

Approved: July 19, 2012

Posted: July 23, 2012



Town Council Meeting Minutes



Thursday, May 24, 2012, at 7:00 PM, in the Town Hall Meeting Room

Chairman Mahon called the meeting to order at 7:05 pm. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Koenig, Councilor Dwyer, Councilor Flood, Town Manager Eileen Cabanel and Finance Director Paul Micali. Councilor Harrington was excused.

Pledge of Allegiance

Announcements

Chairman Mahon noted May 20th through 26th is National Public Works Week, and recognized and thanked Merrimack's Public Works professionals, on behalf of the Council, for their contributions towards improving the quality of life in the community.

Town offices will be closed on Monday, May 28th in observance of Memorial Day. The Memorial Day Parade is scheduled to be held on Monday, May 28th at 11:00 a.m., and will step off at the Rite Aid located on Daniel Webster Highway and end on Baboosic Lake at Last Rest Cemetery, where ceremonies will be held.

The Merrimack Farmer's Market will open for the season on Wednesday, June 6th, and will run through Wednesday, September 26th, weather permitting. It will operate between the hours of 3:30 – 6:30 p.m. at 515 D.W. Highway.

Regular meetings of the Town Council will be conducted on Thursday June 14th and Thursday June 28th in the Town Hall Meeting Room.

The Town Council will hold its Annual Retreat on Friday June 15th beginning at 9:00 a.m. in the upstairs lounge at Swan's Chocolates.

Chairman Mahon noted the one year anniversary of the Town Manager, Eileen Cabanel.

Ms. Eileen Cabanel, Town Manager, informed the Council and viewing public, the Merrimack Police Department, Merrimack High School students, and community members are planning an eight-mile run along D.W. Highway from the Nashua border to the Bedford line as part of the 27th Annual Law Enforcement Torch Run for Special Olympics. The event begins at 7:00 a.m. on Thursday, May 31st. Contact Officer Murray for additional information.

In an effort to better meet the needs of skaters, The Merrimack Skateboard Park has adjusted their hours for the remainder of the school year: Monday, Tuesday, and Thursday from 3:00 – 6:30 p.m., Friday from 3:00 – 8:00 p.m., Saturday from 2:00 – 8:00 p.m., and Sunday from 2:00 – 6:00 p.m. The park will be closed on Wednesdays. Beginning June 19th the park will be open every day except Wednesdays from 3:00 – 8:00 p.m.

The Town is now accepting Naticook Day Camp registrations. The camp will be offered at Wasserman Park from June 25th through August 17th. The weekly resident rate is \$185.00, which

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includes daily Red Cross swim lessons, daily lunch, and all program supplies. For additional information please contact the Parks & Recreation Department at 882-1046.

The Town is looking for assistance in naming two of the meeting rooms within Town Hall. Residents are asked to submit nominations in writing and identify why the name should be chosen. Nominations should have a Merrimack connection, e.g., the name of an individual who has supported the Town in some fashion. The Parks & Recreation Committee will review the nominations and forward a recommendation to the Council. Deadline for submission is June 19, 2012 to the Merrimack Parks & Recreation Committee, 116 Naticook Road, Merrimack, NH or by e-mail to ParksDepartment@MerrimackNH.gov.

Recognitions, Resignations and Retirements

1. Recognition of Tim Tenhave

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

The Town Council will present a Certificate of Appreciation to Tim Tenhave for his volunteer service and assistance to the Town of Merrimack with the process of reviewing the Merrimack Town Code.

Chairman Mahon presented Mr. Tim Tenhave with a Certificate of Appreciation recognizing his untiring and voluntary commitment to assist the Town Council's efforts to modernize and consolidate the Town's Administrative Code. Mr. Tenhave thanked the Council for the recognition and noted there were a number of members of the staff who assisted in the process.

Appointments

1. Annual Review with the Parks and Recreation Committee

Submitted by Parks and Recreation Committee Chair Laura Jaynes

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.

Ms. Laura Jaynes, Chairman, Parks and Recreation Committee, thanked the Council for the opportunity to review the activities of the Park & Recreation Committee for the past year. The Committee is currently at full membership and has had a quorum for most of the past year. Ms. Jaynes informed the Council of the current membership.

Most of the past year has been spent reviewing projects, gathering history and information to prioritize the projects, and setting goals. At their monthly meetings they update, regroup, and work towards achieving these goals.

Ms. Jaynes spoke of the invaluable support provided to the Committee by Sherry Kalish, Park & Recreation Director, and her part-time assistant, Kelly Valuzzi. She touched upon Ms. Kalish's efforts organizing many programs for residents of all ages and her work with non-profit groups to provide town-wide events. She added Ms. Kalish and Ms. Valuzzi also run the Naticook Day camp. She noted all Park & Recreation events and resources are posted on the Town website.

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Speaking to current projects, Ms. Jaynes remarked even with new members on board and with a new look at things; the list of priorities continues to be the same:

- **Watson Park:** With the dissolution of the Watson Park subcommittee, 2 members joined the full Park & Recreation Committee: Phil straight and Lynne Wenz. Having received \$20,000 from the Land and Water Conservation Fund (LWCF) in January, two subcommittees were formed to estimate the costs of building the Pavilion and the Dog Park area as shown in the Watson Park Master Plan. Each subcommittee has spent much time researching their projects. With continued help from Sherry Kalish and Adam Jacobs, DPW Coordinator, it is hoped these will be completed by the fall. Discussions are now being conducted with regard to how the monies should be expended. The Council will be provided with a formal presentation in the near future.

Wasserman Park: Over the past years, the Committee has continually brainstormed on how to gain revenues for the park. Naticook Day Camp is self-funded, and relies on the park for its arena. Due to cost cutting, the Camp has lost its maintenance crew. The opportunity to apply for State grant funds in 2010 was missed, and, at this time, it appears there are no grant funds available. Ms. Jaynes remarked the potential uses of the park are not widely known. Fortunately, the Agricultural Commission came forward in 2012 to initiate a town garden, which has become very popular. The Agricultural Commission worked with the Merrimack Village District to provide additional water access through a hydrant.

Ms. Jaynes questioned the direction the Council would like to see the Committee go with regard to Wasserman Park. Mr. Chris Christensen, Vice Chairman, Parks and Recreation Committee, noted residents interested in the park are organizing fundraising activities, and spoke of an upcoming art sale. He stated the park to be problematic in regard to the number of older structures. He commented, when the park was purchased, it was left to the Wassermans to run for a five-year period. At that point, there was no incentive for them to do anything beyond minimal maintenance. Without dedicated funds to address infrastructure/maintenance needs, minimal maintenance continues to be the approach.

Mr. Christensen noted the Council is in receipt of a recent report from the Town Manager, Fire Department, Health Officer, Public Works Department, and Building Inspector outlining problems with some of those buildings. The Theatre and Dining Hall are being closed and functions previously held there will now take place in the Function Hall. He remarked the closing of these facilities highlights the need to identify a funding mechanism for major improvements at the park. The updated Master plan recommended improvements to the Function Hall and suggested not expended a great deal of funds on the Theatre and Dining Hall. Mr. Christensen noted the inability to expand the Theatre due to its proximity to the shore. Included in the Master Plan was an Engineering Study; however, a rehabilitation or upgrade of the Function Hall is not something within the abilities of the Park & Recreation Committee. It would require engineering expertise to lay out a plan for bringing water into the camp for fire protection, fire code upgrades, etc. He suggested a cost of \$10,000 to \$15,000 to develop plans that could then be acted upon either through the budget process or a Warrant Article.

One of the things that came out of the Master Plan update was the need to increase efforts to gain additional involvement in the parks. Mr. Christensen commented, although people can get down to the waterfront to utilize the area, they cannot get back up the hill as the road is crumbling and washing into the lake. A forestry plan was been completed to redesign and relocate the road

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somewhat and put parking pods at the bottom of the road. Although not an expensive project, engineering expertise is needed to construct the final layout.

He spoke of the need for the Town Council to review potential funding sources. He stated his belief the road is defined as a Town road, although not named. He suggested capital reserve funding for drainage and road improvements might be an appropriate source of funding.

Councilor Rothhaus questioned whether erosion remains a problem at the waterfront. Mr. Christensen stated repairs are done on a yearly basis. Ms. Jaynes spoke to a mold issue that arose at the Function Hall requiring the basement to be gutted.

Town Manager Cabanel noted a report on Wasserman Park, prepared by the Building Department, was sent to Council members electronically. She spoke of varying opinions she received, when coming on board, with regard to the condition of Wasserman Park. As a result she requested the Building Department evaluate each structure. They reviewed the Turner report prepared in 2005/2006, which was inclusive of a review and analysis of all Town facilities including Wasserman Park. That report was updated to reflect present conditions, changes in code, etc.

After the update was complete, a group of dedicated individuals; Paul Micali, Finance Director, Fire Chief Michael Currier, Fred Kelley, Building Official, Adam Jacobs, DPW Coordinator, and Sherry Kalish, Park & Recreation Director, worked very hard to prioritize the needs of the structures at Wasserman Park in terms of which facilities were required for use by the day camp. The decision was made not to open the Theatre or Dining Hall due to concerns over potential structural issues. Director Micali has had the structural integrity of the Dining Hall evaluated, and information on that evaluation is expected shortly.

Town Manager Cabanel stated the charge this year was to stabilize Wasserman Park. There were a number of life safety fire code issues such as signage, pull stations for fire alarms, doors, and electrical systems that had to be addressed before the park could be opened for the season. The immediate needs required approximately \$16,000 worth of expenditures, which represents two years' worth of general fund dollars allocated to the recreation budget for maintenance. The items have begun to be addressed, and a full report was provided to the Council.

It was explained the items being addressed and identified within the updated report are not enhancements such as those identified within the Master Plan, but rather necessary repairs/upgrades to stabilize the current structures. Town Manager Cabanel commented whether it is advisable to make repairs/upgrades to the Dining Hall or not is a decision of the Council. It was noted the long-term needs of the park would be brought before the Council for consideration at a later date.

Ms. Jaynes returned to highlighting information contained within her report. Ongoing projects include; Park Reviews, which are updated by committee members on an annual basis and assessing town fields and recreation areas focusing on area conditions and handicap accessibility issues. With regard to goals achieved by the Committee, Ms. Jaynes spoke of partnering with the Town Council, Town departments and committees as well as organizations such as the Merrimack Youth Association, Merrimack Rotary Club, Agricultural Committee, Conservation Commission, and Merrimack Friends and Family. Speaking to goals and objectives, she referenced updating of the Wasserman Master Plan, revenue building for Wasserman Park, and enhancing accessibility in all town recreation areas.

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Ms. Jaynes stated, over the last five years, budget cuts have severely impacted progress with parks and facilities. In 2006 there were 3 full-time positions within the department, now there are 1 1/2. The Playground Capital Reserve Fund was cut from the budget for two consecutive years. Through collaboration and creative thinking, we need to find ways to fund our Town's parks and recreational resources. She commented, while the Parks & Recreation Committee recognizes the vast variety of successes in the Town of Merrimack, there are still many other ongoing activities and projects that need funding, maintenance and/or volunteers.

Mr. Christensen took advantage of the opportunity to inform the viewing public Wednesday night concerts at the Abbie Griffin Park will begin at 6:30 p.m. There will be a Sunday concert as well as one Thursday concert put on by the Army National Guard (no cost). There will be a total of 12 concerts this season.

Councilor Dwyer commented there are a lot of groups and individuals in town who believe Wasserman Park is at a crossroads and who have creative ideas for the park. He suggested the Council needs to put the necessary work into identifying a vision for the park understanding there will be a budgetary impact.

Councilor Flood thanked the members of the Committee for their hard work. She spoke of the need for the Council to consider the funding necessary to address issues at Wasserman Park and commented having paid off the original bond for the property is helpful when coming to terms with the prospect of additional funds being required.

Comments from the Press and Public – None

Public Hearing

Chairman Mahon opened the public hearing at 7:41 p.m.

1. Acceptance and Expenditure of Funds from the Abbie Griffin Memorial Fund for the Merrimack Fire and Police Departments [Tabled from the May 10, 2012 Meeting]

Submitted by Finance Director Paul Micali

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 \$9,137 for the purchase of John Deere Gator equipment for the Fire Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Fire Chief Michael Currier informed the Council changes have occurred since the request was last before it. The request now being made is for equipment to outfit a John Deere Gator.

The department was seeking a utility vehicle to assist in brush fires and responding to parks for search and rescue missions as well as medical and fire calls. The option of a John Deere Gator (Gator) was first considered a year ago. As the Public Works Department was in possession of a Gator, which it used for trail maintenance, an inquiry was made as to whether or not the equipment would continue to be utilized. After being informed it would be, efforts began to identify another means of procuring a Gator for the Fire Department.

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Understanding \$9,137 in funding would be available for use through the Abbie Griffin Memorial Fund, discussions began with the management team within the department to consider all needs that would be outside of the normal realm of the budget for which these funds could be utilized. The Gator was identified as one of the top priorities. Captain Shawn Allison spearheaded discussions with potential vendors. The vendor who could provide the best pricing was Nashua Outdoor Power. The company offered to go above and beyond the call of duty to procure grant funding put forth by Deere & Companies, which would allow for the purchase of a Gator at a greatly reduced cost. They were also going to provide a trailer. The total package cost was approximately \$710.00 more than was available through the fund. The owner of Nashua Outdoor Power is a resident of Merrimack, and offered to donate the \$710.00 needed.

Just prior to the Council's last meeting, the Public Works Department determined their need for the Gator was no longer, and Director Micali suggested the Fire Department look at it as an option. He and Captain Allison evaluated the Gator and found it to be the same model they were considering for purchase. At that time, it was believed the greatest benefit to the community would be to simply transfer the Gator to the Fire Department. That transfer has occurred.

Part of the plan for the Gator purchase was to consider utilizing funds, which might be available next year, to purchase a fire rescue skid for the back of the equipment (approximately \$6,500). With funds remaining in the Abbie Griffin Fund, the desire is to move forward with the purchase of the rescue skid as well as a utility trailer for transport (approximately \$2,400). As the timeframe for submission to the Council was short (3 days), an exact cost is not yet known. The actual price on the trailer from Kimtek, located in Westmore, VT, is \$6,500 plus shipping. It is believed the equipment could be picked up resulting in a savings of approximately \$2,000 (shipping cost). The 16' utility trailer would go out to bid and is expected to cost between \$2,200 to \$2,400.

The intent would be to utilize the equipment in the various parks and at events such as 4th of July, Ribfest, the YMCA Triathlon (anticipate over 400 participants), etc.

Councilor Rothhaus questioned the annual maintenance costs and where the equipment would be stored. Chief Currier responded the Public Works Department has stated yearly maintenance to consist of oil changes (only 46 hours on equipment). Costs are anticipated to be in the area of \$100/year. The equipment would be stored at Station 1 during the summer months and Station 3 during winter months.

Councilor Boyd questioned the length of the skid and was informed it is 48" or 4'. Councilor Boyd noted the narrative states the vehicle would not be used as a fire personal transport due to safety concerns. He questioned the suitability of the equipment for individuals taller than 4', and questioned whether personnel would have to be riding in the back to ensure the safety of the patient. Chief Currier noted the area in the back of the Gator is a holding area, the patient would be on a full back board and in a rescue stokes basket, which would attach to the skid. He added, the front seat has ample room for a Paramedic to be at the head of the patient, and the speed will be such that firefighters would be walking beside the vehicle. This would be in place of having to carry the individual from a rescue location.

Councilor Dwyer, stated, for the benefit of the viewing public, the Abbie Griffin Memorial Fund was created for the wants of the department. The department has identified an equipment purchase that can add to the department, and is before the Council to request expenditure of funds for that

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purpose. He reiterated the fund was established as a gift from the family and is intended for purchases of this type.

Councilor Flood stated her support of the expenditure, and her belief the equipment will be very useful. Councilor Boyd commented there are locations within Grater Woods, Wildcat Falls, and the Horse Hill Nature Preserve, which are very rural in nature and difficult to reach from a road. It is very important our first responders have the appropriate tools to get into the area for rescue purposes. He stated his support of the expenditure.

Councilor Rothhaus commented, with the inclusion of a 70-gallon water tank, the equipment appears to be more of a rescue piece than a fire suppression piece. Chief Currier, providing an example of firefighting capabilities, spoke of a recent situation along the railroad tracks where a train experienced a malfunctioning brake system and threw sparks resulting in fires for a ½ mile distance beginning at the Merrimack line and continuing into Manchester where the vehicle was finally stopped. Having the opportunity to have something that has a hose reel, pump, and tank, would have allowed firefighters to drive along while extinguishing fires and preventing spread after which personnel on foot could return and mop up all of the hot spots. Councilor Rothhaus questioned how long a 70-gallon water tank would last in such a situation. Chief Currier responded a lot of acres of fire could be put down as the attack is to do the outside boundary to prevent travel. Once travel is stopped the inside can burn and will not go anywhere. Then you can get the crews into the area to address the fire itself.

Councilor Rothhaus publicly thanked Fred Hayden, owner of Nashua Outdoor Power, for his generous offer to the Fire Department and the Town.

Chairman Mahon opened the floor for public input. No one from the public addressed the Council.

Chairman Mahon closed the public hearing at 7:59 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the purchase of the Fire & Rescue Skid along with the 16' utility trailer and, with any remaining monies, purchase small equipment for the Gator (portable radio charger, work lights, etc.), and to permit the Town Manager and/or the Finance Director to sign and approve any and all documents required to execute said purchase. Total cost from the Abbie Griffin Memorial Fund not to exceed \$9,137. MOTION CARRIED 6-0-0

Legislative Updates from State Representatives

State Representative Chris Christensen remarked we are at the near end of the legislative session for this year. As it is not a budget year, there are not a great deal of financial matters being addressed, although there was a bill related to payroll pension spiking, which he believes will go through; however the intent, this year, was to put it off another year (has been put off 4-5 years in a row).

He commented, as you read the papers, you know that several bills were sent over to the Senate from the House, sent on to Interim Study or some other sort of nebulous activity, and the House picked up the bills in their entirety and tacked them on to Senate Bills and sent them back to the Senate (nose thumbing back and forth). Although there has been a great deal of publicity, he does not believe it will have major impacts on anything that has to do with the Town as an organization.

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He remarked it is worth mentioning this time of year is a good time to be thinking about what the Town might want the legislative delegation to work on for coming year. The bill filing period is in September with another briefly in December. In order to perform due diligence prior to the filing periods, gain the support of co-sponsors, or identify other towns in the same situation, you can be much more successful if you have sufficient lead time.

Town Manager's Report

Town Manager Cabanel informed the Council and the viewing public, the Amherst Road culvert replacement project is now out to bid. The project is located on Amherst Road west of Meetinghouse Road. Plans are to replace three metal corrugated culverts with a single concrete box bridge culvert. Construction will begin this summer and be completed by the fall.

Buckle Up New Hampshire is in full swing. Please remember to buckle up and keep your children, under the age of 18, properly restrained.

The Police Department extends a special thanks to Justin Cross of Cross Photography for the photographs taken of the department during Police Memorial Week.

Staff from the Community Development Division, the Public Works Department, Police Department, Waste Water, and Merrimack Village District met with representatives from Atrium Medical Corporation regarding their upcoming site plan submittal for Atrium's relocation from Hudson, NH to 40 Continental Boulevard. Atrium plans to expand the facility by approximately 90,000 sq. ft. with room for further expansion in the future. Atrium will be submitting site plans and applications next week for the Planning Board Public Hearing scheduled for June 26th.

The Planning Board has granted conditional approval to the Thurloe Kensington Corporation application for a three restaurant building and a bank near the entrance to the mall on Premium Outlets Boulevard.

The Master Plan Steering Committee continues to progress through the various chapters of master plan update. The next meeting will be June 12th at 7:30 p.m. and will cover open space. All are invited to attend and participate.

There are some vacancies and expiring terms for members of both the Planning Board and Zoning Board of Adjustment. If you are interested in serving the community and have time to volunteer, please contact the Community Development Office. Information can be provided on the commitment associated with membership and the appointment process.

National Grid will begin work at 487 Daniel Webster Highway the first week of June. The Town of Amherst is working on paving a portion of Seaverns Bridge Road between Arrow Lane and Woodbine Lane this summer. Although residents of Seaverns Bridge Road will be able to pass, some delays should be expected in commute time and adjusted for accordingly. Work is expected to be completed by mid-June. For additional information please visit the Town's website.

Town Manager Cabanel commented she and Director Micali had the opportunity to meet with representatives from the Merrimack Rotary Club, and suggested residents give serious consideration

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to staying in Merrimack for the 4th of July festivities. Chairman Mahon spoke to the efforts put forth by the Rotary in planning for the 4th of July activities.

Consent Agenda

1. Consideration of Changes to Chapter 92 – Amusement Devices [Final Reading]

Submitted by Town Manager Eileen Cabanel

The Town Council to consider final approval of the recommended changes to Chapter 92 – Amusement Devices of the Merrimack Town Code, pursuant to Charter Article V, Section 5-4.

MOTION made by Councilor Boyd and seconded by Councilor Koenig for final approval of the recommended changes to Chapter 92 – Amusement Devices of the Merrimack Town Code, pursuant to Charter Article V, Section 5-4. MOTION CARRIED 6/0/0

Old Business - None

New Business

1. Traffic and Special Event Management Ordinance [First Reading]

Submitted by Town Council Chair Tom Mahon

The Town Council to review and consider the proposed new Traffic and Special Event Management Ordinance to be added as a chapter in the Merrimack Town Code, pursuant to Charter Article V.

Chairman Mahon noted the item was discussed at the Council's last meeting and addresses providing additional latitude and flexibility for the Police Department to manage large events with regard to traffic, parking, and potential road closures. Attorney Upton was asked to draft an ordinance. A public hearing will be conducted on May 31st at 7:00 p.m. in the Town Hall Meeting Room.

The ordinance reads in part: "In the event the Town Manager, in consultation with the Chief of Police, Fire Chief, and Director of Public Works, concludes that an upcoming special event is likely to create traffic and/or safety concerns, the Town Manager shall bring forth a Traffic and Special Event Management Plan to the Town Council for approval and consideration at any single or regular meeting. The proposed Traffic and Special Event Management Plan shall include the duration of the Plan and a description of any of the following proposed requirements, restrictions or actions:..."

Police Chief Mark Doyle stated he discussed with Attorney Upton, the ordinance being broad in its intent but focused in its application so that it could be used for any special event that, which is believed would bring a large amount of traffic into town or result in pedestrian disruption beyond what the Police Department would be able to regulate under normal circumstances (with existing traffic regulations). He provided the examples of Ribfest and the grand opening of the Merrimack Premium Outlets. These types of event will bring with them a huge influx of pedestrian and vehicular traffic that specific areas of the town would not otherwise see; specifically residential areas that would normally be able to handle local traffic and other ancillary traffic that may come as a result of normal things happening during the course of a business week.

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The ordinance would provide the latitude to remain flexible to regulate traffic and would not infringe on the quality of life of folks that enjoy a quality of life in and around the special events. It would give the Police Department the authority to put in place certain restrictions that would allow them to not only enjoy the quality of life but would provide the efficiency of operations for the Police Department to be able to move traffic through and around events so as not to impede normal traffic flow.

After hammering out the wording associated with the Ordinance, both he and Attorney Upton believe it is broad enough in its intent but certainly focused in that it gives the Police Department a lot of enforceability if it becomes necessary to make immediate changes to current road regulations. Chief Doyle suggested having the ordinance in place could prove helpful during the opening of the Merrimack Premium Outlets by allowing changes to be made such as allowing parking restrictions along Industrial Drive or Daniel Webster Highway or perhaps local traffic only restrictions along Camp Sargent Road or Greens Pond Road.

The following amendment was offered: the words “approval and consideration” be amended to read: “consideration and approval”.

Chairman Mahon suggested the ordinance be amended so that the only instance requiring a public hearing be the closure of a street or road (not whole plan). When asked why he suggested that provision he remarked closure of a street/road is more drastic than simply traffic flow regulations. He spoke of the requirement for publication of a public hearing seven days in advance of the hearing and time constraints that might create. Chairman Mahon noted the ordinance, as written, calls for a public hearing on any plan. It was pointed out to him the purpose of a public hearing would simply be to notify residents of what is taking place. Councilor Rothhaus questioned whether lack of a public hearing would affect the enforceability of restrictions put in place for such occasions.

Councilor Koenig stated, after reading some of the backup on the ordinance, he had believed, in order to craft an ordinance that would allow for the flexibility for special events, there had to be a public hearing to put the ordinance in place. He commented the first item listed as requiring a public hearing, limitations on the use of town roads to local traffic only, is another where without a public hearing taking place; residents could argue changes were made to road access outside of what is allowed by ordinance. He was unsure a requirement for a public hearing could be limited to closures. He stated his belief, since such situation would require the presentation of a management plan, the need for 7 days advance notice should not be that difficult to accommodate. Chairman Mahon stated he would speak with counsel.

Director Micali spoke of situations that could come about, which would require immediate action such as parking on both sides of the road during softball league tournaments at Twardosky Field. He suggested the requirement for a public hearing for prohibition on parking along roads could be removed. Chief Doyle commented he does not believe the ordinance would apply in that situation as the intent is to address special events, which would be planned for. Chairman Mahon spoke to the procedures related to authorization of use of the field and suggested those may need to be changed to allow for advance notice of use. He added that situation could be addressed by placement of netting, which has been discussed in the past. He suggested it may be time for the

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Council to address whether that should be done, and noted it would create the room for at least another dozen cars in the area, keeping them off Amherst Road.

Councilor Flood questioned the penalty for violating signage placed on roads. Chief Doyle responded, unless specifically stated within the ordinance, under State Statute, a violation of town ordinance is punishable in the District Court by a fine up to \$500. It was suggested a penalty be included within the ordinance.

Councilor Flood questioned how restrictions put in place under the ordinance would be enforced, e.g., how would the police differentiate between local and through traffic. Chief Doyle responded they would have to monitor the traffic going in and coming out of the restricted area. If vehicles are passing through, a quick stop/investigation would have to be conducted. Officers could be paced at either end of the restricted area and communicate with each other. He stated, in the instance of a special event such as the opening of the Merrimack Premium Outlets, the police will be out in force, and will do all they can to monitor restrictions put in place.

Councilor Koenig suggested a fine could be identified within individual Traffic Management Plans so as to tailor a fine to a specific event. He commented the intent is to gain flexibility and make the traffic management plan part of the ordinance and that a public hearing be conducted in each instance. Chief Doyle suggested Attorney Upton could be asked to provide an opinion.

MOTION made by Councilor Rothhaus and seconded by Councilor Koenig to move to a Public Hearing on May 31st.

MOTION CARRIED 6/0/0

2. State Revolving Fund Phase II and Compost Facility Upgrades Application Discussion

Submitted by Finance Director Paul Micali

The Town Council to consider authorizing the Town Manager to apply for and sign the required paperwork related to the New Hampshire Department of Environmental Services (NHDES) Water Division's SRF for funding for the Wastewater Treatment Facility Phase II and Compost Facility Upgrade Projects, which were approved by the voters at the 2012 Merrimack Annual Town Meeting.

Director Micali commented, during the budget process, he and James Taylor brought before the Council the intent to facilitate Phase II of the Wastewater Treatment Facility through use of the State Revolving Loan Fund. After the vote, Mr. Taylor contacted NHDES and was asked for the costs and anticipated start date of the project, and as informed funding is available to support the project. Director Micali noted the associated interest rate is ¼ of a percent less than the current rate assessed the Town. Rates will be reviewed again in September at which time it is anticipated an even more favorable rate will be available.

He informed the Council in order for the funds to be committed; the Town is required to submit an application. The Town Manager requires the authorization of the Council to sign the application, on behalf of the Town. He informed the Council an advantage of the fund is that monies are drawn against it on an as needed basis, e.g., after payment to contractor(s), etc. the Town can submit for reimbursement. When utilizing bond funding, all monies are provided in advance and have to be managed. He cited monitoring such as ensuring interest earned on bond proceeds does not exceed what is being paid out against bond interest.

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Town Manager Cabanel spoke of bond repayment beginning 6 months after issuance whereas repayment against the Revolving Loan Fund is based on substantial completion.

MOTION made by Councilor Koenig and seconded by Councilor Rothhaus to authorize the Town Manager to apply for and sign the required paperwork related to the New Hampshire Department of Environmental Services Water Division's State Revolving Fund for funding for the Wastewater Treatment Facility Phase II and Compost facility Upgrade Projects, which were approved by the voters at the 2012 Merrimack Annual Town Meeting. MOTION CARRIED 6/0/0

3. Approval of Recommended Sale/Trade of Rescue 2 Vehicle for a Hazardous Materials Trailer

Submitted by Fire Chief Michael Currier

The Town Council to consider the approval of the recommended trade/sale of the Fire Rescue 2 vehicle for a hazardous materials trailer.

Fire Chief Michael Currier informed the Council, in the past year, an equipment review process to determine the needs and desires of the department was initiated. As part of that review, they looked at current equipment; whether it is functional for today's needs and whether the same needs and mission would carry the department into the future. Part of the review has focused on determining whether continued use would result in the cost of maintaining the equipment outweighing the benefit derived.

One of the first pieces discussed by the management team was the 1989 International Rescue. Back in 2007 the department purchased the KME Heavy Rescue. It went first line as a rescue vehicle and Rescue 1 was downgraded to Rescue 2, which took the place of the 1977 Emergency Management vehicle, which, at that time, was deemed to no longer be serving its purpose. One of the major functions of the 1977 vehicle was hazardous materials. A best effort was put forth to convert the 1989 rescue to a hazardous emergency response vehicle.

At the time, the Heavy Rescue was purchased, it was determined Rescue 2 would have to be reevaluated in 4-5 years to determine whether it functioned well for the department. That evaluation has been completed. The vehicle was not originally identified or set up to respond to hazmat incidents. It is set up to respond to rescue calls and is designed to have quick access cabins in the back to get tools for vehicle extrication and those types of high angle rescues where rescuers can have quick access to smaller tools. They placed the hazardous materials equipment in the vehicle and made it work for the past four years. It has now been determined the need exists to have equipment that would be more usable to the Town.

Rescue 2 was taken to the highway garage for an assessment to determine its condition and identify any necessary repairs. In its current state, the projected cost, associated with items needed in order for the vehicle to pass inspection, is \$1,200. At this time, the vehicle is sitting at Station 4 (old ambulance garage) without an inspection sticker and unusable. It is expected the vehicle would require an additional expenditure of \$1,500 within the next year (radiator mounts, etc.) on top of an additional \$500 in preventative maintenance. The vehicle does not function well for the current mission of the fire department, and is 23 years old.

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The desire of the department is to replace Rescue 2 with a 16" enclosed trailer, which would be a better platform for dealing with hazardous materials, e.g. is lower to the ground, has a cargo door on the back, etc. The department was approached by the Brookline Fire Department with an interest in purchasing the Rescue 2 by means of a swap for a 16" enclosed trailer. The Brookline Fire Department has examined the vehicle and is willing to put the necessary funds into repairs.

Chief Currier provided the Council with a conceptual drawing of what the trailer may look like and the type of equipment that would be stored on the trailer. Rescue 2 has 110,200 miles on it (9,930 hours), and projected maintenance cost for 2012 is approximately \$3,000. Prior year costs were; \$601.48 in 2011, \$552.05 in 2010, \$667.29 in 2009, \$906.72 in 2008, \$11,771.95 in 2007 (prior to new Rescue 1 coming on board, truck was being utilized a great deal and required substantial maintenance), \$6776.48 in 2006, and \$17,162.69 in 2005. Currently the department has a 22' trailer used for mass casualty, e.g., shelter supplies cots, blankets, etc., which can be moved to any location for sheltering (50 people). A discussion occurred last year relative to a need of the department to have immediate access to sheltering material. Enough equipment has been purchased to accommodate sheltering people individuals. The equipment is stored on that trailer and can be moved anywhere at any time. The trailer also serves as a command post.

A review of the maintenance costs for that trailer was conducted with the belief the proposed trailer would likely be similar or less expensive to operate. The costs for the trailer were: \$0 in 2012 and 2011, \$133.26 in 2010, \$85.49 in 2009, \$129.95 in 2008, \$0 in 2007, \$194.31 in 2006, and \$33.44 in 2005.

Chief Currier remarked having been requested to seek an outside source to obtain a value for the rescue vehicle; he reached out to Liberty International Trucks in Manchester, and was provided with a trade-in value of approximately \$5,000. The value of the trailer, received from Airport Trailer, in Leominster, MA was \$5,495.00. He remarked he believes the purpose for purchasing the trailer from Leominster, MA to be an association one of the Brookline Firefighters has with the facility, which would result in a favorable cost. Fit-up costs would be in the area of \$1,200 - \$1,500 and would include shelving, wall and floor tie-downs, and supporting hardware.

The life expectancy of the trailer is approximately 20 years. With regard to the size of the trailer being suitable for that length of time, Chief Currier stated he conducted a review of surrounding communities having hazmat trailers and discovered they are between 16-20' in size. He noted the intent of the trailer is initial response, e.g. if there were a tractor trailer with a ruptured/leaking fuel tank incident, the trailer could handle that response. For any long-term, major incident, outside resources would be sought as a second response. He noted the following equipment would be removed from the vehicle prior to a swap: air system (value of \$2,500), radio system and hand lights, light bar (tied to Opti-Com System), Federal Q siren, and the hydraulic hose system.

Chairman Mahon questioned the number of hazmat calls responded to in a typical year, and was informed the average is 5-10. He commented, given the costs associated with the Rescue 2 vehicle (motorized vehicle) and the minimal costs associated with a trailer, the thought is the equipment is needed, but does not have to be motorized. If industry in town grows to the point where hazardous materials calls increase, consideration might be given to a motorized vehicle that could haul the trailer. Chairman Mahon commented, based upon the information provided, the average yearly maintenance cost for the Rescue 2 vehicle is \$5,000. He noted the vehicle is 23 years old with almost 10,000 hours on it.

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Councilor Dwyer remarked the trailer needs a motorized vehicle to trailer it, and he would have believed a motorized vehicle more valuable. He questioned whether the cost of maintenance was high given the age of the vehicle, etc. Chief Currier commented, with the present setup, a lot of the materials the department has (55 gallon drums, overpacks, etc.) have to be stored at Stations 1 and 4, and a truck is needed to retrieve the equipment when needed. The equipment would fit on the trailer and would eliminate the need for personnel to lift 55 gallon drums and equipment high onto the back of a utility when they are needed at a scene.

Chief Currier remarked if the Brookline Fire Department can put money into it and utilize it as a rescue vehicle as it is intended and is set up to be used as, and can provide the us with a platform that will benefit us and we can work out of more efficiently and effectively, I think we have a win win situation.

When questioned if he was confident the current utility vehicles can move the trailer rapidly enough to get it where it needs to be, Chief Currier stated he is. Councilor Koenig remarked this is not an emergency or urgent response piece, but rather a second tier response piece. Chief Currier responded it is not for fire or medical response, it is for hazardous materials incidents. He explained in the event of a hazardous incident you are moving to the scene an engine is already on scene addressing the situation. These are not situations in which you rush in without understanding the type of material involved and how dangerous the situation is.

Councilor Koenig questioned the useful life of the trailer and whether the trade was being considered as a means of addressing future needs based upon industry moving into Town? Chief Currier responded with current trends, e.g., the opening of the Premium Outlet Mall, the former Nashua Corp. building located at 40 Continental Boulevard being built out, and a good deal of area in the location of the former Kohlsman facility that could be utilized as retail or industrial, one could anticipate seeing that end of town starting to move rather quickly, and the need exists to have equipment in place to addresses the potential uses.

Councilor Koenig commented he presumes Atrium Medical will have some requirements of the Town. Chief Currier stated he has not received lists of products or processes from Atrium. When asked about Nanocomp, Chief Currier spoke of his familiarity with the plant (took tour of Concord facility) and their operations and stated he feels confident the safety appliances being built into plant will be adequate to provide safety along with the equipment the department would have on hand.

Councilor Flood questioned whether a list of materials utilized in the plan would be part of the Planning Board's review process. Chief Currier stated it would not. He remarked he typically receives that type of information during initial review of the facility and through conversations with the facility manager and staff. Those questions are asked based on Federal law for Tier 1 and Tier 2 reporting and MSDSs for chemicals used in the facility.

Councilor Rothhaus commented he sat on the Planning Board when the Home Depot project went through the process. In that instance, the floor in the middle of the store sits 8" lower than the outside walls, the purpose being should there be a spill, in theory, it would not exit the building. He remarked the Planning Board definitely had input on that project.

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Chief Currier stated it is a standard process for that type of facility to design secondary containment within the building itself because of the products they use. He noted another requirement of the Planning Board was for special shelving inclusive of sprinklers.

Chief Currier cited another example as the Merrimack Premium Outlets. He spoke of the high fire load in the stockrooms, the amount of people in the facility, and the concern shelving could collapse. He stated a requirement placed on them that all shelving frames and shelves be metal.

Councilor Rothhaus remarked it would seem to imply the Planning Board has some authority. Councilor Mahon stated they do not; however, they have modified their forms so that when people before them they ask the question of what functions would be performed onsite and what types of materials would be present. That information is provided to the Fire Chief and makes him aware of areas to be focused on during his review of the plan.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to authorize the Town Manager/Finance Director and/or Fire Chief to make the needed legal transfer of vehicles and sign the necessary documentation required with the Town of Brookline, NH for an equal value of around \$5,000 which would represent the swap of the rescue vehicle for the trailer.

MOTION CARRIED 6/0/0

4. Town Council Summer Meeting Schedule

Submitted by Town Council Chairman Tom Mahon

The Town Council will discuss a revised summer meeting schedule.

The Council set its summer meeting schedule as July 19th and August 16th.

Minutes

Approve the minutes from the April 19, 2012 and May 10, 2012 Town Council meetings.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to approve the minutes of the April 19, 2012 Town Council Meeting with as presented. MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the minutes of the May 10, 2012 Town Council Meeting with as presented. MOTION CARRIED 5-0-1. Councilor Flood abstained.

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Flood reminded the Council and viewing public of a town-wide yard sale to benefit Watson Park. The event will take place on Saturday June 23rd at Watson Park. She remarked the event was a great success last year with approximately 50 vendors participating. Those interested in reserving a spot should contact her at 424-5229.

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Councilor Boyd stated he would be participating in the 27th Annual Law Enforcement Torch Run for Special Olympics on May 31st. He encouraged residents to come out and cheer the group on or hand out water. He noted he would also be participating in the road race sponsored by Hannah Vaccaro to benefit an orphanage in Haiti on June 2nd at 10:00 a.m.

He commented he and Chairman Mahon attended the Reeds Ferry Art Show. He noted the event was well attended, and stated he was impressed with what the teachers had taught the students and how they had applied their knowledge.

Councilor Rothhaus commented he spent time the prior Saturday with a scout who chose to line up the headstones at the Turkey Hill Cemetery as his Eagle Scout Project. He suggested residents take note of the work done and remarked the efforts resulted in a noticeable difference. He spoke of the training session the Fire Chief held, which provided a lot of hands on experience.

Councilor Flood noted Merrimack's loss of two very publicly spirited individuals over the past two weeks; Dave Johnson who was the Trustee of the trust funds for a great many years and was responsible and diligent in his accounting, and Yvonne Hinckley, a fine woman involved in many many town events. They will both be missed.

Chairman Mahon informed the Council Ruth Liberty will be moving out of town in June to relocate closer to her Daughter. He spoke of her assistance with many town projects, and remarked she has been a tireless volunteer, and is a remarkable woman.

Adjourn

MOTION made by Councilor Koenig and seconded by Councilor Boyd to adjourn the meeting. MOTION CARRIED 6-0-0

The May 24, 2012 meeting of the Town Council was adjourned at 9:19 p.m.

Submitted by Dawn MacMillan