

Approved: May 9, 2013

Posted: May 13, 2013



Town Council Meeting Minutes



Thursday, April 11, 2013, at 7:00 PM, in the Matthew Thornton Room

Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were

Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Harrington, Town Manager Eileen Cabanel, and Finance Director Paul Micali. Vice Chairman Rothhaus and Councilor Koenig were excused.

Chairman Mahon noted Vice Chairman Rothhaus was attending to a family matter and Councilor Koenig was out of town on business.

Pledge of Allegiance

Chairman Mahon led in the Pledge of Allegiance.

Announcements

A special meeting of the Town Council will be conducted on Thursday April 18, 2013. The meeting will convene at 6:00 p.m. at the Town Highway Garage for a tour with staff and the building consultants retained to review and make recommendations regarding the condition of the building. The meeting will reconvene at 7:00 p.m. in the Matthew Thornton Room to receive a complete report from the consultants and reorganize the Council. Regular meetings of the Town Council will be conducted on Thursday, April 25, 2013, May 9, 2013, and May 23, 2013 at 7:00 p.m. in the Matthew Thornton Room.

The 2013 dog licenses are now available at the Town Clerk's office. All dogs four months and older are required to be licensed annually by April 30th. To license your dog we must have proof that your dog's rabies shot is valid. In addition, if your dog is neutered or spayed, we need a copy of the neuter/spay certificate. The Town Clerk's office will be open for dog licensing on Saturday, April 13th from 9:00 a.m. - 12:00 p.m. The Rotary club will be holding a rabies clinic at the same time at the Ambulance Garage located at the Town Hall facility. Only rabies shots will be provided, and the cost is \$20.00. Please bring current shot records with you.

The Crimeline Magic Show is this Saturday, April 13th, from 10:00 a.m. - 2:00 p.m. at the American Legion. Come and see the many acts and shows. "Gunny" will be performing a demonstration as well. All proceeds support the Merrimack Police K-9 program. The Merrimack Police "All Stars" vs. JMUES Teachers in the Annual P.A.C.T. (Police and Children Together) basketball game is April 18th at 6:00 p.m. in the Smith Gym at JMUES to raise funds for the PACT program.

This weekend the Library is having a special book sale, and all proceeds will go toward renovating the historic Lowell Room into a meeting room and reading room. Next week you can help them celebrate National Library Week. The D.W. Diner has partnered with the Friends of the Library; eat at the Diner between April 15th and 17th, present the Friends' flyer, and 10% of your tab will be donated to

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the Friends, who fund many of the events at the library, including our Summer Reading Challenge for all ages.

The next Household Hazardous waste and electronics collection is Saturday, April 20th, from 8:00 a.m. - 12:00 p.m. at the Nashua Public Works Garage. There is a \$10.00 fee per vehicle and this covers 10 gallons or 20 pounds of material. Items accepted include: adhesives, fertilizers, mixed gas, paint thinner, drain cleaner, mercury products, Nickel Cadmium and lithium batteries, fluorescent bulbs, electronics, antifreeze, pool chemicals, herbicides, pesticides, household cleaners, oil and lead based paint. No latex paint allowed. Call the Merrimack Transfer Station for more information at 424-2604.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Town Councilor Jacqueline Flood

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

The Town Council will present a plaque to Jacqueline Flood for her service to the Town of Merrimack as a member of the Merrimack Town Council.

Chairman Mahon presented Councilor Flood with a plaque recognizing her dedicated service as a member of the Town Council for the Town of Merrimack.

Councilor Flood stated it to have been her honor to have served the community of Merrimack. She provided personal remarks speaking of the individual personalities of each of her colleagues on the Council. Her remarks, although intended to highlight the attributes and skillset of each member and the talent and experience each brings to the Council, were lighthearted and whimsical.

Councilor Harrington thanked Councilor Flood both from a personal perspective as well as that of a Merrimack citizen. She remarked Councilor Flood is a woman of integrity and although they have disagreed on occasion, she has always been forthright, retained her integrity, and should be very proud of that. Councilor Dwyer spoke of Councilor Flood's involvement in the Town for the past 20+ years in numerous capacities. He stated it to have been a privilege to have had the opportunity to serve with her.

Councilor Boyd stated one of the things he has tried to take away from the time he has been honored to have spent working alongside Councilor Flood is her keen ability to remain calm and to use and communicate facts so that all those affected by a particular issue are able to understand the issue and her position. He noted Councilor Flood's contributions to the Town of Merrimack go far beyond the confines of her position on the Council; include the numerous projects she has been involved with over the years. He spoke of the efforts put forth by both Councilor Flood and her Husband Peter to ensure Merrimack continues to be a great place to work, live, and raise a family for generations to come. He wished them both health and happiness in their future endeavors.

Chairman Mahon thanked Councilor Flood for her service. He commented she has been a moderating force on the Council. He reiterated she has been a steady force while being assertive in her points of view, which are attributes that have been beneficial to the Council and helped it operate in a manner

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that allowed it to reach consensus on a number of different issues. Councilor Dwyer jokingly remarked Councilor Flood is the most conservative liberal he has ever met.

Town Manager Cabanel stated her admiration of Councilor Flood, and remarked, although she herself has only been in her position for a few years, she has learned a great deal from Councilor Flood and is appreciative of her treatment of her and others. She touched upon Councilor Flood's ability to conduct herself as a lady, while being assertive with her opinions yet open to hear the opinions of others and consider all aspects of each issue.

Director Micali thanked Councilor Flood for her support and assistance. He touched upon the numerous meetings that went late into the evening and her ability to assist the Council in coming to consensus and compromise. He spoke of the numerous other committees on which she has served and the various capacities in which she has provided her time for the betterment of the community.

The Council recessed at 7:18 p.m.

The Council reconvened at 7:23 p.m.

Appointments

1. Annual Review with the Parks and Recreation Committee

Submitted by Parks and Recreation Committee Chair Tom Thornton

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

Mr. Tom Thornton, Chairman, Parks and Recreation Committee, stated one of the tasks of the Committee to be the monitoring of Town parks (11 in total). Teams made up of a few Committee members each are assigned a particular park to visit, identify any work/repairs that need to occur, and report back to the Committee. The information is then shared with and recommendations made to the Public Works Department. If a matter that can be addressed easily, work is typically done immediately. If of a more detailed nature, the work is performed in the spring time.

The Committee make-up is that of twelve (12) members. Current membership consists of; Mr. Thornton, Chairman, Chris Christensen, Vice Chairman, Laura Jaynes, Secretary, Lynne Wenz, Member-at-Large, representatives from the School Board and Town Council (to be announced), Lorraine Lessard, representative of the Senior Citizens Club, John Schneider as the MYA Liaison, and Holly Lewis, student representative. At present, there are two full member and two alternate member vacancies on the Committee.

Mr. Thornton spoke of events conducted by the Committee on a yearly basis including the Winter Carnival in February, Easter Egg Hunt in April, and Summer Concerts, which, this year, will be co-sponsored by the Library (June 26th and August 7th at the gazebo). He commented one large concert that was not done last year was the 39th Army Band, which is provided at no charge, and will take place this year in the month of August. After the summer concerts wrap up work begins on the Haunted Halloween Walk followed by the parade and tree lighting ceremony in December.

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This past year the Committee formed two subcommittees; Pavilion Subcommittee for Watson Park and the Dog Park Subcommittee. The foundation for the pavilion has been poured and the structure is onsite and will be erected in late April. The pergola was completed last year as an Eagle Scout project. The Dog Park will be located at Wasserman Park. Next steps for the Dog Park Subcommittee include discussions between the Engineer, Deputy Director of Public Works, Kyle Fox, Adam Jacobs, Operations Manager, DPW, and Sherry Kalish, Director, Parks & Recreation.

Councilor Dwyer noted the Council was provided with a detailed report (22 pages), and stated his appreciation for the work that went into it. He suggested anyone interested in participating on a committee where the fruits of your labor are tangible, should make that interest known.

Councilor Boyd thanked the Committee for its work. He remarked there is exciting work ahead of the Committee with the implementation of the Dog Park, rehabilitation of infrastructure, etc. He remarked efforts being put forth will go a long way towards creating more of an identity and making Wasserman Park a destination location for the citizenry.

Councilor Flood expressed her gratitude to the members of the Committee. She spoke of the number of groups/organizations that fall under the Parks & Recreation Committee, e.g., Adult Community Center, MYA, Agricultural Commission, Dog Park, etc. and commented there are so many differing areas many should be enticed to volunteer and offer a particular experience/expertise as a member of the Committee.

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Town Manager Cabanel spoke of the creation of the Recycling Committee for town-wide recycling. One of the tasks before the Committee was the re-negotiation of the waste disposal contract, which resulted in the Town obtaining an advantageous price. Putting focus on the usability of the recycling center itself, one of the issues that stood out was the swap shop causing a block in the flow of traffic at the transfer station. Director Micali, Steve Doumas, Solid Waste Foreman, and Rick Seymour, Director, Public Works Department, visited the Bedford to view their successful operation and the Committee presented the Council with recommendations.

With the approval of the Council, a portable classroom has been moved to the transfer station to serve as a separate swap shop to allow for easy access to the transfer station and swap shop area. It is anticipated the swap shop will be operated by an individual who will take items in, charge a small fee for them, and in turn generate revenue for the Town through rent as well as be responsible for utility costs. She thanked Director Micali and the Committee for the work done to bring this project to fruition.

Another charge of the Committee was to establish a presence in the school system not only for the obvious advantages, but to incorporate that behavior into the daily lives of the students with the hope that behavior will follow them to their homes. The Committee has met with the Assistant Superintendent regarding the Town's contractor, Northeast Resource Recovery Association, who markets recyclables to the highest bidder, and is willing to come into the schools and provide training

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and curriculum. Representatives from the Town, the Merrimack School District, and Northeast Resource Recovery Association plan on meeting in early May to discuss further the possibility of implementing a program to encourage and increase recycling in the schools. Currently the Town pays out approximately \$68/ton to dispose of waste, and, at times gains some revenue on recyclables. The trend has been a breakeven point. She noted every ton kept out of the waste stream represents a \$68 savings.

Town Manager Cabanel stated, with the level of uncertainty and transitory information about the Affordable Healthcare Act, the Town has hired a company to provide the necessary education. There are many changes coming relative to which employees the Town has to provide health insurance coverage to (part-time employees; dependent upon number of hours, whether they are seasonal employees, etc.). She stated the potential fines to be enormous. A meeting has already taken place with representatives of the Granite Benefits Group to go over the types of part-time employees the Town has. That first meeting was intended to share information regarding the types of challenges our municipality has, which will allow the group to tailor their recommendations. The intent is to meet again, include in that next discussion all department heads having part-time employees working for them, and to put together a plan to ensure compliance with new regulations.

She provided an example, which represents a concern for herself and Director Micali; that being the anticipated cost of a so-called Cadillac plan being \$27,500 (family plan) in 2018. Currently, that same plan is at a cost of \$30,000. The penalty for that differential (\$2,500) is 40%. That penalty applies to each employee. is the difference between the 27,500 and what we pay (\$3,500) 40% penalty (per employee).

Councilor Boyd noted the Board's packet included a copy of a notification from the Department of Environmental Services (NHDES) of a fine levied on Colt Refinery located at Colt Drive. He questioned whether the Town had received a report from Chief Currier or NHDES that would buttress part of the fines included in the letter. Town Manager Cabanel stated she had not received a copy of the letter, but would look into the matter and report back to the Council.

Consent Agenda - None

There being no objection, the Council went out of the regular order of business to take up New Business.

New Business

1. Committee Appointments

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

The Town Council to consider the recommendations to appoint the following individuals to Town committees, pursuant to Charter Article 4-8:

David Shaw to the Economic Development Citizens Advisory Committee (Full Membership)

Allyson Doyle to the Heritage Commission (Full Membership)

Michelle Cushman to the Parks and Recreation Committee (Full Membership)

Chairman Mahon noted he and Councilor Boyd conducted the interviews, as per policy, and provided recommendations to the Council along with the applicants' letters of application. He remarked they

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were both pleased with the caliber of the candidates and the fact they are new, young, and eager volunteers.

Councilor Boyd stated his belief each candidate brought their own unique background and perspective to the Committee they were applying to, and he believes each of the candidates to be a good fit to the committee for which they seek membership.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to appoint the following individuals to town committees, pursuant to Charter Article 4-8; David Shaw to the Economic Development Citizens Advisory Committee as a full member, Allyson Doyle to the Heritage Commission as a full member, and Michelle Cushman to the Parks and Recreation Committee as a full member

ON THE QUESTION

Chairman Mahon echoed comments made by Councilor Boyd relative to the nature of the Economic Development Citizens Advisory Committee (EDCAC) and stated Mr. Shaw has been required to be present for the past hour while the Council discussed the activities and aspirations of the EDCAC. He noted he himself had a very small part of that conversation. He stated his appreciation of the passion, enthusiasm, and the discussion, and saw no need to interject himself into it. Councilor Boyd added, the Chairman of the Committee was present and was fierce in her support of the EDCAC, which is indicative of her leadership on the committee.

MOTION CARRIED 5/0/0

Oath of Office administered by Chairman Mahon to David Shaw, Allyson Doyle, and Michelle Cushman.

Old Business

1. Lozeau Drive Right of Way Discontinuance Proposal [Tabled at the March 28, 2013 Town Council Meeting]

Submitted by Resident Jean Washburn

Resident Jean Washburn of 1 Willow Lane is requesting that the Town Council discontinue the Right of Way portion of Lozeau Drive.

Chairman Mahon noted, as the result of questions raised at the previous meeting regarding whether or not the Town had accepted the street at some point in time, additional information has been provided by legal counsel. Town Manager Cabanel stated her recommendation the Council's discussion be limited to the portion of Lozeau Drive, which is the subject of the request. Should the Council decide it does not desire to discontinue that portion of Lozeau Drive that decision can be made clear and the matter resolved. Should the Council determine it wishes to entertain the possibility of discontinuance, a Public Hearing would be required. She noted discontinuance is not recommended by either staff or legal counsel given the sewer easement located under the road. She remarked the Town's sewer permit requires easements remain clear and not overgrown. As a result, additional attention is paid to easements.

She remarked research indicates when the change to the area occurred (Mr. McDuffee traded the land on the north end of his property and the Town discontinued the first section of Lozeau Drive. Mr.

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McDuffee was able to pave his parking lot up to the building and decided, as a way to avoid confusion, would rename the new street Angelo Lane), the request was before the Planning Board. There exists a signed plat that states Willow Lane shall be dedicated to the Town of Merrimack. That does not constitute acceptance of the road, which needs to occur in a formal way; however, would require an additional meeting. Town Manager Cabanel recommended the Council accept Willow Lane as the alternative is the Town stop maintaining and plowing the road given the Town is required by law to not use public equipment or assets to clear private roads.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Town Council continue to retain Lozeau Drive as a public way in the Town of Merrimack. MOTION CARRIED 5/0/0

It was the consensus of the Council acceptance of Willow Lane as a Town road is placed on a future agenda.

Councilor Dwyer remarked the issue of whether or not the road is private being brought forward is what resulted in the research being conducted and identifying that, as of today, the road is in fact a private road. The fact the road was not accepted was an oversight, which will be addressed by the Council at a future meeting. He reiterated the need to have access to the sewer line.

Minutes

Approve the minutes from the Town Council meetings of March 14, 2013, March 21, 2013, and March 28, 2013.

March 14, 2013

The following amendment was offered:

Page 8, Line 42; the word “Demon” should be spelled “Deamon”.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the minutes of the March 14, 2013 Town Council Meeting as amended. MOTION CARRIED 5/0/0

March 21, 2013

MOTION made by Councilor Harrington and seconded by Councilor Boyd to approve the minutes of the March 21, 2013 Town Council Meeting as presented. MOTION CARRIED 5/0/0

March 28, 2013

The following amendment was offered:

Page 10, 2nd paragraph; the name “Tyler” should be replaced with “Eric”.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of the March 28, 2013 Town Council Meeting as amended. MOTION CARRIED 4/0/1
Councilor Harrington Abstained

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Comments from the Press - None

Comments from the Public

Willard E. Cameron, 6 Griffin Street

Stated he moved into his home in 1977 at which time, beyond Lozeau Drive, was a clear/open field, which connected to a lower field. There is a sewer line that goes across that field and around the island that went to where the underpass is under the railroad off of Griffin Street (sewer pumping station). He stated his belief the YMCA in Manchester owns the property and allowed a farmer to come onto the property and plow the fields. In doing so a large plow was used (4-bottom). When that activity took place, the sewer covers were torn off on both fields, and have remained open since. He noted the nursery was added in that location, and stated his surprise there have been no accidents with someone falling into those holes. He stated there to be only 13 of the 34 covers in place. Mr. Cameron noted trees have grown over the entire field and leaves, etc. have fallen, which makes it difficult to locate the open areas.

Town Manager Cabanel thanked Mr. Cameron for bringing the matter to the forefront, and stated the situation would be addressed the following day.

Comments from the Council

Councilor Flood remarked she had forgotten to give tribute to David Yakuboff. She then proceeded to read what she had written for him.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to adjourn the meeting.

MOTION CARRIED 5-0-0

The April 11, 2013 meeting of the Town Council was adjourned at 8:28 p.m.

Submitted by Dawn MacMillan