

Approved: July 19, 2012

Posted: July 23, 2012



## Town Council Meeting Minutes



Thursday, June 28, 2012, at 7:00 PM, in the Town Hall Meeting Room

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Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Harrington, Councilor Koenig, Town Manager Eileen Cabanel, and Finance Director Paul Micali. Vice Chairman Rothhaus was excused.

### **Pledge of Allegiance**

Chairman Mahon led in the Pledge of Allegiance.

### **Announcements**

Town Offices will be closed on Wednesday, July 4<sup>th</sup> in observance of Independence Day.

The Merrimack 4<sup>th</sup> of July festivities will include the following: The Rotary Club of Merrimack's Annual Pancake Breakfast from 8:00 a.m. to Noon at the Merrimack High School. The Merrimack YMCA's Annual Sparkler 5K Race/Walk starts at 8:00 a.m. at the YMCA. Merrimack Rotary Family Day begins at noon and continues until at least 8:00 p.m. at the Mastricola Elementary grass fields for a day of family entertainment, games, food, vendors, and lots of fun. The Annual 4<sup>th</sup> of July Parade kicks off at 1:00 p.m. from Tractor Supply to the Commons parking lot. Fireworks will begin around 9:00 p.m. at the Merrimack High School.

The Town Council has amended its regular meeting schedule for the months of July and August, and will meet on Thursday July 19, 2012 and Thursday August 16, 2012 at 7:00 p.m. in the Town Hall Meeting Room.

Town Manager Cabanel informed the Council and the viewing public the Merrimack Public Library is having a special event for youth as part of the Summer Reading Challenge. The event will take place after hours at the library with two teams and Nerf guns. Participants must bring their own Nerf gun and protective eyewear. Parent volunteers are also needed for this event.

Please join the library supporters and users representing the library in the Town's Annual 4<sup>th</sup> of July Parade; walk, skip, roll or ride, all ages welcome. They provide the first registrants with free t-shirts in the logo colors while size options last. Many thanks to the Friends of the Library for purchasing the shirts and the Petrocelli Marketing Group for their help with this.

The Summer Concert Series is underway at Abbie Griffin Park. For the month of July there are a variety of patriotic and family-themed concerts planned. Tuesday, July 3<sup>rd</sup>, the Merrimack Concert Association will kick off the Independence Day Celebration with their Annual Patriotic Concert from 7:00 – 9:00 p.m. Wednesday, July 11<sup>th</sup>, Jazz First will perform from 6:00 – 8:00 p.m. The Lakes Region Big Band will entertain us on Wednesday July 18<sup>th</sup> from 6:00 – 8:00 p.m. On July 25<sup>th</sup> Mixed Nutz, will be joining us for the first time.

Naticook Day Camp registrations are ongoing. Camp is offered at Wasserman Park through August 17<sup>th</sup>. The weekly rate for Merrimack residents is \$185.00, which includes daily Red Cross swim lessons, daily lunch complete with salad bar, and all program supplies.

### **Recognitions, Resignations and Retirements** – None

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### **Appointments**

#### **1. Senator Shaheen Representative**

*Submitted by Matt Leahy*

Mr. Matt Leahy of Senator Jeanne Shaheen's Manchester office introduced himself to the Council. Mr. Leahy stated his desire was simply to introduce himself to the Council and provide a point of contact within Senator Shaheen's office. He offered to be of assistance should Town or constituent issues arise involving the Federal Government. He provided the Council with contact information.

#### **2. Hillsborough County Commissioner Carol Holden**

Submitted by Carol Holden

The Town Council to receive a presentation on the state of the Hillsborough County Budget for FY/13.

*Chairman Mahon informed the Council Carol Holden was unable to attend; therefore, the presentation would be rescheduled for the July meeting.*

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

None.

### **Legislative Updates from State Representatives**

State Representative Tony J. Pellegrino noted the previous day was the last day the House was in session. It was the session that allowed for an opportunity to override any of the bills (10) vetoed by the Governor. Of the ten, 7 were overridden. The Photo I.D. bill and the bill which links voter registration with motor vehicle registration were passed, and will be set for this year's election. The Educational Tax Credits Bill passed. The Early Offer Medical Malpractice Reform passed. This Bill would give plaintiffs in medical malpractice cases the option of avoiding trial by accepting a settlement offer. If the plaintiff did not have an attorney, he/she would have five days to consider whether or not to continue on to court. The Bill Relative to Partial-Birth Abortion passed. The House was unable to override the Governor's veto on a Bill, which would have required legislative approval of union contracts with state workers.

Representative Pellegrino stated his opinion Merrimack's representatives did a fantastic job; were conservative and tried to keep taxes down.

Councilor Boyd suggested the Council request the Town Clerk, Diane Trippett, present the Photo I.D. Bill and the plan to implement it in town. State Representative Pellegrino stated the bill is very simple in that a voter is required to have either photo identification or an Affidavit with a photo attached. It was the general consensus of the Council the Town Clerk should apprise the Council of implications of the Bill. Chairman Mahon recommended the Moderator also be invited to appear before the Council.

### **Town Manager's Report**

Town Manager Cabanel informed the Council of the Planning Board's conditional approval of Atrium Medical Corporation's site plan for 40 Continental Boulevard. Atrium plans to expand their facility by approximately 90,000 sq. ft. with room for future expansion.

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This project presents the Town with another economic development boost to the Continental Boulevard corridor and represents a substantial contribution to the Town's non-residential tax base as well as creating a significant new employer within Merrimack.

### **Consent Agenda**

#### **1. Recommendation of Town Center Committee Representative Member**

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

The Town Council to accept the following recommended individual as a representative on the Town Center Committee:

**Mary Hendricks** – Merrimack Chamber of Commerce

Chairman Mahon informed the Council the Merrimack Chamber of Commerce has nominated Mary Hendricks as their representative to the Town Center Committee.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to move the Consent Agenda. MOTION CARRIED 6/0/0**

### **Old Business**

#### **1. Request for Use of Capital Reserve Funds for Public Works Department Equipment Purchases [Tabled at the June 14, 2012 Town Council Meeting]**

*Submitted by Public Works Director Rick Seymour*

The Town Council to consider the request from the Public Works Department for the use of Highway, Solid Waste and Wastewater Capital Reserve Funds estimating \$316,255 for equipment purchases.

Richard Seymour, Director, Public Works Department, noted, as requested at the last meeting, factsheets have been prepared and provided for each vehicle requested for purchase/trade, and questioned how the Council would like to proceed. Chairman Mahon opened the floor to questions.

**Roadside Mower Utility Vehicle** (cost after trade \$109,991). Councilor Koenig requested additional information. Mr. Jacobs informed the Council being proposed was the purchase of a utility vehicle (sidewalk tractor) and associated implements (snow blower for deep snow events, snow plow for lighter snow events, and a sanding unit for the back side to sand/salt sidewalks) for winter use.

The cost differential between the initial and current proposal is related to a decision not to purchase the boom flail mower, the most expensive implement made for these vehicles (\$26,000). The mower attaches to the front of the vehicle allowing it to reach up and over either guardrails or curbing to mow roadsides and get down steep embankments or up steep slopes. Mr. Jacobs noted the mower attached to the back of the agricultural tractor is a similar style and is compatible with the proposed new vehicle. He added the ability to have two units mowing in the summer was not absolutely necessary, and it made more sense to have two units available for winter use.

Councilor Koenig questioned whether the boom motor was included in the trade-in of the farm tractor. Mr. Jacobs responded it is and added the only vehicle in town that could use a mower of that size is the agricultural tractor. Councilor Koenig commented Town would trade-in the only piece of equipment that mower could be attached to and would gain a piece of equipment that will only work in the winter time.

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He questioned whether the two vehicles and one boom mower would provide sufficient coverage for mowing. Mr. Jacobs responded, depending on the area, the department does have a ride behind mower, which could be used for flatter areas and ride-on mowers for more expansive areas. There is a line item within the operating budget for rental costs should it be deemed necessary to rent equipment for a day or two to address a particularly difficult section of roadside.

When asked, Mr. Jacobs explained the existing sidewalk vehicle is very similar looking to the photo on the left of the handout (proposed purchase), and has a boom attachment similar to what is seen on the tractor in the photo on the right (trade-in). After the trade, the Town would have two vehicles one with a boom mower; however, it will not be as large as the one being traded in.

Councilor Koenig stated the proposal to be \$109,991 for a sidewalk clearing machine that may be used in the summer time if a piece of equipment is borrowed to mow grass. Mr. Jacobs added the existing utility vehicle also has a deck mower that is used at the Transfer Station (initial purchase purpose). While that vehicle is mowing with a deck mower, its boom could be used on a new mower.

Councilor Koenig questioned whether the boom mower implement would be less expensive on a different type of tractor, and was informed the boom mower is expensive regardless of the type/size of equipment it is attached to. Councilor Koenig questioned the reason for the cost of the equipment and was informed it is very specialized equipment in that it has to be small enough to fit on a sidewalk yet powerful enough to clear several feet of snow if needed. Town Manager Cabanel recalled going through a similar exercise in the City of Laconia and attempts made to purchase used equipment, demo. equipment, etc. She remarked at the end of the day, the reality is it is an expensive piece of equipment because of its size and engine requirements.

Mr. Jacobs stated the proposed purchase represents the lowest bid price for the base unit as well as the lowest bid for the unit inclusive of the desired implements. Bids ranged from \$83,000 to \$158,000 for the base unit and \$109,991 to \$120,000 inclusive of the implements. Councilor Koenig questioned whether a discount was achieved by purchasing the implements at the same time as the base unit. Mr. Jacobs was unsure whether bidders incorporated any kind of a discount.

Councilor Harrington questioned how the department would proceed should the purchase not be approved. Mr. Jacobs responded the department would continue on as it has. Councilor Harrington continued by asking what the department would do if the purchase was not approved and the one existing vehicle broke down. Mr. Jacobs remarked the department experienced a five-week period where the equipment was back and forth to different vendors for different reasons. Part of the reason the proposed vehicle is being considered is because it has a less difficult/intricate system in terms of maintenance. It is hoped it could be maintained/repaired in-house. During those five weeks the vehicle was out of service the department experienced 4 or 5 good sized storms with varying results. They tried a homeowner variety snow blower that was attached to one of the athletic field grooming machines, which was not heavy or strong enough to do the job. They tried pushing that with another vehicle to ease it down the road. They can use a plow wing off the side of the road, which works if there is a flat stretch of sidewalk and no mailboxes, hydrants, etc. There were no demo or rental units available. There would have been a 3-4 month lead-time to purchase implements if funds were available.

When asked, Mr. Jacobs stated the department has a prioritization of 6 miles of sidewalk, e.g., school routes, etc. Councilor Harrington questioned whether all 26 miles of sidewalks could be plowed if the new roadside utility vehicle were purchased. Mr. Jacobs responded it would stand to reason with more equipment to address the need more could be done. He reiterated current prioritization is based on

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equipment the department has at its disposal, and would have to be reviewed if additional equipment were available.

Councilor Dwyer thanked Mr. Jacobs for providing the additional information. He remarked it sounds as though needs have been prioritized and the number one priority appears to be the snow clearing equipment. He stated he was inclined to support the request and trusts the requested equipment represents the best bang for the buck. He noted the funds being requested have been put aside specifically for equipment replacement. Councilor Dwyer remarked in addition to the snow machine, five pickup trucks were being requested, and questioned whether the purchase of the pickup trucks could be postponed if the current vehicles were simply driven until they cease to. He believes the existing pickup trucks still have useful life, and although there are associated maintenance costs, new equipment would also have associated maintenance costs.

Chairman Mahon questioned whether it would be a fair assumption to say part of the decision was based on the fact maintenance issues related to the proposed new equipment would be less complicated and likely able to be addressed in-house.

Mr. Jacobs informed the Council the department spent the past few months reviewing needs and determining how the Town could be best served with the limited funds available. He spoke of opportunities that exist such as what is being proposed for the Parks & Recreation Department. Their existing pickup truck is a larger capacity vehicle than is necessary to address their needs. As a result the decision was made to replace their older pickup truck with a smaller vehicle, which would have better gas mileage. Their current vehicle would provide a trade-in value towards another vehicle purchase. He remarked the department has been trying to replace vehicles on a ten year schedule; however, some of the vehicles identified in the proposal are 14-15 years old. He commented equipment purchases have been deferred in the past and the need exists for new equipment as well as the ability to follow a replacement schedule that provides for a trade-in value to be able to be attached to existing equipment.

Councilor Dwyer questioned whether the intent of the Council is to make plowing of sidewalks a priority, and commented if the answer is yes, then this is the cost of plowing the sidewalks. Councilor Koenig stated his agreement. He added sidewalks are a value to the community and plowing of the sidewalks is a priority. Whether 23 miles of sidewalks can be maintained is hard to know; however, this purchase would assist in that endeavor. He stated although hard to expend that amount of money for a single vehicle, he would support the purchase.

Councilor Harrington informed the Council she had a conversation with an individual who works with specialized vehicles and asked his opinion on the cost. His response was absolutely no question, when you get into specialized equipment they have you over a wagon because all of the prices are similar.

Councilor Flood remarked in this climate of 4-5 months of snow, it seems foolish to shut down a wonderful Town asset (sidewalks) because we don't have the proper equipment to maintain them.

Chairman Mahon questioned the status of the Safe Routes to School Grant. Town Manager Cabanel stated she would look into it and report back. Chairman Mahon commented, as part of that grant program, ¼ to ½ a mile of sidewalk is contemplated off of McElwain Street as well as other connections at other schools facilities. That will add to the burden of sidewalk maintenance.

**¾ Ton Pickup with Plow 4x4** - State bid pricing to replace a 2000 vehicle at a final cost of \$27,215 (\$2,500 trade-in). Director Seymour remarked there is an extended warrantee (7 years) for this vehicle

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included in the bid price. He spoke of transmission and motor problems that can arise when utilizing the vehicle for snow plowing. This vehicle would replace a 13-year-old vehicle.

Mr. Jacobs stated most of the vehicles were identified within the Capital Improvements Plan (CIP) for replacement in this timeframe. He explained the CIP prioritizes replacement based on life expectancy as well as anticipated maintenance costs. A vehicle 10+ years old can cost more per day to operate than a new vehicle based on increased maintenance costs. The repair costs for a ¾ ton pickup drastically increases when the vehicle reaches 65,000 - 75,000 miles (6,500/year average). The vehicles proposed for replacement are within or beyond the point where replacement is warranted.

Town Manager Cabanel added consideration has to be given to the amount of time vehicles are out of service for repairs. Paul Micali, Finance Director, stated the Town started looking at extended warranties on transmissions about three years ago as the price is generally cost effective. He remarked maintenance expenses for police cruisers and highway equipment were reaching the \$2,500 - \$3,000 range for repair of a simple transmission. At present, extended warranties are desired on all transmissions. He commented these vehicles are not simply driving from point A to point B; they are stopping, making u-turns, thrown in reverse, plowing, etc. When asked for the range in cost, Mr. Micali stated it has been approximately \$1,900 for police cruisers and \$2,000 to \$2,100 (depending on size) for pickup trucks. Ford has included the cost of the extended warranty in the price for the new police cruiser they are coming out with. The extended warranty has been utilized to address repairs on 3-4 of the Town vehicles.

**¾ Ton Pickup 4x4 (internal trade)** - the Highway Department will take the Parks & Recreation ¾ ton in trade for a new light pickup for Parks & Recreation. Councilor Boyd noted the narrative states the vehicle was scheduled to be replaced by the Public Works Department in 2007 but was deferred due to budget pressures. He questioned the rationale for deciding to hold onto the vehicle at this time. Director Seymour explained the vehicle being proposed to be replaced is a 1995 vehicle with 147,000 miles (Highway vehicle). The intent is to take the Parks & Recreation ¾ ton pickup (2008 with 21,000 miles) and purchase for them a new light duty pickup. The 1995 vehicle will be used as a trade-in for the purchase of a light pickup truck for Parks & Recreation. The current Parks & Recreation 2008 vehicle will be retained by the Highway Department.

**1 Ton Truck** - State bid pricing will be used to purchase as replacement for a 2000 vehicle. Final cost of \$41,000 (\$5,000 trade-in). Director Seymour stated this represents the purchase of a new 1 ton truck to replace a 13-year-old vehicle with high mileage. He remarked a repair history was performed to look at items costing in excess of \$500. Councilor Harrington questioned the \$26,000 repair cost stated for the current vehicle. It was noted that was over a 13-year period. The vehicle has 112,578 miles, which is high mileage, considering the type of duty it is put through.

**1 Ton Truck (internal trade)** - Highway department will take a Wastewater 2008 1 Ton truck in trade for a new ½ ton pickup. This will replace a heavy-duty vehicle with a lighter-duty vehicle, which would fit the needs of the department. Director Seymour stated the desire is to achieve efficiencies, e.g., fuel costs, avoiding the need to purchase new equipment, etc. He added these vehicles all stay in town and are subjected to frequent stops/starts. When asked, Mr. Jacobs explained Wastewater has a dump truck, which is oversized for its purpose, the purchase of a new dump truck was being contemplated, and the decision was made to place the current Wastewater dump truck in service at the Highway Department in lieu of purchasing a new dump truck and to instead purchase a less expensive ½ ton pickup truck for Wastewater.

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Mr. James Taylor, Assistant Director, Wastewater, informed the Council the truck they have had been used to assist the Highway Department with plowing in the winter time; however, having a ½ ton pickup that gets 20 miles per gallon versus one that gets 10 makes sense. When asked, he stated, on that particular vehicle, the department would lose the plowing capability. In the wintertime they would look at using a ¾ ton pickup to perform plowing at the pump stations and the roads around the treatment plant.

**4 Wheel Drive Utility Vehicle** - New or used vehicle for Engineering (to be used for construction, subdivision and pavement inspections, surveying, etc.). Final cost \$13,000 (\$1,000 trade-in). Director Seymour stated a Crown Victoria is currently used, which is not the best fit for the type of work being performed (hauling materials, etc.). They are looking for a vehicle that can get into areas of dirt and minimally graded roads (subdivisions, etc.). The desire is to trade up to something that has the capabilities (used). They have looked at some vehicles that are in fairly good shape.

Over the past few years the Town has begun performing a lot of the inspections on sub-divisions and some of the bridge work being done. Being able to do the inspections in-house represents a large savings for the Town; however, places more wear and tear on vehicles. The intent is to trade-in one of the Crown Vics and utilize some of the savings to purchase a used vehicle. Councilor Dwyer commented this is the one vehicle he thought the Town could go without. He suggested the Crown Vic could be used for travel alone and another Town vehicle could be used in instances requiring equipment transport.

Councilor Koenig stated his impression this proposal was one of the better choices as the intent is to buy a used vehicle rather than new, avoiding depreciation costs for the first few years of a new vehicle.

Director Seymour noted equipment such as cones, barricades, etc. would likely be stored in the vehicle. From an emergency standpoint, if the Town Engineer needed to be on the road for a bridge washout, etc. he would have the necessary maps, etc.

**Skid Steer Loader Bobcat S185** (Solid Waste) - replacing a 1999 piece of equipment. Final cost \$27,742 (trade-in \$4,500). Director Seymour stated the equipment has almost 7,000 hours of use. For a vehicle that simply moves around the recycling center or yard, this is a great deal of use. He stated the belief the dealer quote is favorable and the trade-in generous. There is a desire to stay with the Bobcats given the equipment capabilities, ease of repair, and availability of spare parts in-house. Councilor Boyd questioned whether there is a guideline that speaks to life expectancy. Director Seymour responded mileage (132,000) was calculated based on the circumference of the tire tread times the speed of the vehicle and number of hours of use per day.

**½ Ton Pickup Truck** - Highway Department will swap (internal trade) for the Wastewater 2008 1 Ton. Final cost \$20,000.

**¾ Ton Pickup with Plow 4x4** - Replaces 2001 ¾ ton pickup with plow. Final cost \$28,215 (trade-in \$1,500). Director Seymour stated the purchase is to replace a 2001 vehicle. Assistant Director Taylor informed the Council the truck is used for plowing at the pump stations and treatment plant and to run equipment back and forth in the plant and up to the pump stations. One of the issues with the current vehicle is bondo work on the back panel (rusting through). The bigger concern with these trucks when they go beyond 10 years is with frames rusting out. The equipment is used for sanding (small sander is attached) to maintain the internal roads at the treatment plant.

Increased repair costs have been seen after 5-6 years of use. At about the 10<sup>th</sup> year you begin to experience frame issues, rusting, down time, etc. Councilor Koenig questioned whether there is reason to believe there will be comparable repair work done each year from this point on or if repairs could be held at bay for another year or two. Assistant Director Taylor responded it comes down to the frame. It did

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pass inspection this past year; however, there is a concern with safety after reaching this age. Councilor Koenig questioned whether the equipment could stay on the road for a few more years and continue to provide value. Assistant Director Taylor stated if required to, they could keep it on the road and have staff maintain it; however, they would like to gain some trade-in value for it.

**Two Skid Steer Loaders Bobcat S-160** - replaces two 2006 Bobcat Skid Steer Loaders. Final cost \$32,092 (\$17,000 trade-in). Assistant Director Taylor informed the Council the skid steers are used exclusively within the compost facility. They mix sawdust and the raw wastewater sludge together and put it in bays. They also bring in sludge from other communities (revenue source for Town). Typically, because of the environment, they are on a much quicker replacement schedule than Solid Waste. With moisture and ammonia in the atmosphere they typically experience electrical problems at about year 5. There was a time when they tried to run them for a longer period and experienced issues of down time. When asked, he stated they currently have 2 and are looking to replace both.

Councilor questioned whether other equipment is replaced in cycles (1 at a time). Assistant Director Taylor stated there had been a buyback range on the Caterpillar equipment, which is no longer in place as it was not as cost effective. The steer loaders simply have a trade-in value based on a five-year cycle. Councilor Koenig noted the high trade-in value and questioned whether the timing is right to be trading them in. Assistant Director Taylor responded, at the 5<sup>th</sup> year, it is a bit of a crapshoot whether downtime will increase significantly, which has been the experience.

Councilor Flood noted there are about 90 pieces of equipment/vehicles owned by the Town, and it would seem to her if replacements are not done on a determined schedule the result would be higher costs to the Town. She added replacing 11 pieces of equipment seems reasonable.

**Two Wheel Drive Light Duty Pickups** – Highway Department will replace ¾ ton pickup with a 2 wheel drive light duty pickup. Cost \$17,000. Director Seymour stated this to be the vehicle that will be swapped for the Parks & Recreation ¾ ton pickup. Chairman Mahon questioned the number of miles of road in Town for which the Town is responsible, and was informed there are 170 miles.

Councilor Koenig questioned whether the vehicle being used for trade-in (the current vehicle at the Highway Department) has a trade-in value. Mr. Jacobs stated the feeling was the value would be so low they did not want to misrepresent it (likely under \$1,000). Councilor Harrington questioned whether the department has ever looked outside of the State bid list to obtain quotes. Director Micali stated the Town has gone out for bids on a few occasions to gauge what was available, and ultimately fell back on the State bid list. Mr. Jacobs stated there was no State bid available last year for a 1 ton pickup with dump and plow. When they went out to bid they received a price, before trade, of almost \$39,000. That would be comparable to vehicle #4 on the spreadsheet (final cost \$41,000), less the cost of an extended warranty, which is a few thousand dollars.

Councilor Harrington questioned whether the quotes are inclusive of extended warranties, and was told they are with the exception of the skid steer loaders and the used vehicle.

Councilor Boyd spoke of the mileage information provided for the 2005 International Tractor (282,866 miles), the 1999 Peterbilt Tractor (391,817 miles) and the 2003 Cat Forklift (11,512 hours) and questioned the life expectancy for those pieces of equipment and whether it is believed they continue to have value and life given their uses. Director Seymour responded the decision making was based on the current capital reserve budget and also taking into account the particular age of the vehicles and remaining life. He remarked a good example would be in the Solid Waste Department where they have a JCB Loader and a John Deere Loader and are looking to replace the JCB next year, if possible. That vehicle

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has numerous mechanical and wiring problems and does not serve as a good backup for the John Deere motor. He added there are crucial functions within the Town for which backup equipment is needed.

**MOTION made by Councilor Dwyer and seconded by Councilor Harrington that the Council grant the request of the Public Works Department for the use of Highway, Solid Waste, and Wastewater Capital Reserve Funds estimated at Two Hundred and Eighty Eight Thousand Forty Dollars (\$288,040)**

#### **ON THE QUESTION**

Councilor Dwyer remarked Vehicle #9, ¾ Ton Pickup with Plow 4x4 (\$28,215), is a proposed purchase to replace a similar vehicle that is a 2001 with 83,000 miles. He is of the opinion that vehicle purchase could be postponed for an additional year. Councilor Boyd remarked the vehicle averages about 7,600 miles a year with an average repair cost of \$880.00/year. He stated his agreement with the proposal to retain the vehicle, at minimum, for another year.

Councilor Harrington questioned whether the department could put the request forward at a later date in the event the equipment either ceases to operate or experiences significant repair costs. Chairman Mahon stated a future request could be made, and noted the Council are the agents to expend from the Capital Reserve Fund.

Councilor Flood commented it appears the vehicle is bordering on dangerous with a frame that is rusting out, etc. It was noted the vehicle passed inspection. Councilor Flood stated a concern with exorbitant repair costs, and stated she would be in favor of replacing it at this time.

Town Manager Cabanel questioned the Director and Assistant Director if they believed they could continue on with this vehicle. Assistant Director Taylor responded they can fix almost anything, and should the Council vote not to approve the purchase, they would make due as best they can. Councilor Dwyer stated, should the equipment cease to operate and the department come before the Council with a request to replace it, he would support the request.

**AMENDED MOTION made by Councilor Dwyer and seconded by Councilor Harrington that the Council grant the request of the Public Works Department for the use of \$228,206 from the Highway Capital Reserve Fund, \$27,742 from the Solid Waste Capital Reserve Fund, and \$32,092 from the Wastewater Capital Reserve Fund for a total expenditure of Two Hundred and Eighty Eight Thousand Forty Dollars (\$288,040)**

**Councilor Harrington called the Question.**

**MOTION CARRIED 6/0/0**

#### **New Business**

##### **1. Acceptance of Donation for Police Department K-9 Unit**

*Submitted By Captain Peter Albert*

The Town Council to consider the acceptance of a donation from Merrimack Friends & Families in the amount of \$500.00 to be used for the Police Department's K-9 Unit.

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Captain Peter Albert informed the Council Merrimack Friends & Families' Board met earlier in the month to discuss donations. The Board conveyed their feeling the Merrimack Police Department has done exceptional work within the local community, and stated a desire to donate \$500.00 to the Canine Unit.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept the five hundred dollar (\$500.00) donation from the Merrimack Friends & Families to the Police Department's Canine Unit, with the Council's sincere thanks and appreciation**

**ON THE QUESTION**

Councilor Boyd encouraged the Police Department to ensure a thank you note is sent. Captain Albert stated that would occur.

**MOTION CARRIED 6/0/0**

**2. Acceptance of Donations for Naticook Day Camp**

*Submitted by Parks and Recreation Director Sherry Kalish*

The Town Council to consider the acceptance of four donations totaling \$1,345.00 to assist Merrimack families/low income families in sending their children to Naticook Day Camp, pursuant to RSA 31:95-b and Charter Article 8-15: \$185.00 from SnoBuds Snowmobile Club, \$925.00 from Merrimack Friends and Families, \$50.00 from Merrimack Girl Scouts and \$185.00 from the Bear Christensen Trust.

Ms. Sherry Kalish, Director, Parks & Recreation Department, noted Mr. Newton Coryell was in attendance representing the SnoBuds and Lynn and Chris Christensen were in attendance representing the Bear Christensen Trust. Those two groups along with the Merrimack Girl Scouts and Merrimack Friends & Families wish to donate to Naticook Day Camp. All funds would be provided to Ms. Murphy in the Welfare Department so that Merrimack residents that are families in need could apply for assistance through the Welfare Department. They do have to be residents of Merrimack to qualify for the funds. Director Kalish noted each of the groups has donated for a very long time, and the program couldn't exist without them.

**MOTION made by Councilor Koenig and seconded by Councilor Boyd to accept the following donations to the Naticook Day Camp: \$50 from the Merrimack Girls Scouts, \$185 from the SnoBuds Snowmobile Club of Merrimack, \$185 from the Bear Christensen Trust, and \$925 from the Merrimack Friends and Families with sincerest gratitude.**

**ON THE QUESTION**

Councilor Koenig questioned whether there is criteria that has to be met for receiving funds. Director Kalish stated the Welfare Department takes care of all of the paperwork and the Day Camp is not aware of who receives funds. Applicants fill out the same application as is provided to families to qualify for assistance, and the awards are based on financial need. When asked if all monies donated to the fund are generally expended, Director Kalish stated they are.

**MOTION CARRIED 6/0/0**

**3. Polling Place Discussion**

*Submitted by Town Council Chair Tom Mahon*

The Town Council to discuss the polling location of the next election.

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Chairman Mahon informed the Council he was contacted by Ms. Lynn Christensen, Town Moderator approximately 5-6 weeks ago regarding polling locations. Ms. Christensen expressed a desire to approach the School District regarding the use of the Upper Elementary School for the Primary election in September as a single polling place and the use of the High School for the November General Election because of the large turnout that is anticipated (14,000 – 15,000).

Ms. Lynn Christensen, Town Moderator, stated the Town is down to two polling places. The all purpose room at the Mastricola Upper Elementary is going to be very challenged in instances of large turnout. The General Election is the largest election with 14,000-15,000 voters and Town Meeting elections are frequently in the range of 6,000-9,000 voters. The school will be challenged particularly with regard to traffic and parking.

She stated a desire to speak with the School District and seek their cooperation with setting up the gym at the High School as the single/primary polling place. She remarked there are three elections over the cycle of four years that are challenging, one being the State Primary in September. That typically occurs right after school starts and is a difficult time for the school to schedule around. They would like to cancel school on Election Days and have worked very well to get the other dates scheduled. The Presidential Primary date is unknown and therefore difficult to schedule. Those three elections are probably the lowest turnout and can easily be handled in the all purpose room at the Upper Elementary School as a single location. However, the others are known well ahead of time and the school has worked around the schedule to put teacher workshops or other days off on their calendar for those dates so that the elections would not inconvenience the school.

She stated a desire to be permitted to pursue speaking with the school to see if permission can be gained from them to move to the gym at the High School as the primary polling site for the Town, and, as the backup on days when school cannot be cancelled to allow for the use of the all purpose room.

Chairman Mahon questioned whether use of the High School would involve the purchase of floor mats. Ms. Christensen responded the School District has said if you are going to use this location the floor will have to be covered. They have suggested they would share the cost of purchasing new floor mats with the Town (approx. \$11,000-\$12,000). Ms. Christensen stated the savings achieved by going to a single polling site will easily cover the cost of the matting. Councilor Flood questioned whether it was a one-time cost and was informed it would be the one-time cost of purchase.

Chairman Mahon remarked the last time the issue was raised with the School Board there was discussion regarding the lack of a formal request from the Town Council to the School District regarding the issue. Councilor Harrington asked for clarification and was informed the desire is to utilize the High School for the Presidential and Town elections. When asked if the Upper Elementary School could be used if necessary. Ms. Christensen commented in some years it would work fine and other years large turnouts would be challenging. Councilor Harrington stated her belief what was being stated was the desire to use the High School as a single polling place, and the Council was being requested to contact the School Board. Ms. Christensen stated that to be accurate.

When asked, Ms. Christensen stated there is the possibility the high school could work around all of the requested dates. She noted surrounding towns/cities utilize schools as polling places; some cancel classes and some do not. She remarked it would not be preferable to use the High School in the instance school was in session due to parking constraints.

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Ms. Christensen remarked the September Primary Election (9-11-12) historically has a very low turnout (2,000-4,000), and could easily be handed in the all purpose room. Chairman Mahon noted the Town Council is required to designate the polling place at least thirty (30) days in advance of the election. Ms. Christensen stated the Council could announce there will be a single polling site and identify the Upper Elementary School as the location for the September 11<sup>th</sup> Primary Election.

Councilor Koenig commented the point has been made in the past the desire would be not to alternate between polling places because it is too difficult to communicate the location. Ms. Christensen reiterated the desire to go to one site rather than two and stated her belief alternating between the Upper Elementary School and the High School would not present difficulties as they are located on the same road, and signage could be placed. Councilor Koenig was in agreement with the concept of one site, but questioned whether attempts should be made to identify the High School as the single polling place for all elections. Ms. Christensen stated her agreement, and remarked if the High School could accommodate that, it would be ideal. She has heard the suggestion that would be difficult to do for the September timeframe. The fallback plan would be to utilize the Upper Elementary School for those three elections.

Chairman Mahon informed the Council he has requested and received a response from the School District with regard to a Joint Meeting, and suggested the matter could be discussed at that time.

**MOTION made by Councilor Koenig and seconded by Councilor Boyd to consolidate the polling places in the Town of Merrimack to one location to be the Upper Elementary School for the September 11, 2012 State Primary**

#### **ON THE QUESTION**

Councilor Flood stated her support of a single polling place and a concern with alternating locations.

**MOTION CARRIED 6/0/0**

**MOTION made by Councilor Flood and seconded by Councilor Boyd to authorize the Chairman to contact the School District regarding the use of the High School as a polling place.**

**MOTION CARRIED 6/0/0**

*The Council recessed at 8:53 p.m.*

*The Council reconvened at 9:03 p.m.*

#### **4. 2012 Fall Festival / Business Expo**

*Submitted by David McCray*

David McCray to present the Town Council with a review of the 2011 Fall Festival/Business Expo. and request that the Town Council authorize him to organize and run the 2012 Fall Festival/Business Expo.

Councilor Dwyer informed the Council he would address the agenda item as neither Mr. McCray or Mr. Yakuboff were able to be in attendance. Mr. Yakuboff requested the following statement be read: *“Dear Members of the Council, I planned on being here tonight to speak on behalf of the Fall Festival to show my support for the event. There have been issues, however, that prevented me from being*

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*here tonight. I asked that Councilor Dwyer read this for me and present it to the Council. As we all know, the Fall Festival has always been a great success and is attended by many of the people in town. It is just one more gem that the Town has to offer. As in previous years, many have seen this event as a value added item to being in such a great town. I urge you to support all of those involved in the event as it grows even bigger and better each year. I thank the entire Council in advance for allowing this to be read and for your continued support in all of the events that make Merrimack a great place to live. Warm Regards, Dave Yakuboff"*

Councilor Dwyer read into the record the following statement provided by Mr. McCray: *"Dear Town Councilors, thank you for your support with last year's Fall Festival/Business Expo. Below is a summary of last year's event and an overview of this year's plans. Thank you to everyone who participated in the 2011 Expo. as an exhibitor, volunteer, or entertainer. Special thanks to the girls from the Town Hall; Sharon, Kristin, and Becky, to the Police Department, Fire, DPW, School Maintenance, and to the organizers Phil Meschino, Stephen E., Mike Malzone, Bob Bergin who did an awful lot of driving carting people back and forth, Linda Bonetti, and Susan Lee, and everyone else that helped for this to be a success. The cons were obvious; the rain and a lot of volunteer organizations promised volunteers to help with the expos. and didn't deliver. The pros were obvious; also the gyms and the hallways were packed because everyone stayed inside and a lot of volunteer organizations did deliver and helped greatly. This year the map will be prepared with the third gym listed on it so that if it rains everyone will know where to go. There will be no Abbie Griffin Park. All outside people will be at Mastricola. Crafters will have a designated area on the Mastricola grounds...."*

Councilor Dwyer remarked after five years, you see what does and does not work. It may have rained 2-3 times in the last 5 years. The Abbie Griffin Park, for the most part, is just not centralized enough. The desire is to keep it more centered up by the school.

*"...This year we are opening it up to businesses and organizations outside of Merrimack and of the 150 organizations and businesses that signed up, 90% were Merrimack. That being said, 10% from other towns had diverse businesses, and definitely added to the success of the event. Overall there was one snafu with a vendor not being on the map. He asked for and was given a refund. Most of the crafters at Abbie Griffin moved inside towards the beginning of the event. Those that stayed were given refunds when it was apparent that the rain was getting worse not better. Great patience by all. Due to the rain, attendance was down significantly; estimates at 4,500 compared to 7,500 a year earlier. No matter how well you plan it, it comes down to the weather. The good news is that vendors reported huge increases in spending from visitors from the year before because people were staying inside longer and were in no rush to leave and go out in the rain. Almost everyone who was selling items reported more earnings than the year before.*

*The petting zoo received some visitors from diehards, but overall there were few visitors. Wally went over well as always. Vendors and entertainment in Mastricola parking lot went on as planned with canopies. People got wet but there was still a fair amount of traffic. Entertainment scheduled for Abbie Griffin was moved to the APR stage. Karate and dance exhibits were a huge hit. Since there were a lot less food vendors because of the rain, the inside food vendors had huge days. In your packets you have input from many of the exhibitors so you can get their take on the event. Overall with the rain, I felt it went okay.*

*Included in your packet is a financial breakdown on the event as well. Financially the event took in just under \$8,000 and we spent most of it. In the end, we came in \$46.28 in the positive. These*

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*numbers do not include personnel costs from Town employees such as the Police and maintenance. As you can see, we spent huge on Internet marketing. We know from those who held raffles and took contact info. that there were a lot of attendees from other towns, much more than other years. Since the rain skewed attendance, I do not know how much the advertising helped. It is possible we would have gotten only 2,500 attendees with it. I don't know. In the end, I am uncomfortable that so much of the take went to advertising. This year a lot less will be spent there and more spent on entertainment.*

*2012 Event; the event is scheduled for September 29th, 10:00 a.m. to 3:00 p.m. The school has given us permission to use their facilities. The fee list for next year will be; businesses will be \$50 before August 1<sup>st</sup> and \$75 after August 31<sup>st</sup>. For crafters it will be \$25 before June 1<sup>st</sup> and \$35 after. Volunteer organizations will be free before August 1<sup>st</sup> if they supply a festival volunteer and \$75 after August 31<sup>st</sup>. We will be more diligent in making sure they supply volunteers.*

*In closing, venues will be the same except Abbie Griffin Park will be replaced with the area on the Mastricola grounds abutting the parking lots. There will be one entertainment stage in the Mastricola parking lot and music volume will be turned down in the gyms...."*

Councilor Dwyer commented too many complaints were received regarding the loudness of the music in the gyms. That will be addressed.

*"...Wally the green monster and the petting zoo will be back, the Clydesdales hopefully will be back since this year our event does not fall on camera day, and I'm not sure about the Classic Car Show; negotiations are in progress. Event will be open to other Town businesses as last year. We have talked to the mall and the management team there and they may have a presence depending on corporate approval. Many mall tenants have also showed interest in attending. Communication will be done with the marketing tool "consistent contact". It is that that has helped make this event go so smoothly. Thanks Dave McCray."*

Councilor Dwyer informed the Council approval is needed to move forward.

Councilor Koenig questioned whether a monetary committee or simply an endorsement from the Council was needed. Councilor Dwyer responded an endorsement is needed and feedback/questions are welcomed. Councilor Flood commented this is an amazing event, and the fact it is self-funding is fabulous.

**MOTION by Councilor Boyd and seconded by Councilor Harrington that the Town Council authorize David McCray and others involved to organize and run the 2012 Fall Festival and Business Exposition with enthusiastic support**

#### **ON THE QUESTION**

Councilor Koenig stated his support. He remarked, to some extent, a contribution is made by the Town through support provided by Town personnel. Councilor Dwyer noted Mr. McCray provides the Finance Director with a detailed accounting of all expenses/revenues.

**MOTION CARRIED 5/0/1**

*Councilor Dwyer Abstained*

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## **5. Review of RibFest/Premium Outlets Mall Opening**

*Submitted by Police Chief Mark Doyle*

The Town Council to be presented with a review of RibFest and the Premium Outlets Mall opening.

Police Chief Mark Doyle provided the Council with a report regarding the events, and stated the entire weekend can be summarized in a single word; “success”. He noted the RibFest 5-miler road race was sponsored for the first year as part of the RibFest event itself. There were 1,100 runners; another great success.

Chief Doyle commented there is a wealth of experience going into the next big event, which is anticipated to be Black Friday and into the weekend (kicking off Thanksgiving evening). The Police Department will work very closely with Premium Outlets regarding the planning stages of that event as it gets closer. He stated more likely than not the Council will see the Traffic Management Plan and any other special event traffic management ordinance that goes into effect would mirror almost exactly what was in place for the grand opening.

With regard to the After Action Report the Council received, Chief Doyle stated preliminarily there were a great deal of meetings, phone calls, e-mails, face-to-face contact, and discussion regarding what would occur leading up to both events in terms of traffic preparation, staffing, and the like. As was anticipated, modifications had to be made on the fly to staffing and the Traffic Mitigation Plan; however, that was built into the plan itself. He stated his belief the fact they were able to remain fluid throughout the plan and its implementation was key to its success.

Chief Doyle stated the folks at Vanasse Hangen Brustlin, Inc. (VHB) and Premium Outlets were very closely involved in the meetings leading up to as well as the dry run performed the Monday prior to the grand opening. He remarked there was a great deal of planning that went into these events. He commented the process may have at one point taken precedence over the actual plan and its implementation.

The plan provided for a number of officers to be up and down Industrial Drive. It also provided for an alternative scenario in the event traffic got so heavy that it clogged up at either the interchange at Exit 10 or something had happened on the Turnpike that would mandate traffic be pushed off either into the City of Nashua or onto Exit 8 onto Amherst Street, which unfortunately because of the tragic accident did occur. The alternative did work. There were very little, if any, congestion issues on Industrial Drive or Daniel Webster Highway as a result of traffic.

The RibFest event has been done in such a way that they utilize, very successfully and efficiently, a lot of offsite parking venues so they can move folks from offsite parking back and forth to the event. There was very little vehicular traffic trying to make its way to the RibFest event, which helped out with the traffic management piece on the other side of the Turnpike.

The one issue that had to be addressed on the fly was people parking in the Kohlsman parking lot as well as the Kohlsman fields and crossing D.W. Highway rather than at the intersection. As a result officers were posted on both sides of the D.W. Highway and directed those folks to the common crossing area.

Chief Doyle stated they were fortunate to have with them, at any given time during the entire weekend, officers from State Police, Nashua Police Department, Hudson Police Department, Litchfield Police Department, and the Bedford Police Department. He commented without the

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departments and their staff they would not have been able to make the weekend as successful in terms of handling the traffic flow and personnel.

The plan called for officers to be positioned with State Police at Exit 10 off-ramps both northbound and southbound in the event of backups. They realized fairly on they would not be needed at those locations around the clock, although they were kept there just in case. They found using an extra officer or two down at the major intersections of Industrial Drive, Spartan Way, and Premium Outlets Boulevard worked to help efficiently move the traffic through that location during the peak hours when Fidelity was getting out on Thursday and Friday nights as well as Saturday and Saturday evening when things really ramped up. What they found was traffic was heavy, congestion was minimal, but there was a lot of traffic moving in. They were able to expedite traffic in fairly quickly and the security folks onsite did a good job of trying to get the traffic in and off the main road. There was about a 45 minute period somewhere between 7:30 p.m. and 8:45 p.m. where there was very little traffic. At that time, they stepped out of the way and put the lights back on cycle while they monitored traffic. Around 8:45 p.m. about 3,100 cars decided to all leave at once. They were there and able to move the traffic through.

He added one of the things Merrimack Premium Outlets is going to do in concert with NHDOT is reprogram the lights to cycle so that at that particular time of night, during closing, they will be able to cycle to assist the traffic coming out of the Premium Outlets onto Industrial Drive without the assistance of officers.

Chief Doyle stated the folks at Merrimack Premium Outlets wanted the police to be on-hand for subsequent weekends at that particular location to help with traffic both inbound and outbound until which time it was determined there was no longer a need. The following Friday night and Saturday morning they found out quickly the traffic signals handled the amount of traffic very efficiently for this particular time of the year. Officers will be out there during the heavy peak time (holiday season) and perhaps for the weekends following the Thanksgiving Day weekend. They will be working very closely with the folks at Premium Outlets to ensure they are on-hand and can help with traffic and any congestion issues that may come up.

Town Manager Cabanel stated her belief discussion also included Labor Day weekend. Chief Doyle added another marketing blitz is probably around Memorial Day.

Chief Doyle informed the Council all of the feedback received was very positive. Captain Albert held an after action meeting with the folks from the Outlet this past Tuesday at which they said glowing things not only about the way the Police Department handled the traffic but about the way the whole Town has handled them in the whole process and has welcomed them to the Town of Merrimack. They made mention this is one of the most welcoming communities they have had an opportunity to deal with in any of their openings to date.

Chief Doyle stated the traffic count provided by NHDOT for the impact of RibFest as well as Outlet traffic was roughly twice what it was through those Exit 10 interchanges the same weekend last year. Chief Doyle stated no complaints were fielded regarding traffic backups in any of the areas. He remarked the Special Event Traffic Management Plan adopted by the Council worked out very well. No complaints were received from neighbors or abutters. No complaints were received from residents living along any of the areas that needed waivers for overnight guests, etc.



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He remarked that will probably be part of any future plan regarding large weekends where a marketing blitz would take place and any other traffic mitigation plan would be in sync with any special event traffic management plan.

With regard to the coordination with mall security, Chief Doyle stated a good relationship was developed early on before the opening. The department was able to get its officers up there by squad to walk through the complex, get an idea of the lay of the land, find out where their posts would be, where the substation is located, where their office is located, etc. He stated they developed a very close relationship with their security personnel and Manager.

There were very few site related problems or other issues other than calls for service responded to. The report provided included a snapshot of the 28 calls for service that were mall related. One of the calls for service was related to an attempted shoplifting. The suspects were approached by the store management and fled. The learning curve associated with their piece and delay in the call was only because they had to contact their corporate office before they could return a phone call to the Police Department in kind regarding the complaint itself. That will change. They will sit down with the mall merchants themselves, which will be coordinated by mall management, so the department can explain to them what its response will be like with these kinds of calls (call security or the police immediately).

Chief Doyle noted the communications piece worked out very well. The decision was made to use the mobile command post at the RibFest event to work communications between the RibFest event and the Premium Outlets grand opening. They were able to move all of the calls for service associated with either one of those events down to that location freeing up the communications center to handle all of the fire and police calls that would normally come in during the course of a weekend. He remarked it should be noted the staffing levels at the Police Department did not change at all.

With regard to future concerns, Chief Doyle stated Merrimack Premium Outlets anticipates there may be several yearly events where they may have to implement the Traffic Mitigation Plan and perhaps a Special Event Traffic Event Management Plan as well. At RibFest there was one situation that will be rectified next year, and that was the pedestrian traffic crossing issue at the D.W. Highway end of the fence where the parking lot ends.

With regard to lessons learned, during their after action meeting with staff it was noted officers at the intersection of Premium Outlets Boulevard and Spartan Way needed to be cognizant of traffic turning east on Industrial Drive getting out during rush hour from Fidelity. Because the lights were on flash, those departing Fidelity would stop at the red light where it would merge with traffic going east on Industrial Drive and would not move. Whereas motorists are required to stop and proceed with caution at a flashing red light, they would stop and wait. They believe that was because they anticipated getting direction from the officers in the intersection. When they realized that was happening one of the officers was moved over there to provide direction. They talked to the Security Manager at Fidelity Investments Friday afternoon, and he said he had received glowing remarks about the way traffic moved through the intersection.

A few suggestions have come about. Premium Outlets will be looking at spot lighting for the intersection especially during winter months when it gets darker earlier. They are also going to work with NHDOT to get the lights timed so that traffic has a little bit more time to clear out. There were a few minor scheduling issues as a result of bouncing officers between the RibFest event over to the Premium Outlets event at different periods of time. They realized fairly quickly they would have to

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unman a post for 10-15 minutes to get relief for an officer at the other event before the officer could come back and relieve the post he had just left. He remarked, hopefully they will not have another big event on RibFest weekend and that schedule issue won't arise again.

Chief Doyle reiterated the planning leading up to the events was critical, and if it did nothing else it gave everybody an opportunity to chime in about what they thought was important about the Traffic Mitigation Plan and their concerns regarding the overall traffic and the amount of people coming into town. He added VHB did an outstanding job being involved from the ground floor on, in putting together the Traffic Management Plan, and were very gracious about involving the Police Department and listening to all of the suggestions they had.

Remaining fluid during the entire event provided Supervisors the flexibility to move people to locations as needed. There was never a time when any one of the staff were on Industrial Drive without a staff member (Lieutenant, Captain or the Chief) onsite to be able to co-coordinate with the folks in the Premium Outlets security.

Chairman Mahon stated his agreement the amount of planning time saved time in execution. All contingencies were considered, the parties worked very well together, and the events were successful. It was an outstanding effort put forth by all parties involved. Chief Doyle spoke of the number of individuals involved in making the events successful.

Councilor Harrington congratulated all on a job well done. Councilor Koenig echoed her remarks. Councilor Boyd thanked all involved and congratulated them on a four-day execution of flawlessness. He thanked the Chief for his substantive report and questioned how the directed patrols were received by folks at the Premium Outlets. Chief Doyle responded he has not received any feedback and believes the mall expects it as the component of police presence at the mall was reiterated time and time again. Directed patrols have been in play for 25 years; an officer is told to be in a specific location for a specific reason/time whether that be for a walk-along at a strip mall in town or traffic enforcement in a neighborhood or along D.W. Highway. Chief Doyle stated one of the keys to addressing issues before they become issues is to remain as proactive as possible. He stated he is a firm believer that if nothing else it has officers in the area where they are going to be needed when they are going to be needed. They know the value of having the presence in a mall like that. Their presence also puts people at ease.

Councilor Dwyer questioned whether it is believed the future sub-station has an important role. Chief Doyle responded it absolutely does. In the sub-station they have officer's reports, a desk, file cabinet, and access to the record management system so they can conduct all of their investigative reporting, etc. right there as if they were sitting either in their cruiser or back at the station. If they have to take a report or do a follow-up they can do it right there. To have that sub-station there is critical and the officers have taken great advantage of it.

Councilor Dwyer remarked one of the parts of the report he liked most was the breakdown of calls received. He stated his pleasure officers are driving through the parking lot and touring on foot as their presence is a deterrent for crime.

Chief Doyle commented for the two weeks prior to the mall opening, there were a total of 20 calls at the location. For the two weeks after there were 100 calls for service, which included everything from motor vehicle accidents, 911 abandons, medical calls, burglar and fire alarms, thefts, vehicles driving recklessly, police service, and directed patrols. Chief Doyle noted research was done on the number

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of alarms (new systems/personnel), and they are working closely with the outlets having issues with their alarms.

Chairman Mahon questioned how the number of calls compares with the research the department did prior to the approval of the outlets. Chief Doyle responded it is still too early to determine. He stated a desire to compile figures for a three month period to be able to see a leveling off to determine what normalcy will be. He suggested information that conclusions can be drawn from will likely not be available until after the first year of data is collected. Going into the budget season, some conclusions will have to be made based upon the available data at that time to determine where the department believes it will be going in terms of being able to answer the calls for service and whether there is any detraction either in the level of calls for service from the folks in the community in terms of response times, the length of time spent on investigations, etc.

## **6. Compass Program**

*Submitted by Town Manager Eileen Cabanel*

The Town Council to be presented with information about the Compass SmartShopper Pilot Program available to the Town through the Local Government Center and to authorize the Town Manager to sign the two-year contract that will allow the Town to participate in the program.

Town Manager Cabanel informed the Council the Local Government Center (LGC) has begun a pilot program and selected 15 communities, which included both the Town of Merrimack and the Merrimack School District, to participate (two-year commitment). She referred to the program as a blue book service for health procedures such as MRIs, etc. She remarked the idea behind the program is you could go to one facility and have an MRI performed at a cost of \$1,000 and another facility where the cost could be \$3,000. The insured would not necessarily be aware of the cost involved. The pilot program has selected 15 or 20 different types of procedures considered to be widely varied in the area in terms of pricing, and provides the employee with a cash incentive to shop around for these types of services.

A website is available to provide employees with training. Participants would input information relative to the procedure they would be receiving, where they had intended on receiving the service, and then given options of less expensive locations for the same procedure. If the employee chooses to receive treatment at the less expensive location, he/she would receive a financial incentive (\$50-\$500 depending on the cost of the procedure).

The program encourages participants/employees to participate more actively in their health insurance and understand available options. Meetings have begun with representatives of various unions to discuss health insurance and how it works.

Councilor Flood asked for clarification of 30% of the savings being paid to Compass for administrative services. Town Manager Cabanel explained Compass is a separate company that has partnered with LGC to put the program together. Compass would identify the cost of the procedure(s) at the initial facility considered, the cost at the optional facility the employee has decided to use, and subtract from that the amount of incentive paid to the employee to determine the total savings gained. Compass would receive 30% of the total savings.

Councilor Harrington stated what has to be known is that choice is not being taken away from employees. Employees can receive services from whichever facility they choose. The program is an incentive program whereby if you choose to have the procedure done at a facility that charges a lesser fee, you receive a financial incentive. It is hoped, as part of the educational aspect, employees come

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to see there are times when the same procedure could be performed by the same physician at three different locations for three different costs as it is the facility that determines the cost.

Councilor Koenig questioned the requirement for a two-year contract. Town Manager Cabanel responded she is unsure except that they would like to have a core group of 15 communities committed to participating for a two-year period whereby they can achieve statistical information, success rates, etc. Councilor Koenig questioned whether there would be a cost involved for Compass if employees did not choose to receive services at a less expensive facility, and was told there would not. Town Manager Cabanel noted the State of New Hampshire participates directly with Compass in such a program and pays on per employee/per month basis. This particular program provides Compass with a percentage of the savings.

She remarked the only way the Town would lose money would be in rare instances where an employee had intended to and did go to a particular facility, which happened to be the least expensive facility to have the service performed at. That employee would still receive the \$50 incentive for trying to save money and educate themselves on healthcare.

Councilor Flood commented 70% of the savings goes to the Town health plan. Town Manager Cabanel stated the Town would not receive an actual check for each occurrence; however when claim history is reviewed there would be a reduction in costs.

Chairman Mahon commented building that statistical record injects a level of competition and increased awareness of costs, which would provide more leverage in negotiating rates.

**MOTION made by Councilor Harrington and seconded by Councilor Dwyer to authorize the Town Manager to sign the two-year contract with the Local Government Center Health Trust LLC that will allow the Town to participate in the Compass SmartShopper Pilot Program.**

**MOTION CARRIED 6/0/0**

## **7. End of Fiscal Year Review**

*Submitted by Finance Director Paul Micali*

The Town Council to be presented with an end of Fiscal Year review.

Town Manager Cabanel informed the Council anticipated expenditures came in under budget and revenues came in over budget, which has resulted in significant savings. Two budgeted firefighter positions were not filled during the year, the Deputy Police Chief position was replaced with a Prosecutor, the amount of snowfall was lower than expected resulting in a savings in overtime in the Highway Department, and savings were realized in health insurance and retirement as a result of vacancies, etc. As a result a revenue surplus of \$93,000 is anticipated along with an expenses net surplus of \$490,000 for a total surplus of \$583,000.

Town Manager Cabanel stated the desire to provide the Council the opportunity to consider some relatively inexpensive projects she and the Finance Director would like to see funded through unexpended appropriates and unanticipated revenue as well as provide the recommendation the remaining balance be equally divided between a transfer to the general fund and paving account (Infrastructure).

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The following list of proposed projects was discussed:

- Town Hall Handicap Access (\$18,000) - This would address the cost of handicapped accessible doors in Town Hall and a lower counter at Motor Vehicles.
- Health Insurance Study (\$12,000) - This is associated with the group that is meeting with employees and educating them on health insurance related issues. Town Manager Cabanel noted a few meetings have taken place and have been well attended. She believes the education will pay future dividends.
- Highway Facility Study (\$20,000) - Town Manager Cabanel remarked more expertise that is on staff is required to determine the best outcome of the facility/garage. Director Seymour has contacted an Engineer and received an estimate to assess the building; structural and space needs, code requirements, etc.
- Wasserman Park Building Study - Structural Analysis of Theatre and Dining Hall (\$5,000) – Expertise is not available in-house to make a determination as to whether the buildings need to be torn down or are salvageable.
- Boat Ramp Access Rd. (\$15,000) - The State has funds that have sort of been earmarked to repair the facility on Griffin Street. The State has indicated a desire for the Town to do something to address access. Without a commitment from the Town they will not even entertain fixing the boat ramp. Kyle Fox, Deputy Director, Public Works Department/Town Engineer, has put together a plan and provided an estimate of \$15,000. Town Manager Cabanel stated should the Council make the decision to set the funds aside, the State could be advised the monies are available and will be expended when the State moves forward with its commitment.
- Industrial Dr, Pre-emption Repair (\$11,000) – Traffic signal systems.

Town Manager Cabanel stated the total cost for all identified projects to be \$81,000. Should all projects be approved, the remaining balance would be \$502,000.

The following funding options/recommendations were provided for consideration of allocating some of the remaining surplus towards paving: Option 1) \$225,000 transfer to paving and \$277,000 transfer to fund balance, Option 2) \$250,000 transfer to paving and \$252,000 transfer to fund balance, Option 3) \$275,000 transfer to paving and \$227,000 transfer to fund balance; and Option 4) \$300,000 transfer to paving and \$202,000 transfer to fund balance.

Town Manager Cabanel remarked, as was discussed during the Retreat, per the advisory Warrant Article, the Town is supposed to have between 4-8% (approximately \$3 million to \$6 million) of the Town's total budget allocated to fund balance. At present the fund balance is \$1.8 million.

Councilor Boyd questioned whether the projects, specifically the handicapped accessibility and Industrial Drive Pre-emptive Repair projects, were put out to bid or done through the procurement policy. Director Micali responded the handicapped accessibility project was put out to bid. Three vendors were contacted; one was a no bid and one came in slightly higher than the one identified in the package. The OptiCom System was an emergency repair. There were a lot of electronics not working properly. With the amount of traffic expected in that area, the timing with which the issue had to be addressed did not allow for it to be put out to bid.

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Councilor Koenig requested additional information on the boat ramp project. He commented the project has been on the horizon for 15+ years. Town Manager Cabanel stated Councilor Rothhaus approached Public Works for information on the relationship with the State with regard to funding. When he learned the State was looking to the Town to improve the access, he requested Deputy Director Fox put figures together. She noted backup information was included in the packet. Councilor Koenig suggested there is not enough explanation to provide a clear understanding of the project scope. Councilor Flood noted a full discussion of the project would be had prior to implementation.

Town Manager Cabanel reiterated without a financial commitment from the Town to improve access, the State would not proceed with consideration of allocation of funds. Chairman Mahon remarked the last time this issue was brought up the understanding was if the State put the project into their planning process it would be five years before the project reached the point where it would be eligible for funding. Town Manager Cabanel remarked the individual she spoke with was very vague; however, explained if funds were not allocated for improved access the road project would not be included on the list of projects for consideration.

Councilor Boyd commented the Town is missing out on about 400' of prime waterfront property that is sitting there underutilized. The community has had a vested interest over the last four years in making Merrimack a destination location, and the potential for a boat launch in the area would be an addition to those efforts. He added the request is to allocate funds to an account, and if, in 1-3 years' time it becomes apparent Fish & Game is not willing to fund their portion of the project it would be the purview of the Council to reallocate those funds elsewhere. Councilor Flood stated her agreement with comments made by Councilor Boyd. She spoke to the existing condition and current use, and stated her opinion \$15,000 is a reasonable amount to set aside to see what can be done to address an area that has been neglected.

Chairman Mahon asked for clarification what was being planned was upgrading of the intersection so that boat trailers can enter the area, and was informed his understanding was accurate. Councilor Dwyer commented the Town is named Merrimack and is located on the Merrimack River, but you cannot gain access to it. The only access is a boat ramp located in the north section of town; however, it is a difficult access point. He stated his support of efforts to make the area more accessible.

Councilor Harrington spoke of town residents who pay to register their boats yet don't have access to the river. She stated her support of the project. Town Manager Cabanel assured the Council no funds would be expended until the project itself receives approval from the Council.

Chairman Mahon remarked there are intersections in Town that are more heavily traveled that could benefit from those funds. An access road to Wasserman Park was brought up as another example of how the funds could be expended/allocated.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Merrimack Town Council endorse the \$81,000 in projects recommended by staff and that \$300,000 be allocated to paving and \$202,000 to fund balance retention.**

#### **ON THE QUESTION**

Councilor Boyd remarked the Town Manager has outlined an appropriate course of action and provided funding options regarding fund balance accounts. He commented if the Council is committed to keeping roads safe for travel \$300,000 is a significant contribution to be making. Chairman Mahon questioned the Town Council Meeting Minutes – June 28, 2012

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amount of funding allocated towards paving in FY14. Town Manager Cabanel stated there are two accounts; Infrastructure (paving) funded at \$800,000 (original request was \$1 million) and Reconstruction/Paving funded at \$200,000. Director Micali explained the \$200,000 is allocated towards reconstruction and paving of a section of roadway.

Councilor Koenig noted attempts have been made to catch up from previous years where the paving account was funded at a lower level (FY13 allocation was \$350,000). Councilor Boyd suggested the Council has an opportunity to be more aggressive and should take advantage of it.

Town Manager Cabanel suggested the items could be considered separately.

**AMENDED MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Merrimack Town Council approve the projects as recommended by staff in the amount of \$81,000**

**ON THE QUESTION**

Councilor Dwyer asked for clarification of funding source and what affect the expenditure would have on the tax rate, which has been set for next year. Chairman Mahon explained the amount appropriated for last year's budget was not expended for the reasons the Town Manager provided. As a result, monies remain at year end. Town Manager Cabanel stated, if no action were taken, remaining funds would revert to fund balance, which could then be used for other projects or to offset the tax burden. Councilor Dwyer stated his support of allowing the unexpended appropriation and unanticipated revenue surplus to revert back to the general fund.

Chairman Mahon spoke to the importance of addressing the project associated with handicapped access at Town Hall. Councilor Dwyer clarified he was supportive of the \$81,000 expenditure for the identified projects, but wished the remaining \$502,000 to be returned to the general fund.

**MOTION CARRIED 4/2/0**

*Councilors Mahon and Dwyer Opposed*

Councilor Flood stated her agreement with Councilor Dwyer's recommendation the entire \$502,000 be allowed to revert back to the general fund. She stated the Council could make a decision relative to the amount to fund paving within the next budget cycle and could retain a healthier fund balance.

**MOTION made by Councilor Flood and seconded by Councilor Harrington that the remaining \$502,000 be transferred to the unreserved fund balance.**

**ON THE QUESTION**

Councilor Koenig stated his opposition to the motion and noted the Council has discussed, for many years, the need to allocate funds towards improving road conditions and have put a great effort into rebuilding that account. This surplus provides an opportunity to further that effort. He suggested the Council consider allocating funds to that account. He remarked placing the unallocated fund balance into the general fund will raise the general fund balance, but will not provide the opportunity to allocate it differently at a later date. He noted over \$400,000 in projects have risen high enough on the list to be deemed necessary to be completed.

Councilor Boyd stated his agreement with comments made by Councilor Koenig. Councilor Dwyer disagreed and stated strides have been made in the FY14 budget to allocate additional funds to paving. He believes the amount allocated demonstrates a level of commitment. He stated a belief the motion on Town Council Meeting Minutes – June 28, 2012

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the floor would provide for the funds to be retained and able to be considered in the next budget cycle. Chairman Mahon noted the recommendation from the Public Works Department is to set aside the sum of \$2.1 million per year for paving projects.

Town Manager Cabanel stressed transferring funds to the paving account would be a one-time allocation. She noted the estimates provided were conservative, therefore, she would prefer any motion relative to splitting the remaining allocation between paving and the general fund be stated as a specific amount to the paving account understanding the remaining balance would lapse to the general fund.

**AMENDED MOTION made by Councilor Flood and seconded by Councilor Harrington that \$225,000 be allocated to Infrastructure. MOTION CARRIED 6/0/0**

***Vote on the main motion. MOTION CARRIED 6/0/0***

Director Micali stated the need for a motion to transfer funds out of the Police and Fire Departments to avoid the Public Works Department falling into the negative. He explained \$100,000 could be transferred from the Fire Department and \$125,000 from the Police Department.

**MOTION by Councilor Dwyer and seconded by Councilor Boyd to transfer \$100,000 from the Police Department and \$125,000 from the Fire Department into the Public Works Department. MOTION CARRIED 6/0/0**

### **Minutes**

Approve the minutes from the May 24, 2012, May 31, 2012, June 7, 2012, and June 14, 2012.

**MOTION made by Councilor Mahon and seconded by Councilor Boyd to table approval of the meeting minutes. MOTION CARRIED 6/0/0**

### **Comments from the Press**

None.

### **Comments from the Public**

None.

### **Comments from the Council**

Councilor Boyd expressed his condolences to the Lo Verme family in the loss of their Son, and remarked the loss is a tragedy for the community. He was a tremendously talented man who was just beginning to get into the prime of his future.

Councilor Flood informed the Council the Watson Park yard sale fundraiser was a wonderful success.

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

*The June 28, 2012 meeting of the Town Council was adjourned at 11:00 p.m.*

Submitted by Dawn MacMillan

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