



## Town Council Meeting Minutes

Thursday November 16, 2017, at 7:00 PM, in the Matthew Thornton Room

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

### Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

### Announcements

Town Offices will be closed on November 23<sup>rd</sup> and 24<sup>th</sup> in observance of Thanksgiving. The Merrimack Transfer Station will be closed on Thanksgiving Day and open during normal hours on Friday and Saturday.

Regular meetings of the Town Council will be conducted on Thursday, December 7<sup>th</sup> and 21<sup>st</sup> at 7:00 p.m. in the Matthew Thornton Room.

The winter parking is in effect until April 15<sup>th</sup>. There is no parking on public roads between the hours of 11:00 p.m. and 6:00 a.m.

The Merrimack Police Department is collecting unwrapped toys for Mighty Max's Mega Toy Drive to benefit the patients of the Jimmy Fund Clinic and Boston's Children Hospital until November 30<sup>th</sup>. A drop off box is in the lobby of the Police Station. Please visit [mightymaxtoydrive.com](http://mightymaxtoydrive.com) for more information.

Please help support the Town of Merrimack food drive to support the local food pantries this holiday season. Drop boxes have been placed at the Police Department, Highway Garage, Town Hall, and the Library. Donations will be accepted through January 1<sup>st</sup>.

The Merrimack Parks and Recreation Department is pleased to invite you to join in on the 24<sup>th</sup> Annual Holiday Parade and Christmas Tree Lighting Ceremony, which will be held on Sunday, December 3<sup>rd</sup>. The Annual Parade kicks off at 3:00 p.m. from the Commons Shopping Plaza near Tractor Supply. The theme of this year's parade is "A Whoville Christmas". The Tree Lighting Ceremony will commence immediately after the parade ends and will be held at the Abbie Griffin Park Bandstand at approximately 3:45 p.m. For more information or to enter a float in the parade, please contact the Parks & Recreation Department at 882-1046.

December tax bills have been mailed and are due by December 15<sup>th</sup>. Property owners who have not received their tax bill should contact the Tax Collector's office for a duplicate bill at 424-3651.

Perfluorooctanoic Acid (PFOA) Information Update - None

Highway Garage Project Update - None

1 **Comments from the Press and Public**

2  
3 Wendy Thomas 10 Wildcat Falls

4  
5 Stated on Monday, November 6<sup>th</sup>, the State re-tested her well water for carcinogenic PFOAs and  
6 PFOS. Testing had been done privately in advance of the installation of an activated charcoal system.  
7 The State is also testing for MTBE, which is an additive to gasoline. This is the first she became aware  
8 that was an issue with the water. Animal studies suggest drinking water with high levels of MTBE  
9 may cause stomach irritation, liver and kidney damage, and nervous system effects. An increase in  
10 liver and kidney cancer was found in rats and mice breathing high levels of MTBE or orally  
11 consuming high concentrations. Because of the animal studies on MTBE, the NH Department of  
12 Environmental Services (NHDES) considers it a possible human carcinogen.

13  
14 Ms. Thomas stated that to be at least 2 big carcinogenic substances that are currently in our water. Not  
15 only is her residence 5 miles from Saint-Gobain, but it is also two streets behind the Town garage  
16 where the gas pumps are. To say she is concerned about the situation is an under-statement. In both  
17 situations, it is manmade chemicals that are in the water due to negligence.

18  
19 If the well tests over 70ppt for PFOAs they will be told the water is too dangerous to drink, and will be  
20 supplied bottled water by the State. If there are any MTBEs in the water, they will be told the water is  
21 too dangerous to drink, and will be supplied bottled water by the State.

22  
23 Ms. Thomas stated the Merrimack contaminated drinking water situation must be considered an  
24 immediate, all-hands-on-deck situation by all elected officials. Our Town and its residents' health is at  
25 stake.

26  
27 Katharine Hodge, 44 Belmont Drive

28  
29 Since moving to Merrimack (2012) she has not had any health issues. As of Wednesday, she is cancer  
30 free for the second time in less than one year. While that is great news for her, she questioned what  
31 she is up against next.

32  
33 At the joint meeting with the School Board on November 4<sup>th</sup>, representatives of the Merrimack Village  
34 District (MVD) stated they are testing Merrimack Town water for not only PFOA, PFOS, but many  
35 other chemicals in the same class that are present and of concern to them, yet they are not posting any  
36 results. The last test results that are posted are on the NHDES page, and are from the MVD done on  
37 August 24, 2017.

38  
39 In the video of the joint meeting (39 min. in), Lon Woods, Chairman, Board of Commissioners, MVD,  
40 made the statement nothing has changed with the MVD since 1955. He also stated that at this juncture  
41 in history, if things need to change, the Town will let them know. Ms. Hodge stated things need to  
42 change. At this time, she believes it would be beneficial to consider disbanding the MVD, and allow  
43 the Town to proceed moving forward as it would provide more of a democratic process for the  
44 residents' voices.

45  
46 Laurene Allen, 16 French Court

1 She has had a few meetings with some of her colleagues with the Department of Health & Human  
2 Services over the past few months. They indicated the State does not have a Toxicologist. This  
3 position is important as residents who have had blood testing and called the State for additional  
4 information have been given the 800 number for the Poison Center. They have not been of help.  
5 The Agency for Toxic Substances and Disease Registry (ATSDR) is a Federal agency under the Center  
6 for Disease Control (CDC). In August of 2016, the DHHS made a request for a health consultation on  
7 the Town's behalf. When asked about the status of that, DHHS indicated they had not received a  
8 response, and this year has been a challenging year for some Federal relationships.

9  
10 Ms. Allen stated she reached out to a representative in Boston who has indicated a first draft of the  
11 request was sent in last year, and has stalled out. As requested, she continues to follow the status. Ms.  
12 Allen requested the Council help advocate to local representatives as she has.

13  
14 She has been told the process would be that the draft request would be approved, and would then go  
15 into a public comment phase where the ATSDR would reach out to the Town, citizen group(s),  
16 advertise in newsprint, etc., soliciting comment, and would then go into some design of what they  
17 would recommend for support for the Town. That would likely go through a pretty lengthy process,  
18 but nonetheless would be what the Town needs. It was indicated to her funding for the consultation is  
19 expected to be a problem.

20  
21 Councilor Boyd informed the Council, on November 2<sup>nd</sup> the State Drinking Water and Groundwater  
22 Advisory Commission approved MVD's application for a \$1.3 million loan to improve the pumping  
23 infrastructure at the Turkey Hill pumping station. The funds are being made available, in the form of a  
24 loan, out of a trust fund that was created. It will go before the Executive Council in the January  
25 timeframe. Pending their approval, it would be presented to the MVD voters for their approval at the  
26 annual meeting in March.

27  
28 Wendy Thomas, 10 Wildcat Falls

29  
30 Questioned if the project and funds being allocated to the MVD are solely for pumping or include any  
31 kind of filtration. Councilor Boyd stated, to his knowledge, it is just pumping.

### 32 33 **Recognitions, Resignations and Retirements**

#### 34 35 **1. Recognition of Town Employee Leaving Employment**

36 *Submitted by Human Resources Coordinator Sharon Marunicz*

37 The Town Council will present a recognition award to Dispatcher III Michael A. Piccolo in  
38 recognition of more than 11 years of service to the Town of Merrimack Police Department.  
39 November 5, 2006 – November 11, 2017

40  
41 Police Chief Denise Roy congratulated Mr. Piccolo for a great career at the Merrimack Police  
42 Department. She spoke of the skills required and the demands placed on an emergency Dispatcher.  
43 She thanked him for his service, and wished him well in his future endeavors.

44  
45 Councilor Albert remarked he had the pleasure of working with Mr. Piccolo in the Communications  
46 Division. He watched his young family grow. He saw the hard work he put in and witnessed the  
47 professionalism with which he handled some of the most stressful situations.

1 A plaque was presented to Michael Piccolo in recognition of his more than 11 years of service to the  
2 Town of Merrimack Police Department.  
3 Fire Chief Michael Currier commented a Dispatcher is the actual first responder. When an emergency  
4 call comes in, if it is not to 911, it is our local Dispatchers that are the ones that handle the emergency  
5 talking one-on-one with the people having the emergency. What they are doing is trying to make the  
6 worst day that the victim is having better over the telephone, which is a trying event.  
7

## 8 **2. Recognition of Town Employee Leaving Employment**

9 *Submitted by Human Resources Coordinator Sharon Marunicz*

10 The Town Council will present a recognition award to Dispatcher III James Connelly in  
11 recognition of more than 14 years of service to the Town of Merrimack Police Department.

12 March 23, 2003 – November 6, 2017  
13

14 *James Connelly was unable to be in attendance.*  
15

16 Chief Roy stated Mr. Connelly is on the road on his way to Colorado to begin his retirement. She  
17 comented he is a wonderful man, taught many a great deal, had great stories, was a pleasure to work  
18 with, and will be missed.  
19

20 *There being no objection, the Council went out of the regular order of business to take up Item #1*  
21 *under New Business followed by the Public Hearing on Chapter 81 of the Town Code.*  
22

## 23 **1. Deliberation to Fill the Town Council Vacancy**

24 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus*

25 The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council  
26 until the April 2018 election, pursuant to Charter Article 4-5.  
27

28 The three candidates, Tom Thornton, Paul McLaughlin, Jr., and Stephen J. Garczynski, have been  
29 interviewed by the Council.  
30

31 Chairman Harrington stated the process to be that each candidate would be allotted three minutes to  
32 introduce themselves to the public, after which the Council would deliberate and vote.  
33

34 Tom Thornton, 5 Heritage Drive  
35

36 Stated he is the current president of the Merrimack Youth Association (MYA), and has been with the  
37 MYA for 13 years prior to which he was with the Parks and Recreation Commission. On a personal  
38 note, he is married with three children.  
39

40 Paul McLaughlin, Jr., 55 Joppa Road  
41

42 Stated he is a 27-year resident of the Town of Merrimack. After graduating from Merrimack High  
43 School in 2008 he studied aerospace engineering at Florida Tech. and mechanical engineering at UNH.  
44 He currently works in the biotech sector manufacturing enzyme replacement therapies to treat rare  
45 diseases, is a member of the Merrimack Rotary, and currently sits on the Planning Board. He knows  
46 the Town landscape like the back of his hand.  
47

1 He was raised in a good environment, and the Town was a large part of that. He was also taught that  
2 decisions are made by those who show up. He wants to ensure that not only his children, but the  
3 children of all current and future residents get the same opportunities he was able to receive.  
4 He commented he stands before the Council ready to give back to the community that raised him to be  
5 sure the Town remains a desirable place to raise a family while at the same time continues to evolve to  
6 face the changing future.

7  
8 Stephen J. Garczynski, 19 Lesa Drive

9  
10 Stated he worked at the Wastewater Treatment Plant for 23 years. He spoke of the past, present, and  
11 future of Merrimack, and the decision each Councilor must make in terms of whether movement is  
12 backward or forward.

13  
14 He stated the desire to reduce spending and to take the Saint out of Saint-Gobain.

15  
16 Chairman Harrington thanked those who have come forward with a willingness to serve the  
17 community in this capacity.

18  
19 Councilor Albert commented we are a community of 26,000, and these three gentlemen have stepped  
20 up, which he appreciates and respects. He has known Mr. Thornton for many years, and is familiar  
21 with his activity in the community. The other gentlemen he has not had the pleasure of knowing prior  
22 to this time. He endorsed Mr. Thornton for the position

23  
24 Councilor Koenig thanked the candidates for their willingness to serve. He spoke of having worked  
25 with Paul McLaughlin for the last couple of months on the Planning Board, and of being impressed  
26 with his diligence and interest in helping the community.

27  
28 Councilor Flood stated how pleased she is with the quality of candidates who have stepped forward.  
29 She spoke of having known Tom Thornton since he was in Kindergarten. She commented Paul  
30 McLaughlin struck her as a tremendous candidate. She is hopeful, regardless of the outcome of the  
31 vote, that the remaining candidate step forward again in April. She stated she would be supporting  
32 Tom Thornton, not because of her long knowledge of him, but because he did a marvelous thing; used  
33 his sense of responsibility and intelligence to rectify a situation at the MYA, and she trusts his integrity  
34 and character will take him a long way in this world.

35  
36 Chairman Harrington called for each Councilor to identify his/her candidate of choice. Councilor  
37 Albert cast his vote for Tom Thornton. Councilor Flood cast her vote for Tom Thornton. Vice  
38 Chairman Rothhaus cast his vote for Tom Thornton. Councilor Koenig cast his vote for Paul  
39 McLaughlin. Councilor Harrington cast her vote for Tom Thornton, and Councilor Boyd cast his vote  
40 for Tom Thornton.

41  
42 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to reconsider the vote.**  
43 **MOTION CARRIED 6-0-0**

44  
45 Councilor Koenig cast his vote for Tom Thornton.

46  
47 ***The vote to fill the vacant position was unanimous.***

1 Councilor Koenig thanked Mr. McLaughlin and Mr. Garczynski for stepping up commenting it was a  
2 tougher vote than it may have appeared. Both are very qualified to be part of the Council. He thanked  
3 them for their efforts, and stated his hope they will come forward again in April.

4 *The Oath of Office was administered to Tom Thornton by Chairman Harrington. Councilor*  
5 *Thornton was seated.*

## 6 7 Public Hearing

### 8 9 **1. Public Hearing - Consideration of Changes to Chapters of the Merrimack Town Code**

10 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

11 The Town Council will hold a public hearing to consider the acceptance of recommended changes  
12 to Chapters 81, 90, 102, 123, 130, 136, 163, 167, 169, 174 and 183 of the Merrimack Town Code,  
13 pursuant to Charter Article V.

#### 14 15 Chapter 8; Waterlines

16  
17 Kyle Fox, Director, Public Works Department (PWD) remarked following the first reading of Chapter  
18 81, he reviewed the language and spoke with Commissioner Woods and Ron Miner, Superintendent,  
19 MVD. He considered their concerns of the increase in the cost sharing from a budgeting standpoint.  
20 In addition to trying to add clarity to the changes, an additional change is being proposed; on projects  
21 that are in the Capital Improvement Program (CIP), reimbursement from MVD for waterline costs to  
22 the Town would be up to \$25,000, and for projects funded out of the Town's budget, the maximum  
23 cost per project the MVD would reimburse the Town would be \$10,000. He reached those numbers  
24 trying to consider the difficulty in budgeting for our projects from their standpoint.

25  
26 Director Fox commented one of the troubling issues for both groups when doing projects that involve  
27 waterlines is often we don't know their exact location or depth, and what the obstacles will be. It can  
28 be difficult to estimate the cost.

29  
30 When asked to delineate the difference between the two numbers, Director Fox remarked each year the  
31 department presents a CIP to both the Planning Board and the Town Council. The current projects in  
32 the CIP that would be subject to the \$25,000 reimbursement have been outlined; Bedford Road Bridge  
33 (2018), Route 3 Bridge (2023), Wire Road intersection (2024), Turkey Hill Road intersection (2020),  
34 sidewalk projects in (2020, 2022, and 2024), and a sewer line extension (2020). Of those projects, the  
35 only one there is a budget estimate for is the Bedford Road Bridge. The estimated cost for the  
36 waterline work on that project is \$177,000. The cost to the Town, because the State picks up 80%,  
37 would be \$35,000. The projects where the \$10,000 cap would come in would be the yearly budgeted  
38 projects. Typically, the larger ones are funded out of the stormwater improvements that are done each  
39 year or emergency projects. Currently the cap is \$1,000.

40  
41 Councilor Koenig stated it to be difficult to comprehend, from the written word, what was just  
42 described. When asked if other utility lines are addressed as well, Director Fox stated if other utility  
43 lines are in the way of a project, they are contacted, and informed of the need to relocate their lines at  
44 no cost to the Town. There is significant overlap between the ratepayers to MVD and the tax base, but  
45 it is not 100% overlap.

46  
47 Councilor Koenig noted §81-2A talks about the CIP. Director Kyle remarked he was trying to draw  
48 clarity; §81-1 sets the policy the maximum the MVD would be responsible for is \$25,000, §81-2A

1 addresses projects in the CIP, and §81-2B other projects are only subject to \$10,000. Councilor  
2 Koenig pointed out the “and” at the end of §81-2A.  
3 Vice Chairman Rothhaus commented for the other utilities to pay 100% is an easier task, from a  
4 budget standpoint, as they are large operations.  
5

6 ***Chairman Harrington declared the Public Hearing open at 7:48 p.m.***  
7

8 Ron Miner, Superintendent, MVD  
9

10 Stated the MVD opposes the proposed changes. Although they realize the watermain is located  
11 within the Right-of-Way, they differ from other utilities as they represent the same individuals. When  
12 a watermain needs to be relocated, they believe it should be a project cost not an additional charge to  
13 the ratepayers.  
14

15 The MVD does not have control over Town projects. Changes in this chapter would have budgetary  
16 impacts to the MVD. When asked, he stated there is a comfort level with the current \$1,000 charge.  
17 The cost associated with CIP projects could be budgeted for, but would result in swings in the budget.  
18

19 When asked, Mr. Miner stated the MVD does have a capital reserve fund for equipment and facilities  
20 that could be pulled from. He was uncertain of the exact balance, but believed it to be around \$2  
21 million. The fund is a savings mechanism to address aging infrastructure and unanticipated upgrades.  
22

23 The percentage of residents on MVD water was estimated at 80%. The population is 27,000±, and the  
24 MVD has 10,000± customers. Councilor Koenig noted there to be four residents in his home, and he  
25 is considered 1 customer. He also noted there to be industry in Town that is not serviced by MVD. If  
26 the Town takes on all the cost then the taxpayers are paying for it, which includes about 20% that are  
27 not getting any benefit from MVD, and may be paying for either their own well or water from  
28 somewhere else. Any other utility must pay 100%. He stated his belief it is reasonable to have some  
29 fair share or splitting so that the ratepayers are responsible for the infrastructure of the system they are  
30 utilizing, and the taxpayers are not necessarily responsible for the whole thing. He believes a good  
31 balance has been proposed.  
32

33 Mr. Miner stated his concern to be a situation where there could be numerous unplanned projects.  
34 Councilor Koenig stated his belief were such a situation to occur, and the Council to be petitioned for  
35 support, it could be considered as an exception to the rule.  
36

37 Councilor Koenig questioned if the lines were upgraded when the Turkey Hill Bridge project was  
38 done. Mr. Miner stated they were as part of the expansion on the 16” line going up Turkey Hill Road  
39 and Camp Sargent Road. They did pay for the 16” main of the regular service to get moved up onto  
40 the bridge. He was uncertain of the high service (two mains that get incorporated into the bridge). He  
41 spoke of the McGaw Bridge project noting the MVD wished to upsize the main on that road, and paid  
42 the difference from a 6” line to an 8” line, and additional charges for engineering costs. That was for  
43 an improvement to the infrastructure, but was more than the \$1,000.  
44

45 Lon Woods, 2 Arbor Street  
46

47 Stated his opposition to the proposed change not because Director Fox hasn’t done a fine job looking  
48 over his budget and what may or may not be imperatives of his. He has done a fine job. A one

1 thousand percent increase of a cost the MVD has been paying for the last 19 years come as somewhat  
2 of a shock.  
3 This all came about because at a point when the Town improved a section of Camp Sargent Road  
4 during which there was a low estimate in specifically blasting costs and for getting the water line down  
5 to the levels MVD desires to escape frost, the MVD was presented with a bill for the extra work. That  
6 began a three-year fight with the then Board of Selectmen and the MVD Commission. When all was  
7 said and done it was understood the pipe had been there for a while, wasn't worth all the money MVD  
8 thought it should recover, etc. They were able to recover some of the cost. Subsequent to that, this  
9 ordinance was suggested, worked out between the two parties, and passed. The \$1,000 was more a  
10 way of saying we need to work together, we can do these projects, and yes you will have new pipe in  
11 the ground and new service entrances, etc., so help us out.

12  
13 Mr. Woods noted the Commission was not made aware of the proposed change. He learned of it  
14 watching the Council meeting. He had a conversation with Director Fox the following day. Although  
15 Director Fox explained the rationale, he is uncertain he completely understands how the figures were  
16 derived.

17  
18 Mr. Woods stated his opinion when the Town has projects requiring utility movement, he shares in that  
19 cost as a taxpayer first and ratepayer second. He believes ratepayers are being charged twice (80/20  
20 split). It isn't all loss or all gain to the ratepayer. When reading real estate ads often you see utilities  
21 included. That generally adds value to the property in terms of sales. That value gets turned to the  
22 Town with each sale.

23  
24 Kathryn Stack, 7 Knollwood Drive

25  
26 Felt compelled to respond to a comment made about utilities adding value to the Town. She has a  
27 private well that is contaminated. She has a loss of property value and a loss of positive influence in a  
28 sale of a home with a contaminated well. She is not adding value to the Town, but instead taking value  
29 away.

30  
31 ***Chairman Harrington declared the Public Hearing closed at 8:05 p.m.***

32  
33 Councilor Albert questioned when the \$1,000 fee was put in place, and was informed it was March 10,  
34 1998.

35  
36 Vice Chairman Rothhaus commented given the size of the MVD's budget, he can appreciate the  
37 impact \$25,000 would have. That would not occur often as CIP projects can be planned 7 years out.  
38 He wondered if some increase could result given the passage of 19 years, and an additional increase  
39 planned for a future date.

40  
41 When asked if the State, in determining its 80% contribution, considers the cost of moving utility lines,  
42 Director Fox stated they do. When considering MVD's contribution, the Town is only considering the  
43 20% share the Merrimack taxpayers pay. He provided the example of the Turkey Hill Bridge project  
44 where American Recovery and Reinvestment Act (ARRA) funding paid for the Town's 20%  
45 construction cost, and no request was made of MVD to contribute.

46  
47 When asked how the cost of moving waterlines is handled when required because of a State project,  
48 Director Fox responded typically the State requests utilities pay all costs. He provided the example of



1 when the State paved their section of D.W. Highway north and south of the Town's section, and sent  
2 the Town a bill for raising the sewer manhole covers as that is the Town's utility. They charge the gas  
3 company for raising their valve boxes for the gas lines, and he believes they charge the MVD for  
4 raising their valve boxes as well.

5  
6 Councilor Flood asked if it would be too grueling for Director Fox to look at this on a case-by-case  
7 basis. Assistant Town Manager/Finance Director Micali suggested it would be more difficult for the  
8 MVD in terms of being able to budget for such expenses. He noted, if the ordinance is amended, there  
9 will be increased communication between his office and the MVD to ensure all parties are aware of  
10 future projects. Handling each on an individual basis would be more difficult to budget for, and would  
11 result in fluctuations from year to year. Chairman Harrington spoke of the need for parameters to be  
12 set by the Council. Director Fox reiterated the Council can waive a fee if it so desired.

13  
14 It was suggested the language could be by replacing the "and" with "or" at the end of the sentence  
15 under §81-2A.

16  
17 Councilor Koenig suggested the language could state that the MVD would pay 80% of the Town's cost  
18 up to \$25,000. That way if a project involving a cost associated with a water main resulted in a cost to  
19 the Town, MVD would pay 80% of that cost up to \$25,000. The language around the \$10,000  
20 reimbursement could be amended similarly.

21  
22 It was suggested §81-2A could read: "With respect to any project that costs the Town more than  
23 \$10,000, the Merrimack Village District shall pay 80% of that cost up to a \$10,000 maximum."

24  
25 Chairman Harrington stated the need for the language to be worked out. The Council agreed the  
26 chapter would be brought back for a first reading, in its amended form, at the December 7<sup>th</sup> meeting.

27  
28 **MOTION made by Councilor Koenig and seconded by Councilor Boyd to return Chapter 81**  
29 **back to a first reading on December 7, 2017. MOTION CARRIED 7-0-0**

30  
31 Councilor Albert commented on Director Fox having met with Commissioner Woods and  
32 Superintendent Miner to discuss this. It is 20 years later, the cost of business has gone up. It is his  
33 hope this will be seen for what it is, an effort to work with the MVD while recognizing the cost of  
34 business.

35  
36 *The Council returned to the regular order of business.*

### 37 38 **Appointments**

#### 39 40 **1. Highway Garage Update Presentation**

41 *Submitted by Public Works Director Kyle Fox and Town Manager Eileen Cabanel*

42 Town Council to be presented with the progress made to date on the Highway Garage project,  
43 including completed floor plan, conceptual site plan, and architectural renderings of the existing  
44 and proposed building.

45  
46 Director Fox stated the project kicked off in earnest following the April vote (\$3.3 million bond  
47 approved) to renovate the existing building to become vehicle storage, and to construct a new building  
48 that would house the day-to-day operations. It began with a search for the engineer/architect team.

1 The firm chosen was H.L. Turner out of Concord. The Project Manager is Bill Hickey. Once the  
2 Project Manager was in place they began looking at a Construction Manager. They went away from  
3 how things are traditionally done in municipal settings of a design, bid, build project, and are doing it  
4 more as a team approach with a project manager who does the architectural and engineering of the  
5 project and the construction oversight of the project, and have partnered with a construction  
6 management company that will manage the construction for the Town. They interviewed several firms  
7 and went with the Turnstone Corporation out of Milford.

8  
9 The committee that has been working on the project since the vote passed consists of Eileen Cabanel,  
10 Town Manager, Paul Micali, Assistant Town Manager/Finance Director, Councilors Flood and  
11 Rothhaus, Kyle Fox, Director, PWD, and Lori Barrett, Operations Manager, PWD. They have worked  
12 long and hard to get to this point where they have a solid floorplan, elevation views of the project, etc.

13  
14 Director Fox stated the next steps are to begin working on the HVAC, electrical, and other  
15 innerworkings. Earlier in the week the committee met with representatives from Liberty Utilities and  
16 Eversource to talk about rebates and incentive programs. Liberty Utilities will pay us 75% of  
17 improvements over standard building codes, e.g., if extra insulation is placed in the roof, they will  
18 cover 75% of the incremental cost. Those type of opportunities will be looked for.

19  
20 Bill Hickey provided a [presentation](#). Reiterated the process is moving along well. They have locked  
21 down a floorplan, elevations, esthetics, and are moving into material sections, etc.

22  
23 When asked if the opinions of staff were taken into consideration, Director Fox commented one of the  
24 great suggestions they received from Turnstone early on was to hang clipboards around the garage  
25 where people can scribble down ideas. The suggestions have been collected by the Operations  
26 Manager. A presentation was provided to the Highway staff about the project, and they were  
27 encouraged to provide feedback.

28  
29 Assistant Town Manager/Finance Director Micali noted the neighbors were invited to this meeting as  
30 well as the one that will take place with the Planning Board. Their feedback is being considered, and  
31 they have been encouraged to participate in the process.

32  
33 The project has three parts; new highway maintenance facility, renovation to the existing building, and  
34 fueling station. Architectural renderings were displayed and discussed. Sheet 2.0 depicts the proposed  
35 PWD garage, which will be located to the north of the existing building. A new driveway will be  
36 located on the north end of the property (public entrance). The driveway at the south end of the  
37 property will be an enhancement of the existing gravel drive. The fueling station will be relocated.  
38 The fueling station will involve new pumps and a canopy. Tanks are intended to remain in place.

39  
40 Sheet A1.1 - floorplan; shows the maintenance bays on the right-hand side of the plan (4 double bays),  
41 2 maintenance bays, and the office portion of the building. The large room depicted at the bottom of  
42 the plan is a training room. There are conference rooms, offices, and suitable locker room and  
43 bathroom facilities as well as various storage areas.

44  
45 When asked about energy efficiencies, Mr. Hickey stated the actual energy code for the State is  
46 minimal and easy to achieve (R10 in walls, R20 in roof). Putting insulation in the roof is where you  
47 would get the biggest bang for the buck. They are looking at somewhere between an R15 and R20  
48 wall system and likely close to an R40 roof system. It is not a lot of money to exceed the

1 requirements, but is money very well spent. Originally, they were thinking they would wood frame the  
2 entire building. They stuck with that, based on budget, for the office portion, but will use a pre-  
3 engineered metal building. Ms. Barrett brought up the point that the ceiling will slope with the roof so  
4 that if it becomes necessary to raise/lower a truck to work on it, that can be done. Were it a wood  
5 frame, they would not have the space to raise a truck bed in the bays.

6  
7 Sheet A3.1 depicts building elevations. The intent is to keep the building as residential looking as  
8 possible. At this point, they are proposing a vinyl sided office portion of the building with asphalt roof  
9 shingles. The maintenance bays will have metal siding and asphalt roof shingles. Windows will be  
10 double-hung like what you would see in a residence.

11  
12 Chairman Harrington spoke of the metal siding, and questioned if that would have a residential look.  
13 Mr. Hickey commented metal siding has come a long way over the years. There are many different  
14 patterns, colors, textures. Part of the next step is reviewing material samples, and making decisions as  
15 a group. Director Fox noted the west elevation of the building is the portion that will face the road.  
16 The maintenance bay portion is hidden behind the office portion.

17  
18 Councilor Boyd questioned the reasoning, outside of a cost factor, for utilizing a typical asphalt  
19 fiberglass roof as opposed to a metal roof. Mr. Hickey stated there to be two reasons; to maintain the  
20 residential appearance as best possible, and asphalt shingles will hold the snow. One of the problems  
21 with a metal roof with an eave line over the overhead doors is the snow comes off in big sheets and  
22 causes a problem.

23  
24 Councilor Boyd questioned if there are concerns with the integrity of an asphalt roof due to weight of  
25 snow. Mr. Hickey responded the building will be designed to or beyond code. He cannot guarantee  
26 there will never be the need to shovel, but the intent is not to have to be up there every winter. Even  
27 with a metal roof, if there was that much snow it would have to be shoveled. Councilor Boyd  
28 commented he was looking at it from the standpoint of addressing snow on the ground that has fallen  
29 off a metal roof after the sun hits it rather than sending an employee up on the roof to shovel it. Mr.  
30 Hickey stated the building is designed for about 3' of very heavy wet snow.

31  
32 Stephen Garczynski, 19 Lesa Drive

33  
34 Stated an asphalt roof would require more maintenance. Even if the snow does not come off heavily,  
35 water will. It is not falling in a good place. He is uncertain of what the drainage will be. He suggested  
36 a shed roof where the water/snow would be directed to one side.

37  
38 Mr. Hickey responded several options were considered for the roof including one large gable roof from  
39 one end to the other (lengthwise); similar to a shed roof. The concern was the building would get very  
40 tall. They were trying to keep with the character of the neighborhood.

41  
42 Mr. Garczynski was not certain it would have to increase by that much. Mr. Hickey stated a good  
43 heavy asphalt shingle will last longer than a simple three-tab shingle. The life expectancy for a metal  
44 roof versus an asphalt shingle roof and the maintenance required are not that different. Mr. Garczynski  
45 disagreed noting you can get a metal roof that looks like a slate roof. It is more expensive, but less  
46 maintenance once up. Mr. Hickey stated that could be revisited.

1 Councilor Thornton questioned the pitch and was informed it is 4. He questioned the amount of foot  
2 traffic in front of the garage doors. He remarked if you have metal you put the snow jacks up 3'. If  
3 you get the sun hitting the roof the snow will come off the roof and come off quickly. You will have  
4 snow overhanging the metal roof a lot of the time, and when that wants to come down he would not  
5 want to be underneath it. Director Fox responded, as was stated, the two reasons for the choice were  
6 aesthetics and snow falling off a metal roof. Operationally, it is a lot easier to take snow off when not  
7 in the middle of a storm. Were there a heavy winter, the department has a bucket truck that can be  
8 used to safely gain access to remove snow from the roof.

9  
10 Mr. Hickey noted the metal being considered is what is referred to as an insulated metal panel; metal  
11 inside and out with 2-3" of insulation in between. It is a much better envelope because it is a  
12 continuous insulation all the way around.

13  
14 Councilor Koenig questioned what would be done with the space above the offices. Mr. Hickey  
15 responded there is a mechanical room on the slab, which will be used for the boilers and things like  
16 that. There will be a 16' x 25' mechanical room in the attic. The remainder will be unusable space.  
17 To make it usable a different code would apply, which has associated costs, e.g., stairways, second  
18 means of egress. To get the shape of the building, it will be a trussed roof with space up there.

19  
20 The last few sheets depict existing condition of the existing garage. The focus has been trying to get  
21 the plans developed for the new building. As those are developed and finished, attention will be  
22 moved/focused on the renovation of the existing structure.

23  
24 Councilor Albert questioned if there would be any changes to the fueling system. Director Fox stated  
25 that to be Phase III of the project; The tanks will stay in the ground. They are inspected on a bi-annual  
26 basis, and are still in great shape. There will be new pumps and a canopy over the top of them. The  
27 goal is to locate the pumps and canopy off the existing location to somewhere near there. Hopefully  
28 they can reduce the impervious as they won't be parking over there any longer. When it comes time to  
29 replace the tanks, with the canopy and pumps outside of the envelope, they could replace the tanks  
30 without taking down the canopy.

31  
32 Councilor Koenig questioned the green space to the east of the new building, and was informed  
33 originally the thought was detention for drainage could be in that area. They came to understand real  
34 estate is valuable in that area. As a result, the drainage will be converted to under pavement detention.  
35 It could be an area for future expansion. Councilor Boyd questioned if the existing salt and sand box  
36 along Turkey Hill Road would be relocated. Director Fox stated it would be somewhere in the front.  
37 Both the new and old building will have a nice array of landscaping out front. Somewhere in there  
38 they will locate the sand and salt mix piles as well as the woodchip pile.

39  
40 When asked if there would be lighting in the driveways, Director Fox stated there currently is some  
41 lighting, and he believes there would be in both areas.

42  
43 When asked if the Police impound would remain in its current location, Director Fox stated that  
44 remains uncertain at this time.

45  
46 The target date for groundbreaking is April 4<sup>th</sup>. The project is anticipated to take approx. 7 months for  
47 the construction of the new building and a few additional months for reconstruction of the existing  
48 structure.

1 Assistant Town Manager/Finance Director Micali stated he has started the financing paperwork. It  
2 looks as though a January bond sale will be done with proceeds, if accepted by the Council, in  
3 February. Funds would be available right around the same time construction begins.

4  
5 *There being no objection the Council took a five-minute recess at 9:03 p.m.*  
6 *The Council reconvened at 9:08 p.m.*

7  
8 *There being no objection, the Council went out of the regular order of business to take up Item #2*  
9 *under New Business.*

## 10 11 **2. NRSWMD Cooperative Agreement**

12 *Submitted by Nashua Regional Planning Commission and Town Councilor Bill Boyd*

13 Nashua Region Solid Waste Management District's Household Hazardous Waste Program and the  
14 updated Cooperative Agreement that unites the District's 11-member municipalities.

15  
16 Ms. Longval, Sr. Environmental Planner, Nashua Regional Planning Commission (NRPC), stated the  
17 Solid Waste District is made up of the communities of Amherst, Brookline, Hollis, Hudson, Litchfield,  
18 Merrimack, Milford, Mont Vernon, Nashua, Pelham, and Windham. The district has sponsored  
19 household hazardous waste collections for its residents since the 1980s.

20  
21 Six to seven collection events are conducted each year spanning from April to November. Five of the  
22 events are held in Nashua at the Public Works garage. At least 1 satellite collection event is offered  
23 each year. In the past two years there have been two; Milford and Pelham to help serve residents at the  
24 geographic ends of the region. Residents from any community can attend any event. They hire a  
25 licensed vendor to identify, handle, package, transport, and dispose of all waste collected. They also  
26 have access to a permanent storage facility at the property in Nashua. This allows them to store waste  
27 for up to 90 days. The benefit is a reduction in program costs as it eliminates the need to ship partially  
28 filled containers.

29  
30 The district is funded through three primary sources: 1) user fees; \$10/vehicle (10 gallons or 20  
31 pounds of waste), 2) grant funding from NHDES the level of which is based on the population of the  
32 district, number of events held, the fact that they have access to the permanent storage facility, and  
33 DES' budget in any given year (typically receive \$45,000 - \$50,000), and 3) municipal dues.

34  
35 The NRPC manages all aspects of the district. They create outreach materials, produce educational  
36 materials on environmentally friendly alternatives, disseminate through a variety of methods; NRPC's  
37 website, municipal websites, local and social media, etc. They also work with the Greater Nashua  
38 Board of Realtors as they know people often attend the collection events when they have either  
39 recently purchased a home where household hazardous waste has been left behind or they are about to  
40 sell their home, and want to dispose of their waste. They also answer questions directly from the  
41 public.

42  
43 The NRPC organizes and staffs all collection events, which includes attending pre-event meetings with  
44 vendors, coordinating with local emergency management prior to the events, and tallying surveys and  
45 receipt books after the events. They provide general management for the districts; prepare annual  
46 budget, organize quarterly meetings, apply for DES grant, provide accounting and financial  
47 administration, provide annual reporting on the district as well as reporting specific to each town.  
48 They facilitate the vendor bid process and provide contractual oversight to the vendor, work with the

1 vendor to develop operations and safety plans, manage the permanent storage facility, and network  
2 with similar programs across the State.

3

4 The district provides a tremendous asset to the region because it allows residents to safely dispose of  
5 their hazardous waste in a timely manner. It also serves a significant and growing number of  
6 households. In 2015, there were 1,696 households that participated (collected 85,154 lbs. of waste). In  
7 2016 it jumped to 1,736 households (93,385 lbs.). When hazardous waste is improperly disposed of it  
8 poses harm to human health, water quality, and wildlife. There are over 2 million human poisonings  
9 annually over 50% of which are children ages 6 and under. The most common source of poisoning is  
10 household products.

11

12 In addition to the environmental benefits of participating in the district, there are financial benefits.  
13 For the amount that Merrimack pays in its municipal dues, it would be challenging for the Town to put  
14 on a single collection event each year. There are also regulatory benefits. Those 92,385 pounds of  
15 waste would end up somewhere. Were it not for the hazardous waste collections they would likely end  
16 up in the transfer station, which is not permitted to take this material. The program can also assist in  
17 compliance with the MS4 permit. The City of Nashua utilizes the household hazardous waste  
18 collection program as one of its Best Management Practices in its MS4 reporting.

19

20 Ms. Longval stated the NRPC is in the process of wrapping up a multi-year process to develop a  
21 cooperative agreement with the districts under RSA 149-M. It simply puts the district's current  
22 practices into writing, defines the relationship between the NRPC and the district, outlines the terms of  
23 use for the permanent storage facility, and describes the responsibilities and benefits of communities  
24 who host the collections.

25

26 There are district agreements dating back to 1983 for some of the members, including Merrimack.  
27 However, there is no indication these were ever lawfully voted upon. The original district was created  
28 under a planning provision of RSA 149-M that no longer exists. It was never intended to create an  
29 entity like what we have today. It was felt important to develop a new agreement that really gets at the  
30 intent and purpose of the district today, and includes all its members. The cooperative agreement was  
31 developed with legal oversight. Ms. Longval commented while the signing of the cooperative  
32 agreement marks a big milestone for the NRPC it really doesn't mark any change in the day-to-day  
33 practices. When asked, she stated, at the largest of the events they see upwards of 350 vehicles.

34

35 Councilor Koenig commented one of the bar graphs shown depicted a somewhat dramatic drop in  
36 participation in 2011/2012, and questioned what may have been occurring in that period. Ms. Longval  
37 stated it is known participation is driven by the real estate market. It has also been impacted by  
38 weather events interfering with collection events.

39

40 When asked, Ms. Longval stated information relative to what materials are and are not allowed as part  
41 of these events is posted to the NRPC's website, and all participating municipalities have links to the  
42 website. That information is also included in the overview provided for the Town's Annual Reports.  
43 When asked, Ms. Longval stated if Merrimack was interested in hosting an event it would be up to the  
44 district members to decide on. The NRPC is simply staffing. They do try to limit the number of  
45 events done outside of Nashua simply because when not in Nashua they cannot use that storage  
46 facility.

1 **MOTION** made by Councilor Boyd and seconded by Councilor Albert that the Town Council  
2 authorize the Town Manager to enter into an agreement with the Nashua Region Solid Waste  
3 Management District's Household Hazardous Waste Program and authorize the Town Manager  
4 or her proxy to sign the document to perfect the agreement prior to the end of the calendar year  
5

6 **ON THE QUESTION**  
7

8 Councilor Koenig noted the cover letter from Director Fox suggests there is an attached explanation of  
9 cost factors involved, and questioned what those are. Ms. Longval stated the solid waste district is a  
10 distinct entity from the NRPC. In FY18, Merrimack paid \$12,168 in dues to the solid waste district.  
11 The cooperative agreement, under RSA 149-M cannot bind the Town to pay its dues. It really is just  
12 trying to put together some sort of documentation that puts the current practices into writing. The  
13 municipal dues each municipality pays are voted on by the district representatives, and would have to  
14 be approved by the Town.  
15

16 Dues of all participating municipalities increased from FY18. There is an increased number of  
17 households and corresponding amount of waste. As a result, the vendor fee has increased. There have  
18 also been additional administrative costs moving from 6 to 7 events/year. Events were previously  
19 staffed by both NRPC employees and volunteers. The district voted for events to be 100% staffed by  
20 the NRPC for issues of liability, etc. There were also legal fees and staff costs associated with getting  
21 the cooperative agreement in place. Municipal dues have been flat since FY11, and have not kept pace  
22 with the growth of the program.  
23

24 It was noted the funds to cover the cost come out of the transfer station budget.

25 **MOTION CARRIED 7-0-0**  
26

27 *The Council returned to the regular order of business.*  
28

29 **Public Hearing**  
30

31 **2. Public Hearing - Consideration of Changes to Chapters of the Merrimack Town Code**

32 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

33 The Town Council will hold a public hearing to consider the acceptance of recommended changes  
34 to Chapters 81, 90, 102, 123, 130, 136, 163, 167, 169, 174 and 183 of the Merrimack Town Code,  
35 pursuant to Charter Article V.  
36

37 **Chapter 90; Alarm Systems**  
38

39 As requested at the last meeting, definitions were added for the Police Chief and Fire Chief at the start,  
40 references to both were made consistent throughout, and language relative to "or designee" has been  
41 removed.  
42

43 *Chairman Harrington declared the Public Hearing open at 9:45 p.m.*

44 No public comment was offered.  
45

46 *Chairman Harrington declared the Public Hearing closed at 9:45 p.m.*

1 **MOTION** by Councilor Boyd and seconded by Councilor Koenig to move Chapter 90 to the  
2 **Consent Agenda. MOTION CARRIED 6-0-1** *Councilor Thornton Abstained*

3  
4 Vice Chairman Rothhaus spoke of the language that addresses response fees for false alarms, and  
5 questioned if that fee is always charged.  
6

7 Fire Chief Currier stated the department has never had the issue of needing to because the definition of  
8 alarm is same alarm type; if they have a false system that has to do with smoke detector #223, there  
9 would need to be multiple problems with smoke detector 223, according to the ordinance. There could  
10 be multiple different problems with the system, and each would be considered one time.

11  
12 **Chapter 102; Blasting and Explosives**

13  
14 No changes have been proposed.

15  
16 ***Chairman Harrington declared the Public Hearing open at 9:46 p.m.***

17  
18 No public comment was offered.

19  
20 ***Chairman Harrington declared the Public Hearing closed at 9:46 p.m.***

21  
22 **MOTION** by Councilor Boyd and seconded by Councilor Albert to move Chapter 102 to the  
23 **Consent Agenda. MOTION CARRIED 6-0-1** *Councilor Thornton Abstained*

24  
25 **Chapter 123; Emergency Lanes**

26  
27 The definitions of Police Chief and Fire Chief were added.

28  
29 ***Chairman Harrington declared the Public Hearing open at 9:48 p.m.***

30  
31 No public comment was offered.

32  
33 ***Chairman Harrington declared the Public Hearing closed at 9:48 p.m.***

34  
35 **MOTION** by Councilor Boyd and seconded by Councilor Thornton to move Chapter 123 to the  
36 **Consent Agenda. MOTION CARRIED 7-0-0**

37  
38 **Chapter 130; Fireworks**

39  
40 The definitions for Fire Chief and Police Chief were added.

41  
42 ***Chairman Harrington declared the Public Hearing open at 9:49 p.m.***

43  
44 No public comment was offered.

45 ***Chairman Harrington declared the Public Hearing closed at 9:49 p.m.***

46  
47 **MOTION** by Councilor Boyd and seconded by Councilor Koenig to move Chapter 130 to the  
48 **Consent Agenda. MOTION CARRIED 7-0-0**



1 Chapter 136; Food Service Establishments

2  
3 No changes have been proposed since the time of the first reading.

4  
5 *Chairman Harrington declared the Public Hearing open at 9:50 p.m.*

6  
7 No public comment was offered.

8  
9 *Chairman Harrington declared the Public Hearing closed at 9:50 p.m.*

10  
11 **MOTION by Councilor Boyd and seconded by Councilor Albert to move Chapter 136 to the**  
12 **Consent Agenda. MOTION CARRIED 6-0-1 Councilor Thornton Abstained**

13  
14 Chapter 163; Solid Waste Facility

15  
16 Only changes were associated with cleaning up language.

17  
18 *Chairman Harrington declared the Public Hearing open at 9:51 p.m.*

19  
20 No public comment was offered.

21  
22 *Chairman Harrington declared the Public Hearing closed at 9:51 p.m.*

23  
24 **MOTION by Councilor Boyd and seconded by Councilor Rothhaus to move Chapter 163 to the**  
25 **Consent Agenda. MOTION CARRIED 6-0-1 Councilor Thornton Abstained**

26  
27 Chapter 167; Stormwater Management Standards

28  
29 No changes have been proposed.

30  
31 *Chairman Harrington declared the Public Hearing open at 9:52 p.m.*

32  
33 No public comment was offered.

34  
35 *Chairman Harrington declared the Public Hearing closed at 9:52 p.m.*

36  
37 Councilor Boyd questioned if any changes are anticipated at some point relative to the MS4. Director  
38 Fox stated major changes to the chapter are expected following the implementation of the new permit.  
39 If it goes as scheduled, the Notice of Intent period (6-months) would begin June 30, 2018.

40  
41 **MOTION by Councilor Boyd and seconded by Councilor Albert to move Chapter 167 to the**  
42 **Consent Agenda. MOTION CARRIED 6-0-1 Councilor Thornton Abstained**

43  
44 Chapter 169; Streets and Sidewalks

45  
46 No changes have been proposed.

47  
48 *Chairman Harrington declared the Public Hearing open at 9:54 p.m.*

1 No public comment was offered.

2  
3 *Chairman Harrington declared the Public Hearing closed at 9:54 p.m.*

4  
5 **MOTION by Councilor Boyd and seconded by Councilor Thornton to move Chapter 169 to the**  
6 **Consent Agenda. MOTION CARRIED 7-0-0**

7  
8 Chapter 174; Swimming Pools

9  
10 It was noted the swimming pool ordinance is no longer needed as it is in the International Building  
11 Codes, and covered in the building ordinance.

12  
13 **MOTION by Councilor Boyd and seconded by Councilor Albert to discontinue the ordinance,**  
14 **and note, for history, the removal of this provision of the Town of Merrimack Ordinance**  
15 **Chapter 174 by Town Council on this date as the Ordinance was replaced by State of New**  
16 **Hampshire regulations and also adopted within the Town of Merrimack Building Codes.**  
17 **MOTION CARRIED 6-0-1 Councilor Thornton Abstained**

18  
19 Chapter 183; Vehicles and Traffic

20  
21 Several changes have been proposed; adding stop signs on new sub-division roads that have been  
22 installed since the last time this process was undertaken, removing one-way traffic during school hours  
23 on McElwain, and two others proposed by the Police Chief; turning left onto Woodbury Street and  
24 turning left onto D.W. Highway from Woodbury Street.

25  
26 Police Chief Roy stated currently if traveling north on D.W. Highway passing Central Fire you cannot  
27 turn left onto Woodbury Street. The increased traffic has slowed cars down, traffic is stopping for  
28 Buckley’s Bakery and Buckley’s Restaurant and 20’ afterwards is Woodbury Street. We’re allowing  
29 cars to stop for those two locations to turn left into their establishments, but if you travel 20’ further  
30 were not allowing for that. A consequence of not being able to turn left on Woodbury Street if going  
31 northbound is vehicles cutting through businesses and parking lots.

32  
33 Councilor Koenig stated his support of being able to remove the restriction. Councilor Flood spoke of  
34 younger drivers speeding through the parking lots. She questioned if there would be one lane through  
35 the parking lot that could be delineated for thru-traffic, and was informed the next proposed  
36 amendment would help alleviate that problem. Chief Roy noted currently between the hours of 2:00  
37 p.m. and 3:00 p.m. cars are not allowed to turn left onto D.W. Highway from Woodbury Street. Being  
38 proposed is removal of that restriction.

39  
40 Vice Chairman Rothhaus stated his recollection the reasoning had been the desire for a clockwise flow  
41 of traffic; if you went down Greek Hill you could only take a right turn. If you wanted to head north  
42 they wanted you to keep going through, which is why they have “do not enter” from 2:00 - 3:00 p.m.  
43 going down McElwain Street. He stated the potential for backups because there is no right and left  
44 turn lane at the end.

45  
46 Councilor Albert commented those residing at the bottom of the hill just before Buckley’s have  
47 approached him regarding speeding vehicles at the end of the school day. Chief Roy stated that would  
48 be looked at.

1 Additional amendments include a public Right-of-Way and no parking from the end of Sunset Drive to  
2 40 degrees north of the pump station. The last change is the intersection of Baboosic Lake Road and  
3 Madeline Bennett Lane. Director Fox spoke of a fair amount of discussion on this intersection that  
4 occurred at the time of the 1<sup>st</sup> reading. The reason it was included in proposed changes is because in  
5 practical terms the Town is maintaining the signal now. He was asked to go back and see if it met the  
6 Traffic Warrants. He spoke with Matt Shevenell, Asst. Superintendent of Business, Merrimack School  
7 District, who forwarded to him the traffic study that was performed in 2006, which was after the  
8 signals were already installed.

9  
10 The traffic engineer who did the study did say it met Warrant #3, which is peak traffic volumes. One  
11 of the conclusions in the report did recommend the timing be changed to what we normally experience  
12 at a traffic signal. Currently the signal is split up as a four-phase signal meaning each of the four legs  
13 gets their own turn individually, which is counter to what is experienced at every other signal. The  
14 recommendation was to put it back as a two-phase signal where phases 2 and 4 and 1 and 3 would  
15 occur at the same time, but as a caveat to that add a sign to the mast arms that says the left turn yields  
16 on green. That increases the efficiency of the intersection because when you have each of the 4 phases  
17 on their own schedule you are doubling your all red time and your yellow times for your delay. It is  
18 certainly adding a lot of delay to the signal as it sits today. Anyone who comes upon it not familiar  
19 with it assumes it is not working properly. Mr. Shevenell is in favor of switching the timing to a  
20 normal pattern. Director Fox recommended accepting it as a Town traffic signal, and in June, after  
21 school lets out, add the left turn yield on green signs and change the signal timing.

22  
23 Vice Chairman Rothhaus asked about the lights on D.W. Highway that appear to have cameras.  
24 Director Fox stated the 3 intersections that were redone in 2012 have cameras. They replaced the  
25 signal loops that are traditionally in intersections. Vice Chairman Rothhaus questioned installing a  
26 camera at the left turn to shorten stop times. Director Fox stated there are currently traffic loops in the  
27 pavement; cars are already being detected by the loops. It is just a matter of reprogramming the signal  
28 to give the appropriate times. The camera does the exact same thing the loops do. The reason we are  
29 going to that model when doing paving projects is when you grind up the existing pavement you grind  
30 up the loops, and there is a period where, until you put the new pavement down, you can't put the new  
31 loops in.

32  
33 Councilor Flood stated the light works well as it is. Councilor Koenig remarked he goes through that  
34 intersection a good deal, and while he does sometimes get frustrated by waiting for 2-3 cycles of other  
35 phases to go through, they usually go through very quickly. Because he is wanting to take a left and  
36 continue onto Baboosic Lake Road into Town, that could be problematic trying to take a turn across  
37 McQuestion. He is concerned about that traffic light. He is not convinced the change would be an  
38 improvement.

39  
40 Assistant Town Manager/Finance Director Micali spoke of having traveled that area since getting his  
41 driver's license, and stated it to be a dangerous intersection to run it as a regular light. Coming down  
42 the hill to take a left to continue on Baboosic Lake Road with the traffic that comes up, at night, off  
43 McQuestion Road could be troublesome. He recommended changing it might result in problems  
44 because of the way people are driving through McQuestion and on Baboosic Lake Road going from  
45 Bambi Drive to Madeline Bennett.

46  
47 It was noted the heart of the proposal is to formally accept the streetlight, which would help the Police  
48 Department enforce any violations. Director Fox commented the Chestnut Hill subdivision will add 76

1 houses to Madeline Bennett at the top of the hill. While traffic capacity isn't an issue now, it could  
2 become a bigger issue once that subdivision is built. The signal discussion really is focused on traffic  
3 capacity. Because it is a relatively light traffic intersection it does function okay with the 4 phases. It  
4 would function better with 2 phases, but is not required.

5  
6 Councilor Koenig commented the question was raised of whether the light met the warrants. He asked  
7 for clarification the traffic study came after the fact. He remarked he never heard warrants were met  
8 by that light. Director Fox stated the study was done in 2006, which he believes was after the lights  
9 were installed. Some of the warrants are based on stop sign conditions. Some of the warrants they  
10 couldn't event check because there was a signalized traffic intersection when they did the traffic study.

11  
12 Vice Chairman Rothhaus remarked he does remember that they didn't have it at first, they did the  
13 study because they were worried about the light not being accepted, and there was 1 warrant that it met  
14 for 1 hour of time. Director Fox commented Mr. Shevenell expressed frustration that the traffic  
15 engineer commented to him it would have met the pedestrian volume if bicycles were included as  
16 pedestrians. Councilor Koenig remarked given we have an official document that says it meets a  
17 warrant he will withdraw his hesitation to accepting it.

18  
19 Regarding McElwain Street, Chief Roy stated currently if going north on McElwain from the high  
20 school, once you get to the intersection of Woodbury and McElwain, between 2:00 and 3:00 p.m. you  
21 cannot enter. At the time there were no sidewalks, and children were leaving the school and walking  
22 down the road. Sidewalks have since been added. Going towards the Woodbury Street area, if cars  
23 are now allowed, instead of going down to O'Gara Drive, to go down McElwain Street to Baboosic  
24 Lake Road, it could alleviate some of the congestion in the other areas.

25  
26 ***Chairman Harrington declared the Public Hearing open at 10:24 p.m.***

27  
28 No public comment was offered.

29  
30 ***Chairman Harrington declared the Public Hearing closed at 10:24 p.m.***

31  
32 **MOTION by Councilor Boyd and seconded by Councilor Koenig to move Chapter 183 to the**  
33 **Consent Agenda with the changes. MOTION CARRIED 7-0-0**

34  
35 **Legislative Updates from State Representatives** - None

36  
37 **Town Manager's Report**

38  
39 D.W. Highway Culvert Project - the contractor will be removing the lane shift on Tuesday, November  
40 21st. Final paving of the project will depend on weather, and may be pushed into next year.

41  
42 The Community Development Department welcomes new Assistant Planner Kellie Shamel to  
43 Merrimack. Kellie comes to us from the State of NH's Office of Strategic Initiatives.

44  
45 **Consent Agenda**

46  
47 **3. Consideration of Changes to Chapters of the Merrimack Town Code [Final Reading]**  
48 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

1 The Town Council to consider the acceptance of recommended changes to Chapters 19, 27, 111,  
2 142 and 193 of the Merrimack Town Code, pursuant to Charter Article V.

3  
4 **MOTION made by Councilor Boyd and seconded by Councilor Koenig to move the Consent**  
5 **Agenda for Chapters 19, 27, 111, 142, and 193 of the Town of Merrimack Code, pursuant to**  
6 **Charter Article V. MOTION CARRIED 7-0-0**

7  
8 **Old Business** - None

9  
10 **New Business**

11  
12 **3. Consideration of Changes to Chapters of the Merrimack Town Code [First Reading]**

13 *Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus*

14 The Town Council to consider the acceptance of recommended changes to Chapters 119, 128 and  
15 181 the Merrimack Town Code, pursuant to Charter Article V.

16  
17 **Chapter 119; Dogs**

18  
19 §119-5 - Violations and penalties - amend by adding “for the first offense and \$50 for the second  
20 offense. The third and subsequent offenses shall be handled in the Ninth Circuit District Division  
21 Merrimack Court” following “keeper of such a dog a forfeiture of \$25”. Chief Roy explained that is  
22 how it is fined now. The Police Department has always done \$25 for the 1st offense, \$50 for the 2<sup>nd</sup>,  
23 and going to court for the 3<sup>rd</sup>. She is unsure how it was eliminated from the original Town Code, but  
24 that is what people are charged, and what the pamphlet the department puts out indicates.

25  
26 Councilor Koenig questioned how often it ends up going to \$50 and to court, and the Town’s  
27 associated cost. Chief Roy stated generally not very often, but for some people their dogs running at-  
28 large happens quite frequently. There are a couple that have gone to court. Councilor Koenig spoke of  
29 the cost involved in pursuing this to the level of going to court. Chief Roy stated the desire for the  
30 opportunity to review State Statute to ensure it doesn’t indicate that as a mandatory fine.

31  
32 Vice Chairman Rothhaus remarked his concern isn’t so much the dog at-large, but rather of the  
33 investment we have in licensing these animals. The licensing of the dog he feels is a huge waste of  
34 time for the Police Department and the Town Clerk’s Office. The reason they know about you for the  
35 15<sup>th</sup> time is because you have done the right thing and gotten the dog vaccinated for rabies and the  
36 shots they need. The vet notifies the State, the State tells the Town, and the Town will tell you to pay  
37 the \$10 or be fined. Chief Roy stated licensing helps the Animal Control Officer (ACO) identify the  
38 owner of the dog.

39  
40 Councilor Albert agreed it is costly, and provided examples of the Town contacting residents, and  
41 being informed the dog has passed or instances where a dog owner has moved out of town, and is  
42 receiving letters that were forwarded, etc.

43  
44 Councilor Boyd believes licensing is important. He has had instances where his dogs have gotten out,  
45 and he has been able to be easily contacted to retrieve them. Councilor Flood stated her belief this is  
46 key. It makes the dog owner vaccinate the dog.

1 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move Chapter 119 to a**  
2 **Public Hearing**

3  
4 **ON THE QUESTION**

5  
6 Councilor Koenig noted Chief Roy would review State Statute regarding fines.

7 **MOTION CARRIED 7-0-0**

8  
9 **Chapter 128; Firearms**

10  
11 The recommended amendment is to add the following language under definitions: “Target shooting, in  
12 the broad sense, the firing of rifles, pistols, air guns, and shotguns for sport together with sports  
13 archery, and when used in conjunction with specific targets typically used to develop accuracy.

14  
15 Councilor Boyd questioned if a bow and arrow (sports archery) is considered a firearm. Councilor  
16 Albert stated you go by the law; they separate bow hunting season from musket, rifle, etc. Councilor  
17 Boyd noted §128-1 reads in part: “the Town has prohibited target shooting with firearms...”  
18 It does not address a bow and arrow. If the desire is to include that, there is the need to re-write §128-  
19 1, and include the language around bows and arrows.

20  
21 Chief Roy stated the thought process to have been the cross-bow that has a trigger mechanism and is  
22 used for target shooting. There is the need for a definition for that.

23  
24 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to move Chapter 128**  
25 **to a Public Hearing with the changes that will be made. MOTION CARRIED 7-0-0**

26  
27 **Chapter 181; Traffic and Special Event Management**

28  
29 The Council had discussed whether it was necessary to get temporary no parking signs out and about  
30 without Council approval. Language was added regarding emergency exceptions: “After consultation  
31 or when deemed necessary by the Chief of Police or Fire Chief, Director of Public Works, and the  
32 Town Manager whether during emergency conditions or otherwise, shall temporarily allow for specific  
33 traffic, parking, and pedestrian exceptions until such time the Town Council may be afforded the  
34 opportunity to vote on a traffic and special event management plan, if applicable.”

35  
36 Councilor Koenig suggested the language state the Police Chief and Fire Chief for the sake of  
37 consistency.

38  
39 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to move Chapter 181**  
40 **to a Public Hearing. MOTION CARRIED 7-0-0**

41  
42 **Minutes**

43  
44 **October 26, 2017**

1 *The following amendments were offered:*

2

3 Page 1, Line 35; remove “had” following “discussions”

4 Page 18, Line 2; replace “likability” with “liability”

5 **MOTION made by Councilor Boyd and seconded by Councilor Albert to accept the meeting**  
6 **minutes of the October 26, 2017 meeting, as amended. MOTION CARRIED 6-0-1**

7 *Councilor Thornton Abstained*

8

9 November 2, 2017

10

11 *The following amendments were offered:*

12

13 Page 10, Lines 24-27; the vote should indicate Councilor Harrington cast a nay vote

14 Page 10, Line 28; replace “MOTON” with ‘MOTION”

15 Page 11, Lines 32-38; the remarks made by the Town Manager should be titled “Town Manager  
16 Report Addendum”.

17

18 **MOTION made by Councilor Boyd and seconded by Councilor Albert to accept the meeting**  
19 **minutes of the November 2, 2017 meeting, as amended. MOTION CARRIED 6-0-1**

20 *Councilor Thornton Abstained*

21

22 **Comments from the Press** - None

23

24 **Comments from the Public**

25

26 Chief Currier commented on the presentation made on the hazardous waste collection stating it was  
27 indicated to the public if they have unknown hazardous materials they should contact the Fire  
28 Department. He stated that to be a very important topic that needed to be brought up. If residents have  
29 anything in their home that is an unknown material; anything that is in an amber colored jar and has  
30 crystals forming on the outside can be hazardous materials. Any type of acids that form crystalline on  
31 the exterior of the container can be explosive. He noted the Fire Department has technicians on staff,  
32 and can go to a residence and provide identification of how to properly handle material.

33

34 **Comments from the Council**

35

36 Councilor Rothhaus welcomed Tom Thornton.

37

38 **Adjourn**

39

40 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the**  
41 **meeting. MOTION CARRIED 7-0-0**

42

43 *The November 16, 2017 meeting of the Town Council was adjourned at 10:55 p.m.*

44

45 Submitted by Dawn MacMillan