

Approved: June 13, 2013

Posted: June 14, 2013



Town Council Meeting Minutes

Thursday, May 23, 2013, 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 Yakuboff, Councilor Boyd, Councilor Dwyer, Councilor Harrington, Councilor Koenig,

Councilor Mahon, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

Town Offices will be closed on Monday, May 27, 2013 in observance of Memorial Day. The Memorial Day Parade will begin at 11:00 a.m. at the Rite Aid on Daniel Webster Highway and end at the Last Cemetery where ceremonies will be conducted.

Regular meetings of the Town Council will be conducted on Thursday, June 13, 2013 and June 27, 2013 at 7:00 p.m. in the Matthew Thornton Room.

The Library is having a book sale on Saturday, June 1st from 9:00 a.m. - 2:00 p.m. and Sunday June 2nd from 1:00 - 3:00 p.m. The sale will include items recently drawn from the library collection as well as items donated by members of the community. The June Book Sale is co-sponsored by the Friends of the Library who receive half the proceeds.

The Third Annual Yard Sale at Watson Park will be held on Saturday June 22nd from 9:00 a.m. - 2:00 p.m. If you would like to participate please contact the Parks & Recreation Department. The cost of a space is \$15 when you pre-register. Proceeds will benefit the ongoing improvements at Watson Park.

Registrations for the Naticook Day Camp are ongoing. Camp will run from June 24th through August 16th for children ages 5-14. A counselor-in-training program is offered to children that are 15 and 16 years of age. Red Cross swim lessons, hot lunch, theatre, dance, archery, and arts and crafts are just a few of the activities offered. The weekly rate for Merrimack residents is \$185.

The Merrimack High School Jazz Band will kick off this year's Summer Concert Series on Wednesday, June 5th. Please join us at the Abbie Griffin Park for the 6:30 p.m. concert. The concerts in the summer series are free to the public. In the event of rain, the concerts will be held in the little theatre at the Merrimack High School.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Arthur "Pete" Gagnon for his Service to the Town of Merrimack as a Member of the Planning Board

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David G. Yakuboff, Sr.
The Town Council would like to recognize Arthur "Pete" Gagnon for his years of service to the Town of Merrimack as a member of the Planning Board.

Robert Best, Chairman, Planning Board, remarked Mr. Gagnon has not only been a great help to him during his time on the Planning Board, but has provided an invaluable amount of experience and knowledge. He stated it to have been a pleasure serving with him, and thanked him for his years of service to the community.

Chairman Rothhaus presented Mr. Gagnon with a plaque recognizing his dedication and commitment to public service during his appointment as a member of the Town of Merrimack Planning Board. He noted the term of office to have been May 9, 1974 to May 7, 2013.

Mr. Gagnon remarked the Town has come a long way from its infancy, and he is proud of the Council and all of the people he has had the opportunity to work with over the years in bringing about the necessary changes. He spoke of the endless support he has received from his wife.

He touched upon the requirement for members of the Board to abide by Town regulations as well as the Constitution and laws of the State of New Hampshire, which, at times, has required the Board to reach decisions applicants coming before it were not pleased with. He commented he is proud of the Town's elected officials, Police, Fire, and Public Works Departments. He applauded the dedication of those he has served with on the Planning Board over the years. He spoke of the expertise the current membership brings to the Board, and stated his opinion the leadership, expertise, and volunteerism of the members leaves him confident the Board will carry on its good work for years to come.

Councilor Boyd commented while Mr. Gagnon's Wife, Nancy, was home taking care of three boys, Peter was off in Vietnam fighting a very unpopular war. The 38 years he served the Town of Merrimack should really be stated as 40 to include the years he wore the uniform and fought for our country in Vietnam. He thanked him for his years of service. Councilor Koenig remarked he has had the pleasure of serving with Mr. Gagnon on the Planning Board for the past 7-8 years and has looked up to him as a mentor and guide. He agreed with the remarks made about decisions of the Board not always being popular, and thanked Mr. Gagnon for being willing to step up and make those tough decisions.

Councilor Harrington stated, although at times they have been on opposite sides of an issue, at no time has she ever questioned Mr. Gagnon's integrity and loyalty to the Town. She thanked him for the manner in which he conducted himself and represented the Town. Councilor Mahon spoke of his experience sitting on the AdHoc School Space Needs Committee alongside Peter and Nancy Gagnon. He commented Mr. Gagnon was a reliable anchor to that group in terms of the care and depth of the analysis he performed to assist in arriving at a decision to present to the School Board. Although he too has found himself on the opposite side of an issue from Mr. Gagnon, he has never felt there was anything but the best intentions involved. He spoke of the historical knowledge Mr. Gagnon brought to the Planning Board and the amount of combined public service he and his wife have provided the Town. Vice Chairman Yakuboff remarked Mr. Gagnon served the Town and the Country with honor and integrity. He thanked him for his years of service and acknowledged Mrs. Gagnon for her service as well.

Appointments - None

Public Hearing

1. Abbie Griffin Memorial Fund – Fire and Police Departments

Submitted by Fire Chief Michael Currier and Police Chief Mark Doyle

The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of \$18,100 for (4) carbon monoxide monitors, a hydrogen cyanide monitor, portable radio batteries, a portable radio battery reconditioning unit and a personnel accountability and ID system for the Fire Department and a 50" flat screen television, a Philips Heartstart AED defibrillator and to purchase and equip the start-up of the response/containment team for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Chairman Rothhaus opened the public hearing at 7:22 p.m.

Mark Doyle, Police Chief, stated the Police Department has two projects and one equipment purchase to be considered for funding through the Abbie Griffin Memorial Fund. The first is a conference room refurbishing project, the second a containment team equipment purchase, and third the purchase of an AED. He noted the department was unable to budget for an AED, which would replace an older model currently not in service.

The desire is to renovate the current conference room in the upstairs area on the west side of the building where daily staff meetings are conducted. The intent is to purchase equipment including a large flat screen television as well as associated cabling and a switching mechanism, which would allow the television screen to display information from a computer screen. It would also provide a larger venue so that all eyes are focused on one screen when working together either in a strategic planning capacity or a staffing capacity where men and/or equipment have to be deployed because of an emergency that is specific to the Police Department or as part and parcel to an emergency operation declared in the Town. There is a projector in the public room located in the basement of the west wing side, which allows for training to be conducted on a larger scale; however, when that room is in use, the officers have to move into the conference room where they do not currently have that same capability.

Captain Dudash informed the Council he has spoken with the owner of Home Theatres Simplified; a company utilized on several other projects and considered an expert in the field. The recommendation was for a 50" television (plasma). Captain Dudash commented there had been questions about a projection television for the room; however, the room itself is not large enough for projection. Presently the room is equipped with a 27" tube television, which a computer cannot be connected to. The request was for a middle of the road estimate to provide a frame of reference. The department would work closely with Director Micali in creating specifications for the equipment and putting the project out to bid.

The second project calls for the purchase of equipment for a containment team. This team is something a little less than what would be considered a SWAT team or Strategic Reaction Team. Officers are trained to be able to engage individuals who are predisposed to cause a lot of turmoil in very confined spaces e.g., workplace violence, school violence, etc. The officers that are on the street

every day go through that training. The officers have worked closely with the school and conducted tabletop exercises with companies such as BAE and Fidelity in their corporate environment. What they would like to do is take that to the next level; take the officers that have that special expertise and training and put them together as part of a containment team; a team that will be able to respond in kind on very short notice, with the proper equipment, proper tactical training, and put a perimeter around an area to contain it and keep it stable until they are able to call the experts in such as the State Police or the Nashua Police Department, whomever the department will be able to reach out to immediately, and have them do the Swat piece, the actual tactical entry.

He remarked some of those situations don't avail themselves in such a way they would be able to do that; sometimes they have to be able to react quickly. The officers and supervisors know where that line is. But some incidents do stall meaning the threat level has dropped down so much so they don't have to endanger anyone by making a quick entry. They have started to use other police departments across the State and country that have put together such a project as models. They want to work toward developing that team in such a way that that level of service can be provided to the folks in the community. Captain Albert stated there to be certain equipment needs for a containment team, the most expensive of which would be the ballistic plates and tactical vests. Officers currently wear ballistic vests, and the vests worn on duty will stop a number of different rounds, but there are some high velocity rounds that are readily available on the street as well as weapons that the vests will not stop. Those would be weapons they might encounter in a high risk situation. The request is to purchase the vests as well as the plates to protect the officers. He noted heavy-duty vests are carried in the cruisers, but date back 10 years. Other items include a tactical camera, which would be used in a situation where you were unsure what was behind a closed door, etc. a Break N' Rake Window Entry Tool, new bungee slings as well as sling mounts for the Colt AR 15 rifles, and a telescoping inspection mirror. Total cost would be \$6,227.04.

Captain Albert spoke of instances where the need for such equipment has been brought to the forefront of the minds of staff. He provided a few examples of incidents where individuals being dealt with either were in possession of handguns or was known to carry weapons and had a prior history of violent crime. It is believed the containment team, although not a SWAT team is enough to hold the situation in place until backup arrives. He noted initially the officers in the patrol division will arrive on scene and maintain it. If that occurs, the officer is not free to patrol the street. The containment team would be called in as quickly as possible, would set up and free the patrol offices to return to their duties handling calls. He remarked, although they have found there to be very capable SWAT teams around the Town such as the State Police and Nashua, it takes a period of time for them to suit up, get to their department to retrieve their equipment, and get to the location.

Chief Doyle added the containment team would be a phased in process; at present they are in the policy development phase of formulating the SOP relative to how and when it would be used and under what circumstances. They are putting together a standardized list of criteria on who would be part of this team from the department in terms of who is the commander of the unit, who are the tactical operators and such as well as preparing with area SRT teams already established such as Manchester, Nashua, and State Police to let them know we would be interested in participating in training with them once our officers have attained certain levels of certification in specialized training at the New Hampshire Police Standards and Training Council.

Councilor Boyd noted the memorandum provided identifies Tactical Assault Gear Operator Armor Carrier and then the Blackhawk Ballistic Ceramic Plate. He questioned whether his understanding the ceramic plate provides additional support to the armor carrier is correct. Captain Albert stated the standard patrolmen's vest comes with a Kevlar plate and others come with a steel plate. It was found, through military use, that the ceramic plates are much stronger and can hold a heavier round, yet they are lighter. The vests are Kevlar and ceramic, which is better than metal. The ceramic augments the Kevlar and is worn on the exterior of the Kevlar vest itself.

Councilor Dwyer noted the department is not advocating for a SWAT team or tactical team. The department utilizes the SWAT teams in the surrounding area. The desire is for the department to be prepared for the worst case scenario. He remarked if vests are inadequate, he would hope that would be addressed right away.

Michael Currier, Fire Chief informed the Council of a memo he put out to the department to determine the needs and desires of the shifts. After reviewing the feedback, it was decided the department would move forward with addressing areas of personnel and citizen safety. He spoke of instances occurring across the country where first responders are arriving at medical calls to discover the presence of Carbon Monoxide. Portable monitors being requested would be placed on the first-in bags (first aid bags the ambulances and engines carry). They are always running (2 year lifespan) and require no calibration, set-up, etc. If entering an area that has a high level of Carbon Monoxide it would be indicated immediately to the responders, will help them diagnose the problems quicker and be able to treat the patients more effectively.

The second toxic gas monitors being requested are for Hydrogen Cyanide. Products such as plastics, rayon, carpets, etc. give off Cyanide materials and are byproducts of combustion. Fires give off a Cyanide gas. It has been shown that Cyanide is a cumulative poison; it accumulates in your body. By using the monitors the air is able to be monitored after a fire, regardless of size, allowing a determination to be made that the ventilation of the structures is adequate for the citizenry and firefighters responding.

The next item is a Personnel Accountability and ID System. Chief Currier stated one of the most important things in the fire service for personal safety for fire personnel and volunteers is accountability and identification of personnel involved in any particular process, e.g., flu pandemic program, etc. The current system is antiquated and cannot be used as the software and upgrade in the computers won't allow the system to run any longer. All fire personnel are given an accountability identification tag and a second tag. When they go onto the emergency scene they keep a tag for identification for themselves and the other goes to the command post. The tag allows the command post to have a handle on all personnel and volunteers on site and their location.

The last item requested is portable radio batteries and a conditioner. Chief Currier stated the request for 44 is based on the available funds remaining after other expenditures. He remarked the portable radio is one of the most important tools that fire, police, and other emergency personnel use. The current batteries are pushing five years of age and are starting to fail. Some only last an hour or so before having to be recharged. Personnel are cycling 2-3 a night to get the portables to stay at optimum. The desire is to replace batteries for the on-duty shift. He requested approval to expend the \$9,137.

Approved: June 13, 2013

Posted: June 14, 2013

Councilor Dwyer questioned the value of the identification tags. Chief Currier stated the I.D. system is used by every emergency responder in the U.S. and most of the world. When you have responders going to an emergency they are equipped with two I.D. badges; one that identifies them and has information about them, e.g., health issues, etc., and the second goes to the command post. He spoke of instances where he could have 30 people working on a fire scene in groups of 4 or 5, each group being assigned to a different area, all of whom could be tracked through the command center. He noted surrounding towns have the same system and, if they were to come on scene, they could be tracked as well. The system provides the ability to identify that all personnel are accounted for in the event of an explosion or if a Personnel Accountable Request is done and identifies four missing individuals, the missing individuals and their location would be known.

Councilor Harrington questioned if an event such as flooding would result in a good number of first responders assigned to different areas. Chief Currier stated that to be a good example of an instance when the system would be most helpful. The system will provide information on who is onsite, where they are located, and how long they have been there.

Councilor Boyd remarked the Police Department issued him an I.D. He suggested they could do the same for the Fire Department and the task could be accomplished using existing Town resources. He stated he was struggling to justify a \$2,500 expenditure for outfitting 40 firefighters with a set of I.D.'s where once issued the system will only be used when replacing personnel or if someone loses an I.D. card and needs a replacement. He commented it is not as though this is a device that would be used on a weekly basis. Chief Currier stated although it would not likely be used on a weekly basis it would be used more often if the I.D. tags are plastic. He remarked the tags are usually carried on the helmet, and when coming in contact with heat the card typically has to be replaced.

Councilor Boyd questioned the number of fires Merrimack has had in the past year or two where personnel have had to enter a structure. Chief Currier responded although he did not have that information readily available, he believes it would be substantial especially given the number of training sessions they participate in. He spoke of recent training programs at the Fire Academy which involved live fire and rescue applications where the cards were used. Councilor Boyd questioned whether members returned with cards requiring replacement and was informed they did.

Chairman Rothhaus opened the floor for public comment. No one from the public addressed the Council.

Chairman Rothhaus closed the public hearing at 7:50 p.m.

MOTION made by Councilor Yakuboff and seconded by Councilor Boyd to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in in an amount not to exceed \$18,100 for the items identified in the presentation pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all documents required.

MOTION CARRIED 7/0/0

There being no objection, the Counsel went out of the regular order of business to take up Item #4 under New Business.

4. Donation Acceptance from Cloud K9, LLC for the Merrimack Police Department

Submitted by Captain Peter Albert

Seeking Town Council approval for the acceptance of \$540.00 in grooming services from Cloud K9, LLC, for the cost of monthly grooming services for 12 months for the Merrimack Police Department's K-9 Unit, pursuant to RSA 31:95-b and Charter Article 8-15.

Peter Albert, Captain, Merrimack Police Department, informed the Council the Merrimack Police Department was recently approached by Cloud K9 located at 385 D.W. Highway. The owner, Laura Federspiel, has offered to volunteer her services, as a dog groomer, to take care of Gunny. She has indicated she would do this on a monthly basis, which is much appreciated as there is a maintenance fee associated with that. When asked for the value of that service, the owner stated it to be approximately \$45 a visit. Looking at the services over the period of one year, total value is estimated at \$540.

Councilor Boyd thanked Ms. Federspiel for the offer. Chairman Rothhaus commented on the level of service that is provided in a standard grooming, and thanked Ms. Federspiel for her kind offer.

MOTION made by Councilor Dwyer and seconded by Councilor Harrington to approve the acceptance of a \$540.00 grooming service from Cloud K9, LLC, of 385 D.W. Highway, Merrimack, NH. This represents the total cost for 12 months of once a month grooming at a rate of \$45 a visit, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7/0/0

Legislative Updates from State Representatives – None

Town Manager's Report

Town Manager Cabanel informed the Council Patrick Meehan and Nicole Sawyer have achieved the status of Roads Scholar One and Scott Daley has achieved the status of Master Roads Scholar (the fourth and last achievement level) in the UNH Technology Transfer Center's Roads Scholar Program. She stated appreciation of all of the employees in the Public Works Department who have taken advantage of this opportunity.

The Master Plan Steering Committee will hold their final meeting on May 28th to review the final draft of the updated Master Plan. A public presentation of the draft plan will be held as part of the June 18th Planning Board meeting, beginning at 7:30 p.m. A public hearing with the Planning Board will likely follow in July or August, bringing this nearly 3 year effort to a close, and starting the work of implementing the plan.

The Planning staff has narrowed the search for a new Assistant Planner to 4 finalists. Interviews will be held soon, in the hopes of filling the position as soon as possible.

Flags have been hung along Baboosic Lake and D.W. Highway for Memorial Day and the 4th of July. They will remain up between these two Holidays.

Tax bills will be mailed out to all residents on Friday May 24th and are due on Monday, July 1st.

Councilor Boyd questioned whether employees completing training with the Roads Scholar Program

have something placed in their personnel file recognizing the completion of that training. Town Manager Cabanel stated her belief each individual receives a certificate. Councilor Boyd requested the Town Manager ensure notice is placed in each individual's permanent employment record.

Consent Agenda - None

Old Business

1. New Hampshire Fish and Game Department - Packard Estates

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David Yakuboff, Sr.

The New Hampshire Fish and Game Department requests authorization from the Town Council to use approximately 400' of existing access road located on common land of a 51-lot development known as Packard Estates to reach a section of stream that is feasible to cross with a standard skidder bridge for the purpose of a timber harvest on the Dumpling Brook WMA to improve wildlife habitats on the property, pursuant to RSA 231:40.

James Oehler, Wildlife Biologist, NH Fish & Game, reminded the Council, at its December meeting, Brian Comeau, Forester, New Hampshire Division of Forests & Lands, and he requested the Council grant authority, under RSA 231:40, to use an existing trail on Packard Estates common land to facilitate a harvest on the Dumpling Brook Wildlife Management Area. The authority was requested through the Council because Packard Estates does not have a homeowners association. There are 51 landowners in the estates, and without a single entity to contact and negotiate with, the decision was made to petition the Council under 231:40.

The project is necessitated by the existence of a wetland which is impossible to traverse. The desire is to use the existing trail to go around the wetland. Utilizing this trail would cause equipment to travel from the Dumpling Brook Wildlife Management Area onto Packard Estates common land for a distance of 200' (located a closer area for crossing than previously discussed), and back onto the Wildlife Management Area. The desire is to utilize an existing trail rather than move 25' closer to the brook and create a new trail within the easement.

Mr. Oehler stated the harvest will be occurring relatively soon. The showing to logging companies has already occurred, and bids were received earlier in the day. The harvest could occur as early as July, but the contract will run from July through October of this year. The only outstanding question is whether the Packard Estates trail will be able to be used or if the project will move over 25' closer to the brook and create a new trail.

He remarked, at the December Council meeting, it appeared the vast majority of the Council understood the logic behind using the existing trail, but were not comfortable providing authority without additional input from the residents of Packard Estates. A public informational meeting was held in April. Certified letters were sent to all of the residents of Packard Estates as well as other abutters inviting them to the meeting, and specifically mentioned in the letter NH Fish & Game would be requesting permission from Packard Estates residents at that meeting to use the existing trail. Six people attended the meeting. All 6 approved use of the existing trail; however, only 3 Packard Estate properties were represented at that meeting. Two additional responses were received via e-mail, one a Packard estate resident, both approving use of the existing trail.

Packard Estates residents have had three opportunities to weigh in on the issue; one being an October notification from NH Forests & Lands (not certified) informing of the harvest and the petition forwarded to the Council, another via certified letters sent by the Town in advance of the Council's December 20, 2012 meeting informing abutters of the Public Hearing regarding the use of the trail, and a third in the form of certified letters sent by NH Forests & Lands inviting abutters to the informational meeting.

Councilor Boyd stated Mr. Clayton Rush attended the meeting and later sent a communication to the Council. He contacted Mr. Rush who informed him what NH Fish & Game did was thorough, informative, and he believed they put together a presentation that had enough content for them to make an informed decision. Councilor Boyd stated, given the lack of attendance by any abutters at this time, he was inclined to support the petition as presented. He thanked Mr. Rush for his time and comments.

Councilor Harrington thanked the NH Fish & Game for going above and beyond to inform the public and obtain feedback. She stated she would support the request as it appears the residents of Packard Estates do not have major concerns.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to authorize the New Hampshire Fish and Game Department to use approximately 200' of existing access road located on common land of a 51-lot development known as Packard Estates to reach a section of stream that is feasible to cross with a standard skidder bridge for the purpose of a timber harvest on the Dumpling Brook WMA to improve wildlife habitats on the property, pursuant to RSA 231:40 and authorize the Town Manager and/or Finance Director to sign any and all appropriate forms.
MOTION CARRIED 6/1/0

Councilor Dwyer voted in opposition.

Mr. Oehler stated one of the largest concerns expressed by residents attending the meeting and shared by the NH Fish & Game, is the ATV activity occurring the WMA and surrounding properties including Packard Estates common land. Their Conservation Officer monitors activity on the property on a regular basis, and has given out 20 citations over the past 5 years for illegal ATV activity on the property. There are many access points, and attempts are being made to close off as many as is feasible.

A new access road is being put in on the south end of the property to allow log trucks access to the log landing. It will be gated with boulders or tree stumps on either side to eliminate ATV access. Permission has been granted by the New Hampshire Department of Transportation to block off an existing trail between Norm's Transmission Shop and the F.E. Everett Turnpike. Work is underway with PSNH and New England Power to gain permission to block off the major access point where the power line line right-of-way comes to Back River Road. That is a major point of access for illegal activity including some illegal target shooting.

The request was made for permission to block off access to the sewer line right-of-way that goes across the Dumpling Brook Wildlife Management Area. The Town would be granted access to the new access road on the south end of the property to perform necessary maintenance on the sewer line. Rick Seymour, Director, Public Works Department stated the department would not take issue with the closing provided they have access to the sewer line. Mr. Oehler suggested consideration may be given to installation of a key box to provide easy access to the Town.

MOTION made by Councilor Boyd and seconded by Councilor Mahon that the Council allow NH Fish & Game to block off the access road to the sewer line right-of-way that crosses the Dumpling Brook Wildlife Management Area understanding the Town will be authorized to utilize the new access road being constructed by NH Fish & Game to provide maintenance or public safety needs that may occur in the area. MOTION CARRIED 6/1/0

Councilor Dwyer voted in opposition

New Business

1. Proclamation of National Public Works Week

Submitted by Public Works Director Richard Seymour

Town Council to proclaim the week of May 19 – 25, 2013 as National Public Works Week.

Chairman Rothhaus read into the record the following Proclamation:

“Whereas, public works services provided in our community are an integral part of our citizen’s everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to efficient operation of public works systems and programs such as wastewater collection and treatment, street and bridges, buildings and grounds; transfer station/recycling; equipment maintenance; park and cemetery maintenance; and engineering.

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform,

Now, therefore, We, Town Council of the Town of Merrimack, do hereby proclaim the week of May 19 - 25, 2013 as “National Public Works Week” in the Town of Merrimack, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.”

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the Proclamation. MOTION CARRIED 7/0/0

2. Wastewater Division Electrician Position

Submitted by Assistant Director of Public Works/Wastewater James E. Taylor

The PWD will provide the Town Council with information and recommendations relative to the creation of a position for an electrician within the PWD/Wastewater Division.

James Taylor, Assistant Director, Public Works/Wastewater, informed the Council the request before it was for approval of the creation of an electrician position at the Wastewater Treatment Facility. While a new position for the department, it would be replacing an open Mechanic II position. The additional cost would be the difference between the starting wage for a mechanic II and the starting wage for an electrician.

A memorandum was provided, which outlined benefits, wage information from surrounding communities, job description, and State requirements for a Master Electrician License. A benefit gained by the creation of this position would be the ability for the department to perform work on proposed and future upgrades in-house, e.g., lighting, working on variable frequency drives, etc., work that would otherwise be contracted out. The facility does not currently have a licensed electrician on staff.

When putting together the job description, he contacted the Nashua and Manchester wastewater facilities who have had electricians on staff for many years. The Superintendent in Manchester commented if he had to do it all over again he would roll the position of electronics technician and electrician into one position. The job description reflects a combination of electronics technician and electrician. The addition of the electrician position is seen as a great benefit. As time goes on the EPA identifies more stringent requirements that require automation of equipment with a heavy emphasis on electronics control in the system. It was noted the individual filling the position would also be able to work on other town buildings if needed.

When considering wage, a review was conducted of area communities. Nashua is currently paying \$25.48/hour for their electrician and Manchester is paying \$21.53/hour. The H.R. Coordinator looked into the private sector and found they are paying \$22.45/hour. The recommendation of the department is to utilize the non-union labor grade 13, which has a starting wage of \$20.34/hour.

Vice Chairman Yakuboff requested information on how often and at what cost the Town has had to utilize a master electrician. Mr. Taylor responded it varies each year; this year the department has expended approximately \$6,000 on outside services between electrician work and work on the SCADA System, which involves programming as well. He stated his opinion the annual average is \$4,000 with 3-4 visits a year on top of the 2-3 times a year they bring in an electrician to perform the annual flow meter calibrations on the SCADA System, which is required as part of the permitting process.

When asked if a cost was being incurred for overtime for mechanics. Mr. Taylor responded instances of overtime depend on the incident, e.g., the mechanics are part of an on-call rotation. There are times when someone could be called in 2-3 times a week and times when you can go for several weeks without being called in. By contract, with each call, you pay 3 hours minimum.

When asked, Mr. Taylor stated there are no electricians currently employed by the Town. Councilor Harrington requested clarification the intent is this individual could address any electrical needs in any Town facility. Town Manager Cabanel commented attention would have to be paid to charging back

expenses because the Wastewater Fund is funded through sewer user fees whereas the Public Works Department is funded through the general fund. Councilor Harrington asked for additional information relative to the amount of hours the individual would be required within the Public Works Department and how the remainder of the time would be spent.

Director Seymour remarked one of the most important things discussed with this position was the opportunity it presented to fill a vacant position with an individual who has a certain skill set, e.g., for a few dollars more the department will gain an individual with a defined skill, which will allow that individual to be used to build new systems, become acquainted with the systems as they are installed, and will provide the safety aspects associated with having a licensed electrician onsite. There are mechanics working in electrical areas, and the presence of a licensed electrician would enhance operations.

Chairman Rothhaus restated the individual would not be simply relegated to electrical, he/she would be performing mechanics II work as well. Director Seymour remarked there would be the slant when he is putting together a pump or a motor that he knows the way they are supposed to be put together. That doesn't mean that the current mechanics don't know how to do it, but the new individual would be relegated to the electrical side of the mechanical end of the facility, plus working on mechanics.

Councilor Dwyer stated his preference would be to fill the vacant mechanic II position with a mechanic possessing a strong electrical background. If the individual possesses the desired electrical background he/she could be compensated at the proposed rate. He stated a concern with whether a licensed electrician would be amenable to performing mechanic duties. He remarked the relatively small amount spent on electrical subcontractors each year is less costly than the cost of overtime and benefits associated with a full-time position. He stated his belief the salary being discussed would not retain an electrician, and such a position could be viewed as a stepping stone.

Councilor Boyd echoed the sentiments expressed by Councilor Dwyer. He remarked the difference between the Mechanic II position and the recommended starting wage for the electrician is around \$4,000, not including benefits. He questioned what the cost would be if benefits were included. Councilor Dwyer suggested the difference would be \$73,000 to \$75,000. Councilor Boyd agreed hiring an electrician would result in employing an individual with a specialty whereas hiring a mechanic who is very resourceful in that regard would likely be more beneficial. He commented the Council and staff have been tasked with addressing an unfunded pension mandate and placing an additional employee at a higher salary grade would also create a slightly greater impact on pension costs.

Town Manager Cabanel stressed the individual would report to Mr. Taylor who would be responsible for managing his/her time. She requested Mr. Taylor confirm the individual hired would be responsible for performing the tasks previously performed by the Mechanic II. Mr. Taylor stated it would be expected and clearly expressed during the interview process that this individual would assist mechanics in their duties. He acknowledged the concerns raised regarding the varying duties of the position, and remarked the public works setting is vastly different from that of the private sector in that all employees within the department are doing work that overlaps, which would be an expressed expectation of the individual filling this position.

Councilor Dwyer suggested he was setting himself up for a challenge in finding the right person to fill that position; that the pool of possible candidates would be greatly reduced when asking an electrician to perform tasks outside of his/her training. Vice Chairman Yakuboff stated he would be hard pressed to justify the additional expense of hiring a full-time electrician with all of the associated costs rather than continuing to subcontract electrical work, which has been stated to be a yearly cost of approximately \$4,000. Chairman Rothhaus pointed out the individual would be responsible for the duties previously performed by the Mechanic II position in addition to addressing electrical needs. He explained the Mechanic II position currently exists within the budget. What is being proposed is to replace that position with an electrician who will also be responsible for the duties previously associated with the Mechanic II position. The financial impact is the difference between the cost of a full-time Mechanic II and the cost of a full-time Electrician as well as the associated increase in benefit costs. That difference would be in the area of \$3,000 to \$4,000 a year. That cost would be offset by a reduction in costs for electrical subcontractors.

Councilor Dwyer suggested what should be sought after is a mechanic with an electrician's license. Chairman Rothhaus suggested that is what is being sought. Councilor Dwyer explained he viewed it differently as it was referred to as an electrician who will also turn a wrench. Chairman Rothhaus questioned whether the job description includes the mechanic aspects of the position, and was informed it does not. He stated the need for that to be included. Several members of the Council and Town Manager Cabanel stated agreement that language should be included. Mr. Taylor stated over the past 5-6 years the department has experienced turnover in the Mechanic II position. One of the things being seen during interviews is the candidates don't have the skillset that was seen 10-15 years ago. Occasionally you will find someone that understands electrical work. The department has a few employees that are really good at it right now who probably will be retiring in the next 4-5 years. He stated the lack of candidates with that experience was a driving force behind bringing the proposal forward.

Councilor Harrington stated her understanding the proposed position would be at a cost approximately \$3,000 higher than the current position and the Town is paying a yearly average of \$4,000 to hire electrical subcontractors, which would result in an overall savings of \$1,000. She suggested the financial aspect is a non-issue. She stated her agreement with the duties of the position being clearly stated and inclusive of the mechanical duties. Vice Chairman Yakuboff remarked he finds it hard to believe that any electrician worth his salt would stay at that salary range. He stated that is his belief it would result in a high turnover rate in the position. Councilor Harrington spoke of the incentive to any tradesman of steady employment and benefits that come with a full time position.

Director Seymour noted discussions took place with a few master electricians wherein they were asked if they would accept such a position. The response was that they would. One of the reasons identified was the benefits package. He added if looking to fill the position with a mechanic, it would be difficult to attract anyone with electrical skills at a pay rate of \$18.91/hour. By increasing the pay rate by a few thousand dollars a year, he believes the position will attract candidates that have a defined skill set. He reiterated they are viewing the proposal as a means of adding skill set to the staff. He commented tasks are only getting more complicated, e.g., there are computer systems that need to be tweaked on a daily basis, which is another task this position would be responsible for.

Councilor Dwyer restated he would favor hiring a mechanic with electrical strengths or even a license at \$21.00/hour. With regard to addressing new and automated systems, he suggested that to be more of a reason to utilize a subcontractor who might be more up on the latest technologies and more

experienced because his company is doing it more. Councilor Mahon remarked you cannot offer someone a job if you haven't defined what the duties are. Without inclusion of the mechanical duties in the job description, it is false advertising. If the expectation is the individual filling the position will be responsible for mechanical duties they should be included within the job description.

Town Manager Cabanel recommended the job description be reworked and brought back to the Council for consideration at a later date. She touched upon an issue they have run into with a wage range identified within a particular union for the Mechanic II position, which prohibits them from increasing the salary for the position. Aside from the technical expertise, what is being sought is an additional classification of an employee that would be under the wage and personnel plan of the Town rather than the one that exists.

Councilor Dwyer suggested a new position be created which would not be bound by any past rules. Town Manager Cabanel responded the mechanic position is listed as a union position in the union contract so it must be absorbed into the union contract with a wage scale that is inadequate. They are looking to get a person with additional skills and to pay him/her more.

Councilor Dwyer reiterated consideration should be given to creating a new position with new definitions, pay scale, etc. Chairman Rothhaus stated a desire for the Town Manager to re-work the job description and bring the new description before the Council for review.

The item was withdrawn.

Chairman Dwyer stated his support of the department obtaining the skillset it requires.

3. Sewer Master Plan Presentation

Submitted by Assistant Director of Public Works/Wastewater James E. Taylor

Project Manager Chris Dwinal of Wright Pierce to present the findings of the recently completed Sewer Master Plan.

Town Manager Cabanel remarked she has questioned why the Town would conduct a Master Plan study for a project that would cost in the area of \$60 to \$80 million when much of the Town is unsewered, and everybody seems relatively satisfied with that. Director Seymour has explained developers and contractors come into town wanting to construct new residential developments. If the Town desires sewer enhancements be performed as part of their work, it has to be done in accordance with an established/approved master plan. The Town cannot impose the requirement upon a developer in the absence of a plan.

Mr. Chris Dwinal, Senior Project Manager, Wright Piece, stated work began on the Master Plan in November of last year. He provided a PowerPoint Presentation (copy attached). He stated a Master Plan is a comprehensive plan to meet the potential short-term and long-term sewered growth needs in the Town. It looks at the capacity of the existing public wastewater infrastructure and the need for new infrastructure to serve both existing developed land and undeveloped land that might grow in the future. It is not a statement of how the Town should grow, but rather a roadmap of the Town's desired way to serve certain areas if those developers come before the Town. The plan is not a concrete plan and can be adjusted from time to time as conditions change.

The current plan is 36 years old. In updating the plan current development plans in the community needed to be considered as well as the community Master Plan being developed, current land ownership and land use, and current regulations. Kattie Collins, Lead Project Engineer, Wright Pierce, noted one of the first steps was consideration of the extent of the existing collection system. About 1/3 of the Town is served by the collection system as well as parts of Southern Bedford. She projected a map depicting the existing collector system including the collector sewers, main interceptors, pump stations, and the wastewater treatment facility. She stated there to be approximately 1,500 sewer manholes, 90 miles of gravity sewer, 6 pump stations, and the wastewater treatment facility.

She remarked one of the important things to consider when evaluating potential future projects is the ability of the existing facilities to accept additional flow. The evaluation of existing facilities that was performed looked at not only the gravity sewer pipes but also the pump station capacities. Northeastern Merrimack is served by the Souhegan Pump Station which in turn pumps to the south into the Thornton's Ferry drainage area. As an example, if sewer were to be extended in northeastern Merrimack and increase the potential sewered flows not only would you have to consider the capacity of the Souhegan pump station, but you also need to consider the downstream, capacity of the Thornton's Ferry pump station. She noted the majority of the facilities within Merrimack do have additional capacity for future growth. When asked, she stated her belief at least one of the pump stations, if all projects were to be constructed, would need to have a capacity upgrade at some point in time.

Ms. Collins spoke of the general steps taken to update the sewer master plan. After looking at the existing system they moved on to consider the rest of the Town that is currently not sewered and developed a list of possible future projects. They completed dynamic modeling of select interceptors within the collection system to basically confirm and identify additional capacity the Town has. Once the projects were developed, which include a conceptual layout of the sewers and the pump station, it included an estimate of the projected future flow for those areas as well as a cost estimate. After all of that was done they developed a set of criteria that could be used to rate the projects. They also considered some of the potential funding mechanisms that could be used.

In developing the proposed projects, one of the first things considered was planned developments with the Town at this time. They then looked at areas in Town that are currently undeveloped and have the potential to be developed to determine, should the property become developed, how the Town would sewer those areas. They also reviewed the 2012 draft Master Plan to ensure the areas looking for development or redevelopment either have existing sewer or have a plan in place to extend sewer. They reviewed current zoning standards to ensure projects being proposed are in line with the Town's vision for development, and met with staff a number of times throughout the process to ensure they were on the right track and receive feedback. They also considered a number of features that can prevent or promote growth in a certain areas, e.g., topography, soils, wetlands, etc.

After considering all factors, a list was developed of 38 potential sewer projects, which are depicted in the map provided. For the most part all of the projects meet one or more of the following criteria; can drain to existing collection system by gravity, are close to the existing collection system and will be fairly easy to serve, in area where there is a known environmental concern or a developer has expressed interest in developing a certain area as well as areas where there is a concern about individual lots to be able to support septic systems. Areas excluded from the study included southwestern Merrimack, which drains to the City of Nashua and areas that are more easily served by

on-lot solutions. She remarked there is a pretty large area in west central Merrimack where the lots are very large and would require multiple pump stations to serve. With feedback from the Town it was decided that would be the most cost effective alternative for that area. They also did not look at lots that don't have development potential, e.g., conservation areas.

The bulk of the projects appear to serve existing residential development, but it is important to note the plan does not preclude the currently undeveloped areas. She reiterated existing land use and current zoning regulations were considered to ensure there is a plan in place to extend sewer to the areas that could be developed. The average cost per project was about \$2.2 million and ranged from under half a million to \$5.6 million. The estimated cost for all 38 projects is \$82.8 million.

Mr. Dwinal stated this is not a plan for what the Town needs to move forward and do today to extent sewers to all of Merrimack, but rather an indication of what it would cost to sewer these areas if determined necessary (all projects in total). Thirty eight projects valued at nearly \$80 million are projected to be necessary to serve the areas that were evaluated as part of the study. They don't include costs on private property or costs to put sewer in undeveloped land that might become developed in the future. It has been accounted for in the size of pipelines included in the costs, but they have not been laid out based on placement of roads, number of houses, etc.

Given the high cost of wastewater infrastructure projects, prioritization is an important aspect. They considered many different criteria when looking at prioritization of the 38 projects. The five criteria were given equal value: 1) impediments to onsite treatment; lots in areas that had impediments such as small lot sizes were given a higher score, 2) , accessibility to the existing system; if the project was very close it was given a higher score, 3) consistency with community Master Plan, 4) interest/demand for the project; projects adjacent to or near sensitive environmental resources such as public water sources were given a higher score, and 5) the cost of the project divided by the gallons of wastewater that could be collected; how much would it cost and how many homes will be gathered to build the project. There were 38 projects but only 11 unique scores, a tiebreaker was added to the criteria where the total project cost was divided by the project score.

The top 5 projects ranked high primarily because they had a low unit cost. Some of the projects had some sensitive environmental resources nearby, and most of the projects were at least somewhat consistent with either the community master plan or there had been some expression of interest of development of the area or interest in an existing development having sewers because of problems with their on-lot systems.

He remarked the ranking listed does not indicate the projects would or should be performed in the order listed. While the Town could decide to fund any or all of the projects, the Master Plan is a blueprint of where sewers and pump stations should be built or are recommended to be built to best serve unsewered areas if they wish to become sewer in the future. It is not a statement of which projects the town should fund. Mr. Dwinal provided an example of another New Hampshire community in which they have performed work; they did a master plan 8 years ago and since that time the community has only done one upgrade to one pump station with Town dollars. Many other sewer projects have been done, but have been paid for by private developers.

It was recommended the Town adopt the following general approach: developers fund new infrastructure for new development that benefits the development. Residents fund infrastructure needs

in existing residential developments. If the Town does decide to fund a project or develop a project that will be paid back by someone else the following methods or mechanisms could be used; the Town could use an existing sewer line extension fund, which has been funded by all taxpayers not simply ratepayers. If the Town decided to construct a project to extend sewers to an existing residential neighborhood either a one-time fee could be charged or an annual recurring cost, often viewed as a special assessment, could be paid by the residents that benefit from the extension. The Town may wish to modify its sewer use ordinance to capture and clarify the mechanism of how that would be funded or paid back to the Town. As additional funds are needed within the sewer extension fund over time, the Town could look to a bond or raise funds through taxation.

He remarked when looking at various sewer projects the Town may wish to move forward with, existing residents may ask for or developers may be interested in, you have to look at whether the project is something that should be funded on the backs of the existing rate payers and is fair for those paying for the operation, maintenance, and capital expenditures of the existing system or whether it is best funded by either private developers, through the Town tax base as a whole, or a combination or two of more of those mechanisms.

Councilor Mahon spoke of the current sewer ordinance and questioned whether the analysis considers not all homes that might be affected by the extension of a sewer line would be required to hook up to it once it runs past its property. Mr. Dwinal stated his belief if a sewer is built within an existing neighborhood and within 200' of an existing home the resident has a year during which they can connect unless there is a waiver request.

Mr. Taylor stated in the sewer use ordinance there is a requirement to connect within 180 days, but there is a waiver request a resident could bring before the Council, and if they meet certain criteria, e.g., the age of the system and if have approval from NH DES, the Council could grant a waiver that the resident would not have to connect to sewer until their system failed. Mr. Dwinal stated the cost of the projects listed in the master plan includes running public sewer in the areas shown. How those get paid for or how many residents are involved in paying those back, is a separate choice.

Councilor Koenig requested clarification the 38 projects identified cover all of the area in Town it is believed at some future point might need sewer. He asked for additional information on how the determination was made. Mr. Dwinal remarked ten people could look at the master plan differently and might come up with different solutions potentially, but what was consistent in the project was Town staff involvement and looking at topography and realizing areas that would be too expensive, too far away, or too remote to be served by sewer. Some of those areas were precluded from the study. There is a large vacant area that has a great deal of land and the potential for development in the area of Grater Woods. Sewer was not shown for that area because there is no idea where the developer would want to put roads, etc. If the developer wished for the Town to take over the infrastructure once they build it within their development and pay for it, staff would get involved in saying we don't want 14 pump stations in here we would rather have you go this way and tie into this neighborhood right here. The plan assumes some development will happen in the areas not conserved. The sewer lines within the neighborhood and the rest that go all the way to the plant were evaluated to make sure they have enough capacity to take those 67 lots and any additional development that might occur in areas where we think it makes sense to sewer or the developer might want to sewer to get the benefit of smaller lot sizes. While they didn't extend it out there, there is capacity for areas where they thought would make sense to be sewered in the future.

Councilor Koenig questioned the percentage of town that would be served with the anticipated 38 projects and \$82 million cost. Mr. Dwinal remarked If a developer came to the Town today and said I want to build a development out on Baboosic Lake Road or add homes out there, I want the benefit of smaller lot sizes, and want to sewer that area the plan would be used to identify the way the Town wants it sewered. You would not want a situation where the developer puts in 14 pump stations and then asks the Town to take over all of these little pump stations. Councilor Koenig questioned whether the \$82 million figure represents the cost of bringing sewer to individual homes or just down the street. Mr. Dwinal stated the cost identified is what it would take to bring the sewer to the edge of the right-of-way. Each resident would be required, as they are now, to run a sewer line from the edge of their foundation wall out to the right-of-way. Councilor Mahon remarked it was reported to the Planning Board two years prior that the study was taking place. A few of the members of the Planning Board were of the opinion the 1977 plan did not need to be updated. He noted in the late '80s the Town put forward a \$30 million bond to build out the 1977 plan, which was not successful at Town Meeting. Councilor Dwyer stated his opinion the Town is at buildout and if he had his way he would encourage a 2-3 acre minimum lot size thereby eliminating future sewer projects by everyone having a septic system.

A brief discussion ensued with regard to the way in which projects were ranked in the priority listing. Councilor Boyd questioned how to analyze the data to make an informed decision that will allow the body to think strategically about the issue. Mr. Dwinal responded the Town will look at the information any time they get a request from a neighborhood or a developer. He commented the plan should not be looked at in a vacuum. It will be reviewed from time to time and perhaps will come before the Council with a request to fund a specific project. At that time they will have to provide the rationale for why they may want to fund a project that is not ranked high on the priority list.

Councilor Harrington stated her disagreement with some of the ranking, and questioned how a neighborhood is identified as having no environmental concerns when it feeds into the water supply. She questioned how citizens could gain clarification or challenge the results. Mr. Dwinal responded if a resident has information to provide it would be reviewed by staff and an adjustment could be made. Councilor Harrington stated her belief the citizenry needs to be aware of the master plan and the fact it is a public record available for public review.

Councilor Mahon reminded the Council of the need, particularly when discussing Continental Boulevard and commercial and industrial development, to understand the document does not take into consideration the impacts in terms of stormwater, e.g., parking lot runoff and its impact to the area for development. He noted there are a great number of other factors that go into the ability to develop a particular parcel which ND DES and the EPA will look at.

Town Manager Cabanel reiterated the importance for the public to understand the projects would be driven by constituent issues and/or developers. It is not a plan that will be driven by the Town or the Capital Improvements Plan.

The Council recessed at 9:36 p.m.

The Council reconvened at 9:41 p.m.

Fire Pumper Purchase Proposal

Submitted by Fire Chief Michael Currier

The Town Council to consider Merrimack Fire Rescue's request for the purchase of a new fire pumper in accordance with the CIP.

Richard Pierson, Assistant Fire Chief, Merrimack Fire Rescue, stated he was tasked by Chief Currier to establish an apparatus committee to look at purchasing a new pumper. The Chief provided a few guidelines such as cost limitations, the requirement to identify some general specifications that would allow the different manufacturers to bid on the apparatus, and design it so that it worked best for Merrimack. The committee consisted of four Fire Department personnel and one member of the equipment maintenance division of the Public Works Department. Lt. Matt Duke was elected to Chair the committee.

Matt Duke, Lieutenant, Merrimack Fire Rescue, reiterated the committee was provided the overall direction, the budget, the goals the truck needs to meet, where it would be housed, etc. Current and anticipated needs were reviewed. In an attempt to reduce costs and delivery time for the apparatus, the committee looked first at demo apparatus. A brief outline of the type of apparatus needed was generated and put out to at least 9 different manufacturers questioning whether they had stock or demonstration units available that met the general guidelines. A few different demo units were looked at; one did not meet the needs, one was a pretty good fit and was evaluated. Although it was believed it would fit the needs, in communicating with the Finance Director, it was stated the cost savings that could be realized might not be sufficient to circumvent the bid process, e.g., it was entirely possible that someone could bid a truck that would result in a greater savings than could be achieved through purchase of a demo. unit.

Those basic specifications were modified and used to generate a detailed set of specifications for the particular apparatus believed to be needed. A few months were spent adjusting the specifications to ensure all instances for which the apparatus would be needed were addressed. Out of the seven different major apparatus manufacturers who were invited to meet with the committee, six met with the committee after having had the opportunity to review the draft specifications. A discussion took place regarding the needs of the Town and the cost of the apparatus. At the conclusion of the meeting all were asked, based on what they learned, if the project was one they could or would bid on, and all indicated they could.

The committee finalized the specifications to be inclusive of recommendations received from the manufacturers. They were sent out to bid and were out for approximately 30 days, which is in line with what the manufacturers indicated they would like to see. Four responses were received; two were no bids and 2 were valid bids received from HME and KME. The bid from HME was for \$413,300, which was the higher bid and appeared to be less compliant with the specifications generated. The Town has no history with that manufacturer. KME was slightly less expensive (\$405,167), was believed to be more compliant with the specifications, and Merrimack has a very good history with KME Apparatus.

The committee unanimously recommends the purchase of a KME. Lt. Duke stated the desire of the committee to purchase the new fire pumper, locate it at Station 2 in South Merrimack, where it will run as Engine 2, the 2005 American LaFrance engine (currently runs as Engine 2) will be moved into reserve status, and removed from service will be a 1987 KME open cab engine that has served the

department since 1987. That engine will be sent to equipment maintenance to use for parts and materials to service and repair other apparatus in the fleet. He commented that worked out well for the department when the 1991 KME was taken out of service 2-3 years earlier. The 1987 engine is 26 years old, has about 63,000 miles and 5,200 hours on it. It is an open cab design, which offers minimal protection from the elements and road debris. The seatbelts are lap belts only. It is a 1,250/gallon/minute fire pump. There is limited storage space particularly for EMS equipment. There is very little in the way of emergency lighting on and around the truck.

The proposed KME engine has an enclosed cab, there is a great deal more storage, the ladders are integrated into the water tank and slide in from the back of the truck, which is advantageous to protect the ladders from the salt and sand on the roads in the winter. It is a 1,500/gallon/minute pump with a 1,000 gallon water tank, has greatly improved maneuverability and safety, and has been designed with storage for emergency medical equipment inside the cab where it is protected from the elements. There is a great deal more emergency lighting. The apparatus will be equipped with an on-board vehicle rescue system, the Jaws of Life, as well as a large on-board electrical generator to meet electrical needs to power the tools they bring with them. The apparatus price is \$405,167, associated equipment (Jaws of Life, etc.) cost is \$30,394 for a total cost of \$435,561.

When asked, Lt. Duke stated there is a one-year bumper-to-bumper warrantee as well as a number of component specific warrantees. When asked, Director Micali stated the balance in the account after the purchase would be \$200,000 - \$300,000. Lt. Duke noted he misspoke and stated the two tanks are the same size, it is the fire pumps that are slightly different; the new apparatus will have a slightly larger fire pump. They both have 1,000/gallon tanks. Councilor Boyd remarked the pump has greater capacity (1,250-1,500 gallons/minute).

Vice Chairman Yakuboff questioned the language surrounding the creation of the capital reserve fund, which was funded through a contribution from the mall. Director Micali stated the language dictates the fund can only be utilized for fire. Presently there are three fire related capital reserve funds. The first is for the ambulances, the second is for fire equipment, and the third is a fire station building capital reserve fund. Vice Chairman Yakuboff questioned whether the reserve account funded by the mall's contribution could be used to fund the cost of the pumper truck. Town Manager Cabanel stated the Council could use those funds; however, it is important to understand use of those funds is not as restricted as use of the funds from the capital reserve account, which was established specifically for fire equipment purchase and can only be utilized for that purpose.

Monies in the capital reserve account established through the mall's contribution can be used for anything fire related. The issue of needed renovations at the south fire station, e.g., heating system, roof, etc., came up. It was noted the capital reserve account created with the mall contribution could be used to address those issues whereas the capital reserve account created specifically for the purchase of fire equipment could not.

Town Manager Cabanel stated the budget calls for expending \$450,000 from the capital reserve fund, and the expectation from the public is that the equipment will be purchased through use of this fund. If the Council decided to use the fund created through the mall contribution those funds would have to be transferred into the budget and identified as an expenditure for that specific purpose so that the public is aware.

Councilor Dwyer restated his position; he would like to fund the purchase of the apparatus through the capital reserve account that was created by the contribution from the mall rather than monies set aside to address the capital improvements program (specifically slated for purchase of fire apparatus).

Councilor Mahon stated that could not be done. He stated funds were appropriated and approved in the budget. He stated the funds in the account cannot be utilized until the expenditure is presented as part of the budget process.

Director Micali stated the Town is governed by State RSAs with regard to appropriations and revenue. When the Town completes its MS4 it sends revenue numbers to the State. The Town has the \$650,000 in the bank. The Council has not decided where to put those funds. There are regulations and rules that need to be followed in order to appropriate those funds to certain areas. The funds cannot be used to offset this purchase at this time. When the MS4 revenue numbers, which set the tax rate, were sent to the State, they indicated a transfer of \$450,000 from that capital reserve fund into the budget as revenue to offset the cost of the fire apparatus.

Director Micali stated in order for the funds to be appropriated a public hearing needs to be conducted and the Council would be required to vote on both the transfer of funds from the expendable trust account to a budget line item for equipment purchase and on expenditure of the funds. Councilor Dwyer requested he be provided with the applicable State Statute(s) that require a public hearing be conducted. Director Micali stated he would provide the reference information and will obtain a legal opinion.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to expend the sum of \$435,561.00 from the Fire Apparatus Capital Reserve fund for the purpose of purchasing one (1) new 2013 KME Predator Panther Challenger pumper for the Town of Merrimack, and further that the Town Manager and/or her designee be authorized to effectuate and sign any and all required documents to approve the transaction

ON THE QUESTION

Councilor Boyd stated his agreement with the recommendation received from staff as to how the funds should be appropriated. He thanked the department for its presentation, and remarked the rationale behind the purchase is self-explanatory.

Councilor Dwyer stated his is not opposed to replacing an old outdated pumper; however, it has been stated the desire is to place the 2005 American LaFrance engine in reserve status and that the 1987 open cab engine be taken out of service. He has heard the opinion the American LaFrance has been a bad choice since purchase, has very a very high maintenance cost, etc. He questioned why the desire would be to keep this in reserve given its history/performance. He spoke of the discussion that occurred during the retreat about reexamining the department's equipment needs, e.g., not retain inadequate equipment. He spoke of regionalization and looking to neighboring communities to serve as backup in the event frontline equipment is out of service.

He stated he would vote in opposition of the motion because he is without a proper evaluation of the equipment needs of the entire department. Secondly, if the south fire station is going to be refurbished, as was discussed during the retreat, it may be an ambulance rescue rather than a fire station, yet the desire is to spend half a million dollars on a piece of equipment that was specifically chosen because of

the low doors at the facility. He stated his desire for the personnel in the department to have the finest equipment available at their disposal; however, he wants the Town to purchase equipment that is not based on a particular facility whose future is uncertain.

Chairman Rothhaus stated his understanding the old pumper would be used for parts as the trade-in value is less than the value of parts. Lt. Duke noted in speaking to the manufacturers, the unanimous comment was the vehicle is worth very little monetarily as either a trade or for sale partially because of its age and partially because of the open cab configuration. The old pumper will go to equipment maintenance and be used as a source for parts. Chief Currier noted from what equipment maintenance personnel have stated, the department achieved somewhere between \$10,000 - \$12,000 in savings by utilizing parts from the old 1991 KME when that engine was taken out of service. That value would never be achieved through a trade-in. Vice Chairman Yakuboff questioned whether a small town up north would have use for the pumper truck. Chief Currier stated his belief there are no departments within the state that are still running open cabs.

Councilor Harrington questioned the age of the other pumpers in town. Lt. Duke stated the engine running as Engine 1 out of the central station is a 2010. That engine is very similar to what is being proposed. One of the hopes is that by moving the 2005 into reserve status the reduced number of hours and miles will result in lower maintenance costs. Chief Currier spoke of the extensive amount of replacement parts and repair work on the vehicle, which has brought it to the point where it is believed it is not costing as much as it has in the past. At present, a review is being conducted of all equipment in the department to determine whether 5 pumpers are needed or 4, etc. He noted the last audit of equipment was done in 2007/2008. The plan put together at that time is not sufficient for the current economic environment, the needs of the community, EMS considerations, etc.

Councilor Dwyer remarked until the equipment review has been completed a decision should not be made to purchase. Chief Currier stated at present there are five engines. The proposal is for the purchase of a new engine to be the 5th engine. The '87 KME will be scrapped. The department is in the process of reviewing its fleet and what is needed to meet future needs. The next scheduled pumper purchase is in 2015/2016 or 2016/2017. Prior to the next purchase the department will have the data to determine whether it will continue with five pumpers. He stated his belief in order to stay on track with the replacement plan identified within the Capital Improvements Plan this purchase needs to occur. He stated his belief acceptance of a plan for the future will be in place before moving on to the next purchase.

Town Manager Cabanel stated what is being evaluated is what equipment will be retained not purchases. Councilor Koenig commented he was not made aware of urgency for a new pumper. He stated he does not have a clear understanding of what equipment we have, how it is being utilized, and whether we have actually evaluated if the right decisions have been made along the way. Chief Currier stated his opinion the purchase of the American LaFrance was probably not the right decision. He stated the result of the purchase is a great deal of money was spent refurbishing the Engine II and the ladder truck. The department is at a point now where the desire is to reduce the run time on those vehicles. If Engine II is placed in reserve status and the new vehicle, which is a proven vehicle, is purchased, the department can continue on track with the Capital Improvements Program and continue moving through the evaluation process.

Approved: June 13, 2013

Posted: June 14, 2013

Vice Chairman Yakuboff questioned the mileage of the current equipment. It was stated the 1987 KME being proposed to be taken out of service has approximately 64,000 and around 5,000 hours. Chief Currier commented every 1,000 hours is about 10,000 miles, resulting in about 100,000 projected on that vehicle right now. Lt. Duke stated his belief the 2005 American LaFrance has approximately 65,000 – 70,000 miles on it. When asked what can be expected out of a pumper truck. Chief Currier stated it depends on idle time and the type of vehicle. He suggested 100,000 - 120,000 miles.

Town Manager Cabanel noted fire equipment is in the shop for preventative maintenance quite a bit to avoid breakdowns on the way to an emergency. The need to keep the equipment well maintained takes it out of service at times, which creates the need for reserve vehicles. It was noted there are difficulties obtaining replacement parts for the American LaFrance. Over the past three years that engine has averaged almost \$17,000 a year in maintenance costs.

Councilor Koenig questioned whether the new truck being proposed would be sized to fit in the south station. Lt. Duke stated that was a consideration; however, from his perspective, there were no compromises in other areas of the apparatus to get it to fit in that station. Councilor Koenig noted one of the points made during the presentation of the American LaFrance prior to its purchase, was that the equipment was in fact a little shorter than its competitor trucks and would fit into the south station and still provide ample room to walk behind it while the door was down. Lt. Duke stated the LaFrance fits, but you can barely walk behind it. There are approximately 14” in the front and 14” in the back to get between the door and the back of the building. The proposed truck is approximately 3’ shorter than the LaFrance. One of the things the American LaFrance has that this truck does not, and which adds to the length, is a compartment between the cab and where the pump sits. The compartment goes all the way across the truck and adds approx. 2.5 - 3’ to the length of the truck. They have accommodated their storage needs in other ways and removed that compartment from the truck. By doing so they took 2 - 3’ of length off the truck and 2 - 3’ out of the wheel base, which will provide for better handling. Chief Currier stated it would be similar in size and maneuverability to Engine I.

Councilor Dwyer questioned whether a different KME model would have been chosen if not for the restriction at the south fire station. Lt. Duke stated his opinion it would not have. He stated the only sticking point was overall height. The only thing that influenced was where the ladders were stored. There are other ladder storage options such as hydraulic racks that will put the ladders above the top of the truck. Those were not an option because of building restrictions, however, there are drawbacks to those storage systems as well, e.g., in order to use the ladders they need to be hydraulically lowered down to the side of the truck and however far it is from the pivot to the top of the truck is how far it is going to stick out to the side of the truck.

MOTION CARRIED 4/3/0

Councilors Yakuboff, Koenig, and Dwyer voted in opposition

Minutes

Approve the minutes from the Town Council meetings of April 25, 2013 and May 9, 2013.

April 25, 2013

The following amendment was offered:

Page 9, Line 52; replace the word “and” with the word “an”.

MOTION made by Councilor Boyd and seconded by Councilor Yakuboff to approve the minutes of the April 25, 2013 Town Council Meeting as amended. MOTION CARRIED 6/0/1 Councilor Harrington abstained

May 9, 2013

The following amendments were offered:

Page 2, Line 32; replace “Mr. B” with “Mr. Best”.

Page 15, Line 22; add the word “not” between the words “is” and “too costly”.

Page 16, Line 50; Add the following: “The revised meeting schedule is proposed as follows: June 13, June 27, July 18 and August 15 and resume back to meeting on the second and fourth Thursdays in the month of September.”

MOTION made by Councilor Boyd and seconded by Councilor Yakuboff to approve the minutes of the May 9, 2013 Town Council Meeting as amended. MOTION CARRIED 7/0/0

Comments from the Press – None

Comments from the Public

Randy Smith, Mount Vernon, Member, Nashua West Rotary Club and Chairman of Ribfest Committee

Remarked this year is the 11th anniversary of Ribfest. He stated the purpose for his attendance was to discuss the Ordinance, Chapter 180. Notice was received from Captain Dudash informing of certain obligations for temporary vendors.

Mr. Smith stated the Town of Merrimack derives from Ribfest more money than any other organization they use, including entertainment. The Town is paid \$38,000 for police and fire services. He commented the cost of having the Ribfest in Merrimack is great; however, it is a tremendous value for the Rotary to have it in Merrimack. It brings the family event they strive for. The entire intent of the program is to put on an event that people from Merrimack and surrounding communities can enjoy.

He thanked the Council for having waived Section 80.3 of the ordinance requiring the background and vehicle checks for this year. He stated the area where he is having difficult is with what is being requested of the small vendors; the ones who bring entertainment to the children. These vendors do everything from temporary tattoo work to sand art to floating ducks around the water ponds. These are the people that are now backing out of participating after being informed of the requirements they have to comply with.

Mr. Smith stated the Rotary is trying to find a way to make it work understanding there are some years when, after paying for police and fire services, they may not profit, in which instances the non-profits, 32 of which are within Merrimack, also do not make a profit. He questioned the decision made by the Council for the Town to have a function for which the fee was waived. He remarked parties selling a

Approved: June 13, 2013

Posted: June 14, 2013

product and deriving a fee are required to obtain a license. But if that same vendor goes to the fall function their obligation is waived. He noted the Rotary is a 501(c)3 (non-profit) organization. He stated his belief they and everyone around them would fit under that same criteria. He reiterated the Rotary is facing the loss of a dozen or so small vendors; they simply do not make enough of a profit to afford the fee. He requested the Council consider how this can be modified.

He provided the example of going through the process of obtaining a liquor license, which requires sign off by the Police Chief, Fire Chief, and Health Department, and suggested the council consider if an organization wants to put on an event and goes through the application process (perhaps with a fee), that individual/group now has to comply with that document that says he has to do very specific things. He stated that to be a real value as the individual/group has the understanding there is a need for police presence, etc. Anyone who enters into that agreement is liable for everything that occurs at that event. He noted he has a contract with Anheuser Busch and is liable, under a lease agreement, for the duration of time he is on the property. He is the user of that property and everything that goes on under Rotary fits that. He suggested the Council consider that and then they could exempt all fairs and organizations that fill out the application and satisfy the Town's requirements for that.

He reiterated he will lose a lot of small vendors that cannot afford the fee. He questioned how the Council went through the process of deciding to exempt the Town function for similar people coming over to sell a product, and why the Rotary could not fit that similar criteria.

Chairman Rothhaus thanked Mr. Smith for his remarks. He noted the ordinance has been around since the late '80s and has been modified on a few occasions. Most recently the Council had the conversation about postponing its implementation. He remarked he hated to say it is what it is, and he is hopeful should the Council desire to, it will be able to get its hands around fixing it. He offered to contact Mr. Smith the following day to discuss the matter further. Mr. Smith stated he would appreciate the opportunity to discuss the matter with him further and noted the Council's next meeting is the 13th of June and the event opens on the 14th of June.

Comments from the Council

Chairman Rothhaus spoke of the departure of Adam McCune from the Media Department, and thanked him for his service to the community.

Chairman Rothhaus mentioned his attendance at a Naturalization Ceremony and stated he thoroughly enjoyed the experience. He remarked his grandmother was a naturalized citizen and his grandfather came off the boat at Ellis Island back in 1921.

MOTION made by Councilor Mahon and seconded by Councilor Harrington to adjourn the meeting. MOTION CARRIED 7/0/0

The May 23, 2013 meeting of the Town Council was adjourned at 10:43 p.m.

Submitted by Dawn MacMillan