits; Councilor Harrington/Councilor Boyd

**Article 6** - CRF Expenditure from Fire Equipment; Councilor Boyd/Councilor Healey

**Article 7** - IAFF, Local 2904, Union Contract; Councilor Albert/Councilor Boyd

**Article 8** - New England Police Benevolent Association, Local 112, Union Contract;  
Councilor Albert/Councilor Thornton

**Article 9** - America Federation of State, County and Municipal Employees 93, Local 357, Union Contract; Councilor Healey/Vice Chairman Koenig

**Article 10** - Teamsters, Local 633, Union Contract with offsetting revenue from sewer users;  
Councilor Thornton/Councilor Harrington

**Article 11** - American Federation of State, County and Municipal Employees 93, Local 2983, Union Contract with offsetting revenue from sewer users; Councilor Healey/Councilor Albert

**Article 12** - Fire Equipment CRF; Councilor Boyd/Councilor Harrington

The schedule will be provided to the Council.

Vice Chairman Koenig asked and was informed the Moderator would make the announcement if the snow date were necessary.

Approved: March 14, 2019

Posted: March 15, 2019

## Minutes

Special February 12, 2019

**MOTION made by Councilor Harrington and seconded by Councilor Albert to approve the minutes of the February 12, 2019 special meeting, as presented. MOTION CARRIED 3-0-2  
*Councilors Boyd and Albert Abstained***

February 14, 2019

*The following amendments were offered:*

Page 5, Line 45; replace “in” with “and” following “By”

Page 10, Line 28; correct the spelling of “were”

Page 10, Line 30; replace “designed” with “designated”

Page 11, Line 4; replace “let” with “sold”

Page 11, Line 24; add to the end of the sentence “(assuming no increases in other towns over that period)”

Throughout the document; instances where no members of the public came forward to speak should be noted.

**MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the minutes of the February 14, 2019 meeting, as amended. MOTION CARRIED 5-0-0**

**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 Albert to adjourn the meeting. MOTION CARRIED 5-0-0**

*The February 28, 2019 meeting of the Town Council was adjourned at 9:00 p.m.*

Submitted by Dawn MacMillan