

Approved: July 18, 2013

Posted: July 19, 2013



Town Council Meeting Minutes

Thursday, June 13, 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. On behalf of the Council, Chairman Rothhaus extended deepest sympathy to the family and friends of Harold Watson who passed away on June 2, 2013. Mr. Watson had a tremendous effect on the community serving on various boards and committees as well as generously donating the Harold and Barbara Watson Park to the Town of Merrimack. A moment of silence was observed in his honor.

Announcements

The Merrimack Farmer's Market will open for the season on Wednesday June 19th and run through September 18th weather permitting. The market will run every Wednesday from 3:00 - 6:00 p.m. in the Tractor Supply parking lot at the Commons, 515 D.W. Highway.

The regular meeting schedule has been amended for the months of July and August. The Council will resume its regular meeting schedule in September. Regular meetings will be conducted on Thursday, June 27th, July 18th, and August 15th at 7:00 p.m. in the Matthew Thornton Room.

The 3rd Annual Community 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 call the Parks and Recreation Department at 882-1046 to reserve your 10 x 10 space. The cost per space is \$15.00 when you pre-register.

Registrations are ongoing for Naticook Day Camp. 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 & 16 years of age. Red Cross swim lessons, hot lunch, theater, dance, archery, arts & crafts are just a few of the activities offered. The weekly rate for Merrimack residents is \$185.00.

The Parks and Recreation Department welcomes WZID for the 2nd Annual Merrimack Block Party at Wasserman Park. Join us Tuesday, June 18th from 6:00 - 8:00 p.m. for an evening of free food and entertainment. Refreshments will be provided by Bertuccis, Kona Ice, and Cupcake Conspiracy.

The Summer Concert Series will continue in June with 6:30 p.m. performances by the Bel-Aires on June 19th and Hunt & Allison on June 26th. All concerts in the Summer Concert Series are free to the public. In the event of rain, the concerts will be held at Merrimack High School in the Little Theater.

Friday June 14th through Sunday June 16th the Nashua Rotary Club West will host their 11th Annual Rock'n Ribfest. The event is held at Anheuser Busch and kicks off Friday at 4:00 p.m. and goes throughout the weekend. Tickets are \$10 a person to enter the event and kids under 8 years of age are free. Tickets can be purchased at the event. Traffic patterns in the area will be affected so please be patient.

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Sunday, in conjunction with Ribfest, there will be a 5-mile Ribfest Road Race. The race begins at 9:15 a.m. and will travel from the Anheuser Busch plant to Island Drive and back to Anheuser Busch. Traffic patterns in that area will be affected so please pay attention to both the markings of the lanes and the police officers directing traffic. Avoiding the area at that time is recommended. They are expecting anywhere between 1,500 and 2,000 participants.

Merrimack High School will be holding their commencement ceremonies Saturday, June 15th. The Merrimack Police Department wants to congratulate all graduating seniors. Merrimack Police will have an increased presence over the weekend to monitor activities. Please drive and act safely.

Merrimack Police want to remind organizations both in and out of Town the Seatbelt Convincer is available to come to your company outing or safety event. The Seatbelt Convincer simulates a slow-speed crash and enforces the importance of utilizing seatbelts while traveling in your vehicle. If you or your organization would like more information, contact Lt. Paul Trepaney at 424-3774.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. Update on the July 4th Family Fun Day/Midway

Submitted by Rotary Club of Merrimack President Steve Russell

To update the Town Council on the festivities for the July 4th Family Fun Day/Midway.

Mr. Russell noted the July 4th opening ceremonies will include the Police Color Guard and perhaps a 21 Gun Salute. The Star Spangled Banner will be sung by a Merrimack senior whose name will be released shortly. If participating in the parade, the Freedom Riders will take part in the opening ceremonies as well.

Mr. Russell noted the layout of events will be tighter/closer and will consist of two rather than three stages. There is a full slate of entertainment already signed up and the possibility of more. On the main stage (ballfield) will be a full slate including the B-Street Bombers and Casual 6. On the second/children's stage will be entertainment such as Judy Pancoast, an awardee for music for kids and Stephanie Beach Magic. Demonstrations will include Gunny from the Police Department, Fire Department Ladder demonstration, and more. The Chalk Art will be done again this year only earlier in the day to avoid the greatest heat. This event was a big draw last year. The desire exists to conduct an art competition for adults with particular focus on scenes of Merrimack. Children's arts and crafts will be conducted from 2:30 - 4:30 p.m. and 5:30 - 6:30 p.m. to avoid the heat of the day. Awards will be decided by popular vote. Prizes will be awarded for each age group including a \$25 gift certificate for first prize towards programs for Beck's Arts Express in Nashua. Crafts will be available for children as well.

A food competition will be conducted slightly differently than last year. There is interest in a cupcake competition. Each participant would supply 5 cupcakes for judging and three dozen for sale to benefit local charities. Food vendors are lined up including a new vendor; Bruster's Ice Cream. Merrimack Premium Outlets will be present. Makeaface4u will return by popular demand. About 12-15

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additional sponsors have been added since last year. Mr. Russell spoke of the numerous volunteers that will run events such as the bounce houses.

Public Hearing

1. Grater Woods Forest Stewardship Plan Review

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

The Town Council will hold a public hearing to receive public input on the draft Grater Woods Forest Stewardship Plan from the Conservation Commission.

Tim Tenhave, Chairman, Conservation Commission, stated the Commission has been working on the Stewardship Plan (Plan) for close to five years through a few iterations of the Grater Woods Subcommittee, which provided the base of the initial draft of the Plan to the Commission in the spring of 2011. The Commission accepted the Plan and began its review.

The Plan covers a great many aspects of the property such as its history, soils, forestry items, etc. and the goals for the property as well as implementation of those goals. There is a large section on current trails and a section at the end of the Plan that addresses future trails/projects and identifies essential projects slated for completion in advance of other projects, which would provide the base infrastructure needed to support additional trails/activities for the parcel. He stated the desire for the Council to accept the Plan, which would allow the Commission to move forward with establishing a sub-committee to begin implementation of the Plan.

Councilor Mahon noted a good deal of discussion took place at the last meeting around the projects identified as essential, and questioned the length of time required for those to be completed. Mr. Tenhave responded the major project is the Red Maple Trail mitigation project for Manchester Street, which encompasses the new access point off of Conservation Drive and will allow for all user access including motorized. That project will be going out to bid shortly. It is hoped it will be completed before the end of the summer. The other items are internal and, depending on when this process is complete and access to the property is granted, those could be completed within the current calendar year. Some will require professional work such as the wet section at the bottom of Gateway Trail Hill. The Commission is prepared to engage the Forester and get that project moving once access is available.

Chairman Rothhaus opened the public hearing at 7:37 p.m.

Roger Blais, 4 Peaslee Road, President, Right Riders ATV Club

Commented motorized activity on private and public land throughout this country is always under scrutiny. Even in New England; specifically in Connecticut and Massachusetts there is always fighting to keep trails open for motorized use. The New England Trail Riders Association is always watching out for legislation that tries to ban motorized use and is constantly lobbying against such legislation. Even locally, they feel there are people who would like to see motorized recreation banned from Grater Woods. He remarked just because some don't like or agree with their form of recreation, that does not give them the right to prohibit such use of the land as it is owned by all taxpayers. The Club has always felt Grater Woods provides plenty of space for all types of recreational users.

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He stated there to be items the Club would like to see put into the Plan. The first is the ability for the Club to work on trails before the essential projects are completed. He stated the belief of the Club a lot of the projects have nothing to do with the areas the Club would like to start work on; specifically Trails A1, D2, and D3. The Club is in agreement with the need to address the wetlands at the bottom of Gateway Trail Hill; however, that trail cannot be used by the Club due to wetland issues. The category D trails the Club could work on will be multi-use and foot traffic would have the right of way; therefore, constructing the trails would benefit all users. He stated the Club is eager to start work, and it would be unfortunate to delay the efforts of the volunteers.

Secondly, the Club would like to see Trail D1 put into the Plan as a placeholder. He stated the belief doing this while the approval process is ongoing makes the most sense, and noted a concern there would be difficulty introducing the trail in the future. It is understood final approval by the Commission would be required. The third item is with regard to an appeal process. He stated his belief the Council does not wish to become involved in making decisions regarding trails and questioned how any user group could mitigate conflicts with the Commission or the sub-committee. The desire is to see language included in the Plan identifying an appeal process. He stated the Club has already questioned a few of the assessments made by the Commission and feel as though they could be strong armed at some point and not have any choice in the final decisions.

Councilor Dwyer stated the Commission has five members and decisions reached by a majority of that Commission govern, by Statute. He does not believe there is a place for an appeal process involving the Council within the Plan. He added he does not believe, as a Council, there is language they could place into the document that would satisfy the desire of the Club.

Mr. Blais questioned whether an outsider could come in to advise in such an instance. Councilor Dwyer stated by doing so the minority members of the Commission would be provided the opportunity to require a hearing of sorts in the instance their viewpoint was not supported by the majority. Mr. Blais suggested a professional could sway the opinion of a member towards the direction of the non-prevailing members. Councilor Dwyer stated such an individual could attend meetings and provide input before decisions are finalized. Mr. Blais questioned who is to say the members of the Commission are experts on a particular issue. Councilor Dwyer stated the members of the Commission have been appointed to the Commission, work hard, and a great deal of faith is put in their expertise.

Councilor Mahon stated the fact is the Statute provides the authority over the property to the Conservation Commission exclusively. There is no place for the Council in that process. The Legislature put that Statute together intentionally in that fashion. Had they wanted to allow appeal processes they could have included it in the legislation. In the absence of language allowing it, it cannot be done. That does not mean the Commission could not be approached about issues. The Commission held a Public Hearing on the Plan prior to it being finalized and forwarded to the Council. No one attended that Public Hearing. Councilor Mahon questioned whether the Club has reached out to the Commission to discuss their concerns and to see if there is a way to work with the Commission to reach an agreement on mutual goals. Mr. Blais stated the Club has attended some of the meetings. When asked when they last attended, Mr. Blais stated some have attended since the January meeting. When asked if representative(s) of the Club have reached out to the Commission since the April 1st Public Hearing, Mr. Blais stated they have not. Councilor Mahon suggested that to be the approach to take, and commented the Commission is not unreasonable and has been listening to input provided.

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Mr. Blais commented the Club is grateful for the efforts of the Commission. Councilor Mahon stated the best course of action would be to reach out and work with the Commission. He suggested there may be a way to work together to achieve results on a faster track than what is believed will occur.

Councilor Boyd remarked one of the issues stated was the desire to work on trails in advance of project completion, which is a matter that should be discussed with the Commission and one not within the jurisdiction of the Council. He stated his opinion the Commission is willing to work with the Club to identify trails that are palatable for motorized use. He stated his agreement Gateway Trail Hill should be a priority as remediating that situation will set the tone for some of the other projects identified. He noted the Commission Chairman has stated once bidding is done that is their focus. Mr. Blais remarked the five items were listed although none were indicated as priorities. Councilor Boyd reiterated the Chairman has stated Gateway Trail Hill is a priority.

Councilor Harrington stated her belief the Club wished to make the Council aware of their concern they will not be heard, and that down the road there will be issues where they will be cut off. She noted that concern has been heard and the Council is encouraging the Commission to work with the Club just as it is encouraging the Club to work with the Commission. Mr. Blais responded the remarks are reassuring, the Club is not going anywhere, and will continue to work and do what they can. Chairman Rothhaus stated the Right Riders are recognized as a good organization and a positive one for the Town. Several Councilors echoed his remarks.

Mr. Blais reiterated the desire to have Trail D1 incorporated into the Plan. Chairman Rothhaus stated the Council would likely have discussion about that prior to voting on acceptance of the Plan.

Diane Link, 12 Parker Drive

Has been a resident of Merrimack for 22 years, moved here from New York, and enjoys the peace and quiet of the Town. She spoke of the conservation land located behind her residence, and informed the Council she is concerned for the safety of herself and those utilizing the area due to recent episodes of gunfire occurring anywhere from half an hour to two hours at a time for days on end. She spoke of an incident two years earlier where she watched as someone shot a deer in her back yard at 8:00 a.m., an event that was very upsetting for her. She stated a desire to see more consideration for residents and users of the property.

Chairman Rothhaus questioned whether she has spoken with the Police Department. Ms. Link stated she has contacted the Police Department and was informed target practice is allowed as long as there is some sort of backing.

Chairman Rothhaus remarked he was unaware target shooting is allowed although he is aware of rules associated with hunting and the proximity to residences. He stated the need to notify the Police Department in instances such as the one she described.

James St. Laurent, 32 Currier Road

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He and his son are members of the Right Riders, and wished to request the Council consider accepting the Plan as presented by the Conservation Commission. He spoke of the good work done at the track located by the landfill and the amount of volunteer time provided by the Right Riders. He stated the desire to have locations where members can ride and make safe.

Tim Tenhave

Noted there has been a rash of target shooting occurring on the property just south of Grater Woods, which is owned by the Conservancy Foundation. The Commission has been talking with the Police Department trying to get them to identify the location and confront those conducting this activity. He believes the Police were recently successful in confronting a group of people and providing some education. He noted some firearms were being used that were not expected in this type of environment, e.g., 50 caliber casings were discovered. The police are well aware of the situation, and have informed him they will be doing more motorized visits to the area. He noted a recent post on the Merrimack Facebook forum looking for places to go target shooting where someone recommended Grater Woods. He stated target shooting cannot take place on Town owned property without Town permission, and because it is overseen by the Commission, it is the Commission that has to be approached for permission, which is unlikely to be granted because of the level of activity on the property. The Commission is not aware that permission has been granted to shoot on private property located behind the conservation land.

Chairman Rothhaus closed the public hearing at 8:01 p.m.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to move the Grater Woods Stewardship Plan to a third reading

ON THE QUESTION

Councilor Mahon stated appreciation for the work the Right Riders Club performs within the community. He stated he would be speaking with the Commission regarding some of the concerns raised in advance of the Council taking final action on the Plan, which is likely to occur at the Council's next meeting. If there are changes to be made they would be made at that time.

MOTION CARRIED 7/0/0

Legislative Updates from State Representatives - None

Town Manager's Report

Steve Doumas, on behalf of the Town of Merrimack, accepted an award and plaque at the annual Northeast Resource Recovery Conference and Exhibition in Manchester, for the greatest amount of recyclable material generated per resident by a New Hampshire town with a population of 10,000 or more residents. Merrimack generated 170 pounds of recycling per person during the past year. This also equates to 5,800,000 pounds or 2,910 tons of recyclables per year. Congratulations Residents of Merrimack.

The Media Division will cover the Merrimack High School Graduation this Saturday for replay on Merrimack TV throughout the weekend. This is the 9th consecutive year the event is covered by staff

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with volunteers using our remote three camera set up. Each graduating senior gets a close up when their name is called and when receiving their diploma.

Consent Agenda - None

Old Business

MOTION made by Councilor Boyd and seconded by Council Mahon to take from the Table the discussion on the Wastewater Division Electrician Position. **MOTION CARRIED** 6/1/0
Councilor Koenig voted in opposition.

1. Wastewater Division Electrician Position [Tabled at the May 23, 2013 Town Council Meeting]

Submitted by Town Manager Eileen Cabanel

Update the Council on the status of the request for a new electrician position at the Wastewater Treatment Facility (Withdrawn until further notice).

Town Manager Cabanel stated a lengthy discussion took place regarding this position, and Rick Seymour, Director, Public Works Department, and James Taylor, Assistant Director, Wastewater, agreed with comments made by the Council regarding the position having electrician duties but not primarily being an electrician. The reason the position is being withdrawn and filled with a Mechanic II position as was the case originally, is due to impasse with the particular union. With both sides at impasse the desire is to avoid asking for something more and in turn having something more asked of the Town. It may be that at some point it could be brought back as a union position at a Mechanic III level where the individual filling the position would be a mechanic with electrician skills.

2. Reconsideration of Fire Pumper Purchase

Submitted by Town Councilor William W. Boyd, III

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

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to reconsider the fire pumper purchase

ON THE QUESTION

Councilor Boyd stated he is supportive of the fire pumper truck in concept; however, it was indicated at the last meeting that the Chief was in the process of putting together a plan or wanted to have a plan that would address the strategic needs of the Town of Merrimack. After further consideration, he believes it may be best to revisit the issue so the Council can hear the Chief's plan as to how this particular acquisition fits into the bigger picture. He noted the Chief has provided the Council with additional information, and requested the Council reconsidering the motion if only to allow the Chief the opportunity to provide a brief presentation as it relates to how the pumper truck fits into the strategic plan.

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Councilor Harrington stated she was in agreement with the Council receiving information regarding a future strategic plan; however, was not certain of the need to reconsider the vote in order for that to occur. She questioned whether Chief Currier would still have the ability to present the information if the vote for reconsideration were defeated. Town Manager Cabanel responded reconsideration basically gives the Council the opportunity to re-open the discussion. At the conclusion of the additional discussion another vote could be taken. **MOTION CARRIED** 6/1/0 *Councilor Harrington voted in opposition*

Town Manager Cabanel clarified there will not be a major overhaul in the Fire Department any time soon. Different opportunities are being looked at; different areas for stations, different types of calls occurring, etc. There is no strategic plan in place and there will not be one in terms of staffing for some time. Such a plan would involve employees leaving with attrition, etc., but does not really involve vehicles.

Michael P. Currier, Fire Chief, provided the Council with a diagram identifying the distribution of apparatus. He remarked during the last discussion of the issue one of the plans considered was reducing the size of the fleet down to 4 pieces of apparatus. A great deal of work has been done identifying types of calls, location of current vehicles, associated maintenance costs, and a decision was made to move in the direction of reducing the fleet down to four engines. He stated the original plan to have been to purchase the fire pumper at this time and when the next apparatus came up in the Capital Improvements Plan (CIP), which is believed to be in 2-3 years, that is when the two Internationals would be traded in bringing the number down to 4. In speaking with the Town Manager, a concern was brought forward regarding whether or not it would be beneficial to make the change now. Information regarding type of runs and usage of the five vehicles was reviewed and resulted in the current understanding it would benefit the Town, at this point in time, to make the reduction down to four vehicles. He noted he would not reduce the force below that.

There are currently five current pumpers; 2008 Sutphen Engine/Pumper 1 located at Central Station, 2005 American LaFrance Engine/Pumper 2 located at South Station, 1996 International Engine/Pumper 3 (reserve/call division pumper), and the 1994 and 1987 pumpers, which would be coming out of the fleet with the purchase of the new pumper.

With the purchase of the new KME pumper, the 2008 Sutphen would remain at Station 1, the American LaFrance would be the second vehicle out of Station 1, the 1996 International would be the reserve piece and the call piece out of Station 3, and the 2013 KME pumper would be the 4th piece of apparatus, and would either be the primary out of Station 2 or the South Station. The 1994 International pumper would be eliminated. That truck would still be beneficial to a smaller department. Currently it does not meet our needs because of the size; does not hold the medical equipment inside the cab. There are saline solutions and medications that are provided for ALS which are carried in the engines and have to be in a heated environment. Those trucks do not have the capability to do that. During conversations with the Finance Director it was stated while in the build stage of the KME the Town can aggressively pursue selling the apparatus outright in an effort to gain the most revenue.

The 1987 KME pumper would be eliminated and not replaced. There are a few options for this; retain for parts that could be used for future maintenance needs or get rid of it right away, e.g., auction. The 1991 KME was used for parts and is believed to have resulted in savings that easily reached \$10,000 -

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\$15,000 during the approximate year and a half it was retained. When turned in for auction revenue in the area of \$1,000 was achieved. Councilor Boyd remarked, in the absence of maintenance issues, the '87 could be around for a few years. Chief Currier stated he could guarantee the vehicle would not be around for that long. He stated his belief the vehicle may be retained for up to a year at most. He added it would be his recommendation the vehicle be disposed of after a year's time as he would anticipate there being no valuable parts remaining at that time.

Councilor Boyd noted it has been stated the LaFrance is not exactly a stellar piece of equipment. It is currently in secondary status and intended to remain there. He questioned how often it gets used, in what way, and whether maintenance costs as seen recently could be expected to continue. Chief Currier responded when the LaFrance first came in there were a great deal of problems.

Approximately 90% of the issues with those vehicles have been resolved. When running as primary the vehicle is used quite a bit, when running secondary approximately 60% of the time is reduced. He stated his belief the vehicle last the 10-12 years until it comes up in the CIP Plan if run as secondary.

Chief Currier stated while running four pumpers one will be used as a reserve and a reserve piece for when one is out of service. In storm events where multiple vehicles go out that vehicle needs to be in ready condition so that personnel can be added to it to handle the volume of calls that come during those high and peak times.

Vice Chairman Yakuboff commented he has a hard time having a vehicle in reserve, and questioned maintenance cost associated with the pumper. Chief Currier stated his belief maintenance costs would be similar to those for Engine 3, which is the reserve piece currently being used on occasion (\$2,376.36 annually). Councilor Dwyer questioned the number of ladder trucks in the fleet. Chief Currier stated there to be 1 ladder truck. When asked he stated the ladder truck has a 300-gallon tank, which because of its design, approximately 250 gallons can be put into it. That is just enough water to fill the waterway in the ladder if it had to be used. Councilor Dwyer commented the pumper is the truck that is carrying 1,500 gallons and has significant impact on putting out the fire.

Councilor Boyd commented when the LaFrance was purchased it was specifically because it could fit into the South Fire Station. Matt Duke, Lieutenant, Merrimack Fire Rescue, responded at the time the LaFrance was purchased fitting into that building was a consideration. He stated there is nothing the department would have added to the proposed KME pumper that had to be left off in order to fit the apparatus into the station.

Councilor Koenig commented previous mention was made of sending engines out with ambulances, which is something he has heard discussed several times. He suggested it may not be clear to the public why that is important and what the benefit is. If the department sends out an ambulance with two people on it and a third person is needed to assist the department either has to send someone out in their private vehicle or another vehicle has to be dispatched. Three people are required to run the engine. If the engine leaves the station it is staffed and prepared to respond to any emergency should they be called away from the initial call and sent elsewhere. Separating personnel from their truck is a dangerous situation as it results in the need for personnel to return to the station to get the truck and go back out again. While it may seem like a little bit of overkill to send out a pumper with an ambulance on a call that might need a third person it allows the department to maintain its ready and active status on all of the equipment and keeps personnel ready to respond. Town Manager Cabanel stated a desire to be clear the Town does not send out a pumper truck with every 911 call that comes in, it is only for

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advanced life support calls. When a call comes in as basic life support only the ambulance is dispatched.

Councilor Dwyer stated he had voted against the pumper truck as he felt he did not have sufficient information. One of his concerns, which was later addressed, was the question of why do we send out a pumper truck for car accidents, etc. He had stated he would rather spend \$50,000 to \$60,000 on a souped up SUV as he believes the value is in manpower and not in the \$400,000 truck. He asked the Chief to restate his response so that the public has a clear understanding of why that is not always the best policy. Chief Currier restated what Councilor Koenig had spoken of regarding separating the firefighters from the engine. He also noted for calls such as a building fire or hazardous materials the smaller vehicle would not be equipped with the necessary equipment to respond to such a call. He provided the example of responding to a motor vehicle accident where the firefighters may not know what the exact situation is; motorcycle, tractor trailer, hazardous materials, unknown injuries, etc. Having the proper tools to cover all types of situations that may arise is what being ready and a first responder is. .

MOTION made by Councilor Boyd and seconded by Councilor Harrington that the Town Council approve Merrimack Fire Rescue's request for the purchase of a new fire pumper in accordance with the CIP in the amount of \$435,561.00 and further that the Town Manager and/or the Finance Director be authorized to sign any and all documents that may be necessary to enact the transaction

ON THE QUESTION

Councilor Boyd thanked Chief Currier and Lt. Duke for returning to address concerns raised, and provide additional information to the Council and viewing public.

MOTION CARRIED 6/1/0 Councilor Yakuboff voted in opposition

New Business

1. John O'Leary Adult Community Center Agreement

Submitted by Town Council Chairman Finlay Rothhaus and Town Manager Eileen Cabanel

The Town Council to consider renewing the lease agreement with the John O'Leary Adult Community Center.

Director Micali stated the agreement to be for a period of three years. He pointed out language that speaks to an agreement with the Town and the Adult Community Center that the Town could, at its expense, install showers in the facility so that it could be used as a fully operational emergency shelter. Larry Vigezzi, Chairman, John O'Leary Adult Community Center, stated the center welcomes the opportunity to work alongside the Town to identify the location for the installation of showers in the facility.

Councilor Mahon noted the language included in the copy of the contract provided did not include all of the language regarding the installation of showers as stated in the communication from Director Micali. He questioned whether all of the language would be incorporated into the contract, and was informed it would. He stated objection to "approval" being required by the Adult Community Center Board, and noted the presentation suggested consultation on the location of the showers, which is

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vastly different than requiring approval. Chairman Rothhaus suggested use of the word “consultation” might be more appropriate, and remarked the Council would want to be accommodating. Councilor Mahon noted the contract provided the Council was not in the form he would wish to approve.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to table. MOTION FAILED 2/5/0 Councilors Boyd and Mahon voted in opposition.

Councilor Dwyer stated a desire to amend the Agreement. Councilor Mahon stated the contract was posted and is incorrect. It was known ahead of time what was desired and the language necessary; however, that is not the language included in the contract. Director Micali informed the Council he went over the language included within the contract provided, which reads: “12. That the Town, at its sole expense, may construct shower facilities in the Center for the primary use during an emergency.” with Mr. Vigezzi who has stated agreement with the language as written.

MOTION made by Councilor Yakuboff and seconded by Councilor Boyd to accept and renew the lease Agreement with the John O’Leary Adult Community Center and authorize the Town Manager to sign all appropriate documents as required. MOTION CARRIED 7/0/0

Councilor Harrington questioned whether the elevator has been repaired, and was informed it has. Mr. Vigezzi stated the problem was related to switches and actuators. He and Director Seymour have agreed they will coordinate reporting of any issues with the elevator for further review.

The Council recessed at 8:38 p.m.

The Council reconvened at 8:40 p.m.

2. Horseshoe Pond – Possibility of Cost Sharing for Treatment of Milfoil

Submitted by Town Manager Eileen Cabanel

The Town Council to discuss the possibility of sharing in the cost of milfoil treatment in Horseshoe Pond with the abutters.

Town Manager Cabanel informed the Council she met last week with abutters from Island Drive regarding Milfoil treatment at the Horseshoe Pond. Some have attended prior meetings of the Council when the topic has been discussed and are aware the Council desires a contribution from abutters to waterways being addressed. They contacted her to question what the Council would consider to be a reasonable contribution of the Town’s 40% share of the remediation (State covers 60%). Another question asked was whether the Council would be willing to send out a letter requesting the other abutters (Condo. Association and Manchester YMCA) contribute.

Chairman Rothhaus opened the floor for public comment.

Peyton Hinkle, 1 Horseshoe Pond

Stated his belief there are a lot of questions that need to be considered and answered before discussions can be had about contributions to the treatment of Milfoil. He questioned who would contribute, how much abutters would be asked to contribute and how the amount would be determined, if small property owners with a small amount of lake frontage would be asked to contribute the same amount as large property owners with a great deal of frontage, what would happen if some property owners

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refused to pay, where the Town acquires the authority to require payment, and whether property owners on other ponds and lakes in Merrimack have or would pay the same proportional amount if their pond/lake had to be treated.

Chairman Rothhaus stated there is a cost involved, there is obviously a benefit to the Town and a benefit to the abutters of the ponds and lakes. The matter is one of funding. He stated his belief the suggestion of the Town Manager is that of soliciting residents to join in the effort. Town Manager Cabanel stated the Council cannot require payment. She and those she has met with have suggested the Town might send out a letter requesting cooperation from the remaining abutters. She remarked the consequence is at some point the Council may decide it does not want to contribute anything. That is why the questions are coming forward.

Mr. Hinkle stated his concern, if this effort is undertaken, how would it be done in a fair and equitable way given there are multiple property owners. Town Manager Cabanel stated it could not be done in an equitable way. Chairman Rothhaus reiterated he is not sure that is the direction that will be taken; however, it is a situation where if a letter is to be sent out and abutters are asked to contribute to assist in offsetting costs on maintaining the pond against Milfoil problems, whether or not and to what degree an individual chose to contribute would be his/her decision.

Mr. Hinkle remarked in discussions with other residents there has been expressed a fear the Town will make the determination not to contribute to the project at all. Chairman Rothhaus stated that is a possibility, and commented there are members who believe no matter what efforts are made the Milfoil will consume the pond. Mr. Hinkle spoke of the level of use by non-residents of the area/Town who would not be contributing to the remediation, but would be benefiting from the work. Chairman Rothhaus noted the Council recognizes that, and are simply contemplating ways to encourage people to help offset the cost of treating for Milfoil.

Vice Chairman Yakuboff questioned the Town's cost. Town Manager Cabanel stated she did not have the exact cost; however, noted costs are variable. She remarked the first year that Milfoil was addressed in Horseshoe Pond was very expensive as it had not been addressed in some time. The State paid for 100% of the first year cost. The second time the State was looking to contribute between 50-60%. The Town missed a cycle in the process, which caused the situation to worsen. There was a point when total cost was \$20,000 of which the Town was responsible for \$8,000 - \$10,000. In the most recent instance the Town incurred a lesser amount as the correct cycle was adhered to. It is believed the Town's contribution would be in the area of \$4,000 - \$5,000 during this cycle.

Councilor Dwyer noted Milfoil, if managed in some way, can be controlled and will not take over the entire pond. He stated his belief neither the current nor future Council would allow the pond to be overtaken and become a swamp. Chairman Rothhaus agreed, but noted it could be dependent on budget constraints. Councilor Dwyer stated he personally would always approve a \$10,000 expenditure to control Milfoil at Horseshoe Pond.

Vice Chairman Yakuboff stated people are going to have to want to donate to save the waterway at their back door. There may be a group of people willing to contribute as well as a group not willing to contribute, which cannot be controlled. He suggested there to be several means for those interested in assisting in the financial burden without making a personal financial contribution, e.g., could volunteer time and items for a yard sale, etc. The bottom line is what is being requested is donations.

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Mr. Hinkle remarked, when in the Legislature, he was on the Milfoil Committee where they discussed frequently the problem of funding remediation. He suggested the method the State has is likely the best method available; part of the boat registration fee is earmarking for Milfoil treatment. He stated his opinion the Town is doing very well getting the funding it is receiving from the State, and he believes that can continue through the efforts of the Town. Chairman Rothhaus remarked, with the competition for State funding, it may not be available in the future. Mr. Hinkle commented he spoke with a member of the Water Resources Board earlier in the day who stated he believes he can count on that funding continuing.

Mr. Hinkle stated Milfoil would not take over the entire pond. It will only grow at a certain depth. It is those areas that will have to be treated not the entire pond.

Chairman Rothhaus reiterated what the Council will be considering is whether there is a mechanism for achieving voluntary financial contributions.

Town Manager Cabanel questioned whether the Council believed it appropriate to forward a letter to residents of the Horseshoe Pond Condominium Association and the Manchester YMCA as abutters. Vice Chairman Yakuboff remarked once a mechanism is established to accept the funds an informational notification could be sent to abutters informing of the upcoming project and the ability of the Town to accept donations to help offset the costs. Town Manager Cabanel stated that to be the gist of the letter that has been drafted informing abutters the pond will be treated and a plea for a voluntary donation.

Councilor Dwyer suggested the letter would provide needed awareness of what is occurring in the pond. He commented he would find it hard to believe the majority of residents around the area would not want to contribute. He stated his support of sending the letter. Mr. Hinkle questioned how to avoid the unintended consequence of a future Town Council deciding to request an increased contribution, which over time could turn into more of a requirement. Chairman Rothhaus stated any contribution would be 100% voluntary. By State law the Town Council does not have the authority to require a donation. Town Manager Cabanel stated her belief what was being expressed was a desire to have some sort of commitment that going forward the Town Council would contribute to the Milfoil effort, which the Council cannot commit to as the sitting Council cannot obligate a future council.

Councilor Koenig remarked it is important to understand there is no assurance or commitment presently that the Council will take any further action regarding Milfoil. The discussion comes up every year and he argues for funding for the eradication of Milfoil as much as possible; however, has also agreed with those who have said the Town should look to the abutters, those getting the absolute benefit of the waterways, to help support that effort. He stated his understanding the Association out on Horseshoe Pond has brought the issue before its membership; therefore, the desire of the Council to gain contributions will not come as a surprise. He believes the residents of the area to be well aware of the Milfoil problem, the fact it costs money to eradicate it, and the fact the Council is hesitant to just throw \$10,000, \$20,000 or more a year after it without any assurance the people that are there are part and party to the whole program. The letter is trying to remind folks the Council is asking for a contribution for the benefits they are receiving. He stated his support of the letter.

John McDonald, 19 Pondview Drive

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Has been a citizen of Merrimack for the past 23 years. He stated his appreciation of the members of the Council being good stewards of the citizens' tax dollars. He touched upon the services provided to townspeople through the schools, emergency services, etc. He remarked he has always supported expenses that were beneficial to the Town. As a means of providing a different perspective to the issue he commented he did not believe the Council would entertain sending a bill to a taxpayer every time the fire truck goes out. That type of service is provided for through the Town budget, which everyone contributes to just as everyone contributes towards the school budget whether they have children in the school district or not. Those abutting Horseshoe Pond should be treated no different than those abutting the Horse Hill Nature Preserve, e.g., if there were a need to eradicate a beetle infestation would the Council consider asking the abutters to town forests to contribute?

Councilor Koenig remarked if abutters receive the letter and disregard it that is their choice; however, as one person, he might be less inclined to put out \$10,000 - \$20,000 for Milfoil treatment year after year after year if those residing in the area have no interest in doing anything more than throwing away a letter like that. He reiterated there is no insistence that anyone make contributions simply a request.

Councilor Mahon questioned the mechanism that would be used to collect contributions should they be made. Director Micali stated it would likely come in as a donation to the Town with a specific purpose and be placed into an expendable trust account until the funds are expended for the specific purpose. It was noted there exists a Milfoil Expendable Trust account. Funds may be able to be deposited into that account. At present the balance in that account is \$270.00. Chairman Rothhaus stated a desire for an account to be created specifically for Horseshoe Pond so that funds coming in for that specific location are identified as such and expended only on that location.

MOTION made by Councilor Dwyer and seconded by Councilor Yakuboff that the Town Council provide the Town Manager permission to forward to the residents surrounding Horseshoe Pond and abutters a letter of awareness of the attempt to eradicate the Milfoil problem at Horseshoe Pond

ON THE QUESTION

Councilor Dwyer stated his intent to support the letter as drafted as a means of educating and to encourage awareness of the Milfoil problem at Horseshoe Pond. He suggested such awareness could also result in increased attention being paid to the boat ramps, others boaters, and ensuring boats are cleaned before entering and upon exiting the pond.

MOTION CARRIED 6/0/1 Councilor Mahon Abstained

3. Donation/Gift for the Merrimack Police Department

Submitted by Captain Dudash

The Town Council to consider the acceptance of a Yakima Quick Back Trunk Mount/Carrier valued at approximately \$200.00 from Stephan De Penasse of Yakima, USA for the Merrimack Police Department's Bike Unit, pursuant to RSA 31:95-e and Charter Article 8-15.

Captain Michael Dudash informed the Council during Police Memorial Week the Police Department hosted a Chamber AM networking event. At that event, Mr. De Penasse came forward and presented

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to the Chief a bike mount that is valued at about \$200.00. The rack can hold up to 3 bikes for the bike unit.

MOTION made by Councilor Yakuboff and seconded by Councilor Harrington to accept the donation of the Yakima Quick Back Trunk Mount/Carrier to the Police Department from Stephan De Penasse of Yakima, USA with a value of approximately \$200.00 and also thank Mr. De Penasse for his contribution. MOTION CARRIED 7/0/0

4. Donation Acceptance for the Merrimack Police Department

Submitted by Captain Dudash

The Town Council to consider the acceptance of a \$50.00 donation from the Merrimack Middle School for the Merrimack Police Department's K-9 unit, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Dudash spoke of the 8th grade trip to Washington, DC. This has been occurring for the past few years, and there are always a few kids that are left behind who cannot or choose not to attend the trip. Special events are conducted for those students. Occasionally the department brings in the K-9 unit for a demonstration. The Principal and Vice Principal provided a \$50 contribution from a fund that is specifically set up for those 8th graders that stay behind.

MOTION made by Councilor Yakuboff and seconded by Councilor Harrington that the Council accept the donation of \$50.00 to the Police Department's K-9 unit from the Merrimack Middle School. MOTION CARRIED 7/0/0

5. 2013 Off Highway Recreational Vehicle Grant Acceptance

Submitted by Lieutenant Paul Trepaney

Council to review and consider the acceptance of the awarded OHRV Grant in the amount of \$1,080.00 and made available through the New Hampshire Fish and Game Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Dudash informed the Council at the end of May the department received the final award for this fiscal year; \$1,080 from the State of New Hampshire for the OHRV Grant. The grant funds additional patrols for areas such as the conservation lands.

Councilor Boyd spoke of individuals that came before the Council several weeks prior to discuss abutter concerns regarding ATVs creating havoc in the area off of Back River Road. He stated his desire for consideration to be given to allocation of grant funding towards patrols in that area. Captain Dudash responded when applying for grant funding it is necessary to identify where the funds would be utilized prior to approval. That particular area is always one of the areas targeted.

MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to accept the awarded OHRV Grant in the amount of \$1,080.00 and authorize the Town Manager, Eileen Cabanel, to sign the appropriate documentation

ON THE QUESTION

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Councilor Koenig questioned the grant amount that has been awarded in the past. Captain Dudash stated he has seen amounts up to approximately \$3,000. Each year the amount seems to be decreasing. Councilor Koenig noted all grants come with a certain amount of reporting/tracking requirements, and questioned whether the amount of grant funding received is greater than the cost associated with applying for and managing the grant funds. Captain Dudash stated the requirements for reporting have lessened over time. He noted the application can take between 1 - 1½ hours. He added the grant from Fish & Game is prepared for the department and forwarded for signature. All that is required is basically keeping up with the stats; report on what is being done and time spent. **MOTION CARRIED 7/0/0**

6. Finance Reorganization

Submitted by Finance Director Paul T. Micali

Town Council to consider accepting the proposed reorganization of the Finance Department.

Director Micali stated due to the Accounting Supervisor taking the position of Deputy Tax Clerk, there is an opening in his department. During the last few months he has taken a good look at the department to identify strengths and weaknesses. There is no succession planning within the department, e.g., someone who could step in for the Director in times of absence. In 2008/2009 the department included the position of Assistant Finance Director. He requested the Council approve the reinstatement of that position at the grade it was in 2008/2009 (20). The position would require an individual who understands budgets, would be capable of reviewing spending patterns and performing financial analysis on accounts and reconciliations as well as interacting with other departments. He anticipates the individual filling this position would attend some of the budget meetings, would be involved with the budget preparation and presentation, and perform some analysis of accounts during the budget process. Once the budget is passed, this position would be responsible for the reconciliations on the general ledger accounts as well as tracking the spending patterns of departments and opening dialogues with them to review areas such as overtime, programs such as day camps, etc.

He spoke of the number of contracts that are entered into with various utility agencies, etc., and the need to understand whether it is contract language or usage changes that result in savings.

Town Manager Cabanel remarked what is requested is an upgrade to an existing position. She stated her support, and remarked in both communities she has worked in, which were smaller than Merrimack, both had Assistant Finance Directors. She spoke of the importance of having a succession plan in place.

MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to accept the proposed reorganization for the Finance Department

ON THE QUESTION

Vice Chairman Yakuboff stated his agreement with the importance of having a succession plan in place. Given, the department is already down one person, rather than simply filling that position, upgrading it to ensure a succession plan is a good direction to take. Councilor Dwyer restated the department is down an employee and what is being proposed is replacement of that individual with one having the necessary skill set to perform some of the more complex tasks asked of the department.

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Councilor Boyd noted he was unable to attend the non-public session. He questioned what the department organization would be should the position be changed. Councilor Dwyer stated the title of the position has been left open, which will allow the opportunity for Councilor Dwyer to provide input. Councilor Dwyer noted Director Micali spoke of creating the position of Assistant Finance Director. He wished to see an organizational chart if being asked to vote on the reorganization of the department.

Town Manager Cabanel stated the organizational chart would remain the same; however, the position would be upgraded and the title changed. The upgraded position would be responsible for supervision of the other three employees within the office. This individual would report directly to the Director. Councilor Dwyer stated his understanding reorganizing a department means you are gutting a department. It was suggested the motion could be amended to state a position would be upgraded. Councilor Dwyer remarked, given Councilor Boyd was not present for the previous discussion, he could recuse himself from the vote or vote against the motion on the floor. Chairman Rothhaus commented the use of the word reorganization within the title of the agenda item was perhaps misleading.

AMENDED MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to consider accepting the recommendation to upgrade the position within the Finance Department to Deputy Finance Director at a Grade of 20. MOTION CARRIED 7/0/0

Minutes

Approve the minutes from the Town Council meeting of May 23, 2013.

MOTION made by Councilor Yakuboff and seconded by Councilor Harrington to approve the minutes of the May 23, 2013 Town Council Meeting as presented

The following amendment was offered:

Page 12, Line 44; add the words “that it is” after the words “He stated” and replace the word “would” with the word “may”.

MOTION CARRIED 7/0/0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd informed the Council Chris Woods and Gregory Michael will not be seeking reappointment to the Economic Development Citizens Advisory Committee. He also noted John Lastowka is not seeking reappointment to the Technology Committee. He thanked each of the gentlemen for their service to the community.

Councilor Boyd congratulated the Merrimack High School Seniors on their graduation. He extended his congratulations to Hannah Vaccaro who organized the Race to Lace 5K two weeks ago. He spoke of the level of participation and the collection of funds as well as water bottles for the La Gonave Orphanage in Haiti. He extended his wishes to his colleagues for a Happy Father's Day.

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Councilor Mahon informed the Council the Conservation Commission will recognize the service of Eber Currier at its June 17th meeting.

Councilor Koenig extended his gratitude to the Police Officers who provided assistance at the Summer Special Olympics conducted in Durham.

Councilor Koenig noted the Planning Board had an opportunity to listen to a preliminary discussion for a planned multi-unit development across from Harris Pond. The potential development would include some multi-family housing, commercial, and retail uses as well as the possibility of an assisted living facility. The plan brought forward is an interesting plan for the use of that property, and he is intrigued by those looking at further development up and down D.W. Highway and how to make the best use out of it.

MOTION made by Councilor Yakuboff and seconded by Councilor Boyd to adjourn the meeting. MOTION CARRIED 7/0/0

The June 13, 2013 meeting of the Town Council was adjourned at 9:39 p.m.

Submitted by Dawn MacMillan