

**Merrimack School Board and Merrimack Town Council
Joint Meeting
December 10, 2015
Merrimack Town Hall - Matthew Thornton Room**

PUBLIC SESSION MINUTES

PRESENT: School Board Chairman Ortega, School Board Vice Chairman Barnes, School Board Members Schneider and Guagliumi and Student Representative Marcus, Superintendent Chiafery, Business Administrator Shevenell, Town Council Chair Harrington, Vice Chairman Mahon, Councilors Dwyer, Koenig, Rothhaus, Boyd, Vaillancourt, Town Manager Cabanel, and Town Finance Director Paul Micali

School Board Chairman Ortega called the joint meeting between the School Board and Town Council to order at 7:00 p.m.

Town Council Chair Harrington introduced Town Manager Cabanel and Assistant Town Manager and Finance Director Micali and members of the Town Council.

School Board Chairman Ortega introduced Superintendent Chiafery, Business Administrator Shevenell and members of the School Board. Board Member Powell was excused from the meeting.

1. Pledge of Allegiance

School Board Chairman Ortega led the Pledge of Allegiance.

2. Approval of Joint Town Council and School Board Minutes:

September 29, 2014 Minutes:

School Board Vice Chair Barnes moved (seconded by Councilor Dwyer) to approve the September 29, 2014 joint meeting minutes.

Councilor Koenig requested the following correction:

- Page 2, line 18, change “he” to “the”
- Page 3, line 30, change “undercover” to “uncover”

School Board Chairman Ortega requested the following corrections:

- Page 2, line 4, add “abuse prevention” to the end of the sentence.
- Page 5, line 8, replace “Ms. Woelflein” with “School Board Vice Chair Barnes”
- Page 7, line 42, remove the name “Mark”
- Page 7, line 48, change “Ms. Shevenell” to “Mr. Shevenell”
- Page 9, line 44, change “middle school” to “upper elementary school”
- Page 10, line 34/35, change “Planning Board” to “a joint meeting”
- Page 11, line 10, the sentence should read “...to be bonded but not the roof and ventilation system.”

The motion passed as amended 10-0-1 with Councilor Vaillancourt abstaining.

3. Presentation on Housing Developments in Merrimack

Community Development Director Thompson provided an update on three mixed use development projects (Flatley, Edgebrook Heights and Monahan) and three large residential development projects (Chestnut Hill, Tomasian Cluster Subdivision and Crosswoods Path) with condition use permits.

School Board Vice Chair Barnes asked if the multi-family housing projects would have an impact on Merrimack's demographic profile.

Director Thompson explained that the multi-family development plans would increase multi-family homes in Merrimack by 2% to 3%.

School Board Vice Chair Barnes asked if there was any opportunity for the development projects to integrate fields into the projects.

Director Thompson explained that conditional use permits for the mix use development projects is approval for zoning. The exact location, design and layout would occur during the formal site plan process. There are opportunities through the planning board review process to look for the integration of recreation facilities.

School Board Vice Chair Barnes questioned how Merrimack would compare to surrounding communities such as Hudson, Milford, Amherst and Bedford upon completion of the pending mix use development projects.

Director Thompson responded Merrimack has a better base of commercial development and a better mix of multi-family and single family development than Amherst, Milford, Hudson, Litchfield and Bedford. He added the water and sewer infrastructure needed for multi-family development is limited to east of the turnpike.

Councilor Boyd asked if it was possible to confirm that mixed use development improves the ability to provide work force housing in Merrimack or will it continue to be a struggle.

Director Thompson stated that Merrimack has enough work force housing. He reevaluates the work force housing when new information becomes available.

Councilor Boyd asked if the new pad site near the Merrimack Premium Outlet would be a catalyst for growth along Continental Boulevard.

Director Thompson would like the Monahan project to be a catalyst for growth but he is not sure the development is being built for that purpose. He explained one recommendation in the Master Plan updated in 2014 is to expand where mix use developments are able to be built within the community. The Monahan project is a perfect example of accommodating that recommendation. The Monahan project received three variances to development in an area that has appropriate infrastructure for mix use development.

Councilor Dwyer asked if there was any property on Daniel Webster that meets the criteria for mix use development other than Flatley.

Director Thompson responded that Flatley is the last piece of property; the Edgebrook project needed a variance for the size and frontage requirements.

Councilor Dwyer asked Director Thompson for the Town's build out status after these projects are completed.

Director Thompson explained that a build out analysis is based on the zoning ordinances in place at that specific time. The build out rate is dependent on the decisions of the governing body. He anticipates slow growth in single family residential development west of the turnpike. Zoning ordinances should adapt to the needs of the community. He estimates the current build out to be 80% and 90% considering the current zoning and the three proposed mix use development projects.

Councilor Vaillancourt noted one benefit from potential multi-family mixed use housing was that it would be attractive to young adult residents.

Councilor Koenig asked if there were plans for the former Merrimack Hotel property.

Director Thompson respond that the new owners of the former Merrimack Hotel met with town administrators and are exploring alternative uses for the property. Mr. Thompson is working on an overlay district for under-utilized sites such as the former Merrimack Hotel and former Shaw's building that will allow for revitalization of zoning with flexibility through a conditional use permit to allow the planning board and developers flexibility for creative solutions for under-utilized sites. He expects to have a proposal before the planning board in the next two months.

School Board Chairman Ortega asked for a timeline for ramp up for the mixed use development projects.

Director Thompson responded if Flatley receives conditional approval from the planning board next week, he would anticipate construction to begin in the spring with occupancy in late 2016 or 2017. The Edgebrook Heights project has not made any progress since August of last year. Completion of the Monahan project could be between two and four years from now.

School Board Member Schneider asked for the status of the Chestnut Hill project.

Director Thompson responded that the Chestnut Hill developer was given 12 months to meet the conditions of approval and they are still within that time period.

School Board Chairman Ortega thanked Director Thompson for his detailed and informative report.

4. Update on Merrimack Community Safeguard Drug Free Grant with an Emphasis on Sustainability of the Grant

School Board Chairman Ortega introduced Merrimack Community Safeguard Committee Chair Deborah Woelflein, Merrimack Community Safeguard Committee Director Betsy Houde and Merrimack Police Chief Mark Doyle.

School Board Chairman Ortega asked for an update to sustainability plan, the impacts of having or not having a sustainability plan and what a sustainability plan might look like.

Director Houde reported the Drug Free Grant requires a sustainability plan be written by the end of December. The grant supports several activities and the staffing of one School Resource Officer.

Police Chief Doyle reported Officer Prentice's involvement within the community extends beyond the traditional role of a School Resource Office. Examples include:

- Strengthened the partnership between the school district and the police department
- Available to all schools when needed
- Assisting the Director of Special Services with a plan in response to specific students who have exhibited severe behavioral issues
- Created seamless information sharing between the middle school and high school
- Makes earlier connections with parents and can facilitate access for out-of-district services
- Middle school baseball coach
- Discovered that students exhibit symptoms of behavioral issues are manifested much earlier
- Assists with the transition of students and parents to counseling.

Police Chief Doyle attributes the rapid decline in the number of Juvenile petitions generated for delinquent issues through the court to Officer Prentice's early intervention.

Councilor Boyd questioned if the current Council should commit to the deployment of a police officer in a sustainability plan for the grant through the year 2020. He felt that decision is up to the Chief of Police.

Debbie Woelflein responded that Detective Prentice's role is part of Merrimack Safeguard. Merrimack Safeguard is about sustaining initiatives in the community. The reason Merrimack received the grant for the first five years is due to the fact that the Merrimack community was extremely committed to offsetting risky behavior among the youth. The Federal Government expects the sustainability plan to show how the current programs such as the Challenge Day at Merrimack High School will be maintained. Detective Prentice's role is an important part of the grant.

Director Houde stated that Merrimack's grant was unique from other grants in New Hampshire in that a large portion of the grant funds one particular individual. The Federal Government wants to know how the Merrimack community will sustain current programs in addition to the financial aspect.

Councilor Boyd acknowledged the importance of having Detective Prentice at the middle school and his availability to the elementary schools now and through the year 2020. He stated Detective Prentice is a key component and a large part of the sustainability plan.

Councilor Boyd stated that the sustainability plan will impact his ability to decide how the sustainability plan fits into Detective Prentice's role at the middle school through the year 2020 or his future placement as defined by the Chief.

Police Chief Doyle acknowledged that Councilors and positions will likely change between now and the year 2020. Chief Doyle emphasized his goal and commitment to have Detective Prentice or another resource officer at the middle school with or without a sustainability plan. The value of having Detective Prentice or someone like him at the middle school is evident through success stories.

School Board Vice Chair Barnes explained that Resource Officers Murray and Prentice eliminate frequent calls to the Merrimack Police Department for assistance and are able to handle situations efficiently.

Police Chief Doyle explained both resource officers deal with daily issues and their presents prevents a number of other issues from occurring. Students are comfortable approaching both resource officers.

School Board Vice Chair Barnes asked Chief Doyle if the Police Department has an understudy program future resource officers.

Police Chief Doyle explained his officers cross train and periodically job shadow different roles in preparation for a smooth transitions. Training for newest officers includes one week with a resource officer.

Director Houde reported the 2009 YRBS (Youth Risk Behavior Survey) revealed 17.1% of 9th and 10th grade students reported they used alcohol in the 30 days prior to taking the survey. Four years later and exposure to Detective Prentice that number reduced to 10.2%.

Councilor Chair Harrington expressed her support and the importance of resource officers now and in the future.

Councilor Chair Harrington asked what specificity is needed from the Town Council in terms of the sustainability plan.

Director Houde responded that it was her understanding when the budget was submitted for the second five years of the grant, it indicated a very slow transition to having other sources pick up a piece of the coordinator position which happens to be the resource officer. The Federal Government expects an outside source to provide some financial support for the coordinator position.

Councilor Chair Harrington asked if financial support from an outside source was expected within the remaining three years of the grant.

Director Houde responded she would need to consult a project officer before answering the question.

Councilor Chair Harrington suggested that a letter of reasonable assurance that the Town Council is supporting and will provide some financial support for the coordinator position. She questioned what happens after the year 2020.

Councilor Boyd noted that the amount of financial support would need to be known prior to the budget deliberations.

School Board Chair Ortega added in terms of showing sustainability and recognizing the value to the community and school district the Superintendent suggested to the School Board that it allocate approximately \$10,000 (10% of the grant) with an assumption that end of year ten there would be a cost sharing arrangement with the Town. The school resource officer is a police officer and should the school budget fund a police officer.

School Board Chair Ortega added that there will be a need for financial support for the sustainability of the various programs.

Council Chair Harrington questioned if the Town were to provide an amount toward the financial sustainability would that same amount be allocated for another purpose within the grant.

School Board Chair Ortega responded yes.

Council Chair Harrington asked if the financial sustainability needed to increase over the length of the grant.

Director Houde responded that was the original intention. A new budget can be submitted each year.

Councilor Vaillancourt publicly thanked Debbie Woelflein for her initial effort and ongoing participation relative to the grant.

Councilor Vaillancourt expressed her desire for the Town of Merrimack to fund a School Resource Officer at the middle school when the grant ends. She would hope the school district would continue to support the Safeguard initiatives.

School Board Member Schneider noted that the value of a school resource officer at the middle school has been realized through the grant. He stated that it is the responsibility of Project Safeguard to have valuable initiatives worthy of receiving support from both the School District and the Town of Merrimack.

Councilor Rothhaus recalled the Town Council did support the idea of a School Resource Officer at the middle school in the past but with fewer hours.

Council Chair Harrington clarified that the Town Council will be supportive of Project Safeguard initiatives after the grant ends; however, the level of support still needs to be discussed and agreed upon.

Director Houde clarified that the grant sustainability plan is due at the end of December 2015. The grant budget is due in February 2016.

School Board Chair Ortega asked if the minutes of this meeting would be sufficient to satisfy the sustainability plan.

Director Houde responded yes.

Councilor Boyd noted the grant budget is \$250,000 (Federal share of \$125,000 plus non Federal share of \$125,000). He asked if the Federal share was used to pay for the School Resource Officer position at the middle school.

Debbie Woelflein responded the Federal funds pay for the School Resource Officer position plus some travel for training, an evaluation and the grant director position.

Debbie Woelflein explained a requirement to apply for a year six through year ten grant included demonstration and an increase of in-kind contributions each year.

Councilor Boyd asked if the non-Federal share of the grant was allocated in the School District Budget.

Debbie Woelflein explained the non-Federal share is met through in-kind contributions.

Chief Doyle thanked Debbie Woelflein, Director Houde, the Town Council and the School Board for being supportive.

Debbie Woelflein noted that Project Safeguard came off the work of Superintendent Chiafery and the Drug Advisory Council.

Director Betsy Houde thanked Chief Doyle for his regular participation and support.

5. Update on O’Gara Drive Tennis Courts

School Board Chair Ortega introduced a long standing (decades long) easement agreement on O’Gara that allowed the Town of Merrimack to submit for Federal funds to build a tennis court back in the 70’s that required it to be maintained into perpetuity. The easement agreement will expire in 2018. The tennis courts are in disrepair.

School Board Chair Ortega explained last year the Town Council submitted for direction from the National Parks Service through the state agency for direction given the tennis courts are in disrepair. At a recent meeting the Council was provided with options and chose an option.

Council Chair Harrington reported the Town Council reviewed the options that were provided to it on November 19, 2015. The Town Council approved a motion to adopt option B. Option B permits the Town to allow the current lease agreement to expire at which time the provisions of sections (6f) would also expire and the Town would no longer be federally required to provide perpetual public recreational property. The Town would be required to fulfill its obligations until the end of the lease. The Town could formally request the National Parks Service to declare the facility obsolete.

Council Chair Harrington reported the Town Council did not feel the tennis court repair was worth \$185,000 (a 2012 estimate) with a three year warranty. The Town Council turned to the liaison to the Federal Government for guidance relative to the Town’s obligation to the tennis court.

Council Chair Harrington requested clarification from the liaison to the Federal Government with regards to the other recreational activities (skate park, basketball court and ice rink). She

explained the response was the School District can do whatever it wants with the property as it is no longer protected. Two proposed options were the school district could move the amenities to another location or the Town can sign an agreement with the School District to manage those amenities for them.

Council Chair Harrington restated the Town Council's formal notification to the School District of the intent to let the current easement agreement expire in 2018. She asked the School Board to notify the Town Council whether or not it wants to move the skate park, basketball courts and ice rink to another location or ask the Parks and Recreation to manage the recreational activities or remove all recreation from the site and replace with passive recreation (grass and benches).

Town Manager Cabanel explained that the Federal funds were received in two allotments. The first allotment funded the tennis courts and the ice rink. The second allotment funded the installation of the lights at the tennis court. The second allotment added the stipulation that the tennis courts and ice rink be maintained into perpetuity.

Town Manager Cabanel reviewed the three options presented to the Town Council by the liaison to the Federal Government.

Option A: Break the lease and put a recreational activity or facility of equal value at a location that is not designated as recreational land or conservation land. The recreational obligation would belong to the recreational opportunity permanently.

Option B: Addressed the perpetuity clause in the agreement. The tennis courts could be declared obsolete, removed and that site could become a passive recreational area. The Town Council has requested the School District provide input relative to the type of passive recreation it prefers. The Federal involvement and the recreational restriction expires with the agreement in 2018. The skate park and basketball court could continue to be managed by the Parks and Recreation or moved to another location.

Option C: Extend the lease beyond 2018 and continue the provisions in section 6(f).

School Board Chair Ortega asked if there was a time frame to meet the passive recreational area.

Town Manager Cabanel responded she did not anticipate the involvement of the Federal Government involvement between now and the end of the agreement. She would expect that the Town Council would want to make a commitment to turn the area into passive recreation within a reasonable amount of time.

School Board Chair Ortega summarized the Town Council wants input from the School District relative to the use of open space after the removal of the tennis courts. Also, does the School Board want to keep the basketball court, the skate park and ice rink at the current location under school district management or a management agreement with the Town.

School Board Guagliumi asked for clarification on the definition of the term "declare obsolete". She inquired how the Town of Merrimack is released from the obligation to the Federal Government.

Town Manager Cabanel responded that the Federal Government visited the site and knows the site is not operational. The Federal Government is expected to grant the obsolescence upon a request from the Town of Merrimack.

School Board Vice Chairman Barnes felt data from an analysis of the entire lot by a professional engineering would be beneficial during the decision making process for the best use of the site in 2018.

School Board Chair Ortega stated there is no choice to be made with regards to turning the tennis courts into passive recreation space and the School Board does not have a current position on what to do with the property after July 2018.

School Board Chair Ortega suggested the Planning and Building Committee be charged with determining the highest and best uses that would satisfy the needs of the James Masticola Complex and Merrimack High School inclusive of the feasibility for a combined SAU and Special Services office building.

School Board Chair Ortega referred to section "e" of the Easement Agreement. "Upon termination of the Agreement the premises shall be returned to a neat and slightly condition to the Merrimack School District." The School Board needs to decide if it wants to manage the skate park and ice rink which it does not typically do or engage in an Agreement, not a lease, for the Town to manage them in the existing location.

Business Administrator Shevenell asked Town Manager Cabanel after the Federal Government declared the tennis courts obsolete, did the tennis courts need to be compliant prior to turning the site into passive recreation space.

Town Manager Cabanel responded no.

Town Council Vice Chairman Mahon noted that this was the impact of receiving free money from the New Hampshire Department of Resources and Economic Development in 1983 used to install lights.

School Board Member Schneider ask if there were lights on the property other than at the tennis court.

Town Finance Director Paul Micali replied there are additional light poles on the site.

School Board Member Schneider asked that the electrical wires for lighting be examined for integrity.

School Board Chair Ortega reviewed the following areas needing follow up.

1. Stay in communication at it relates to near term objective of returning the site into passive recreation space.
2. Town to provide input to the School Board on the condition of the electrical wires.
3. School Board needs to decide how it wants to make use of the entire property.

Councilor Dwyer questioned if the School Board would suggest leaving the property in its current state for another two years.

School Board Chair Ortega responded no, it is an eye soar, is in disrepair, is unsafe and the Town is required by the agreement to turn it into passive recreational space the sooner the better. The only unanswered question is the integrity of the electricity.

Councilor Dwyer supports removing the tennis courts and fencing or the pleasure of the school board.

6. Public Comments

James Ferriera of 7 Maryann Lane applauded both governing bodies for having the joint meeting. He supports having the resource officer in the schools. He believes the skate park, basketball court and ice skating rink provides an outlet for children. He asked the School Board to allow the Town to manage those properties under Parks and Recreation Department when that time comes in 2018 rather than remove all facilities.

7. Future Meeting Date

School Board Chair Ortega asked for suggestions on when to schedule the next joint meeting that would be hosted by the Town Council.

School Board Member Schneider suggested September or October.

Councilor Dwyer suggested a meeting be called as needed.

There was no formal meeting date scheduled.

At 9:07 p.m. Councilor Boyd moved (seconded by School Board Vice Chairman Barnes) to adjourn the meeting.

The motion passed 11-0-0.