



Town Council Meeting Minutes

Thursday April 26, 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 Koenig, Councilor Thornton, 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

The Town Council will conduct a non-meeting with counsel on Thursday, May 3rd at 6:45 p.m. in the Council Chambers. Regular meetings of the Town Council will be conducted on Thursday, May 10th, May 24, June 14th and June 28th at 7:00 p.m. in the Matthew Thornton Room.

The Public Works and Parks and Recreation departments held a very successful community clean up on April 22nd with over 300 volunteers helping to clean up Merrimack in celebration of Earth Day. The volunteers cleaned up 18 locations throughout Town collecting a total of 313 bags.

The 2018 dog licenses are now available at the Town Clerk's office. Dog licenses are due by April 30th.

The deadline for those interested in expressing a desire to fill the vacant position on the Town Council is 4:30 p.m. on April 27th. Those interested should make that known, in writing, to the Town Manager before the deadline.

PFOA Update

Assistant Town Manager/Finance Director Micali stated he was contacted by John Harrington, Horizons Engineering, seeking a list of names of the 55 parcels that were included in the Merrimack Village District (MVD), New Hampshire Department of Environmental Services (NHDES) settlement. A meeting has been scheduled for May 9th at 6:30 p.m. in the High School cafeteria. Members of NHDES and the Horizon team will be on hand to explain the project.

There being no objection, the Council went out of the regular order of business to take up the recognition of Jim Taylor's retirement.

1. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present an award to Jim Taylor in recognition of his retirement after more than 41 years of full-time service in the Wastewater Division of Public Works. Jim will retire on April 27, 2018.

Kyle Fox, Director, Public Works Department (PWD), congratulated Mr. Taylor on his 41 years of service to the Town. Jim graduated from UNH in 1975 with a degree in Forestry. He began working for the Town on January 31, 1977. Later that year he was promoted to Operator II working a good deal in the incinerator facility. He was promoted to Assistant Superintendent in 1980, Chief Operator

1 in 1987, and to his current position as Assistant Director in 2005. In 2015, he served as Interim
2 Director.

3
4 Throughout his career, Jim has been a consistent performer, and has achieved many accolades for
5 himself and the facility. During his tenure, he was chiefly responsible for the Phase I and II plant
6 upgrades, the dewatering project, and bringing asset management to the Town. He is hard-working,
7 devoted, and kind. He thanked him for being a friend, mentor, colleague, and confidant.

8
9 Sarita Croce, Pretreatment Manager, PWD, remarked it has been a thrill working for Mr. Taylor. She
10 spoke of how much she has learned from someone who has been a mentor and a friend. She read
11 aloud a poem she prepared for him in celebration of his retirement.

12
13 Chairman Harrington, on behalf of the Council and citizenry, thanked Mr. Taylor for his years of
14 service and dedication to the Town of Merrimack.

15
16 Mr. Taylor thanked the Town government and Administration for the support provided to the
17 department over the years. He thanked those he has worked with over the years. He thanked his
18 family for supporting him and commented on the number of times his wife had to hold down the fort at
19 home when he had to report to work during instances of difficult weather conditions, etc.

20
21 *The Council returned to the regular order of business.*

22 23 **Highway Garage Project Update**

24
25 Director Fox spoke of nearing the end of the design phase of the project and that the committee is
26 pleased to be able to offer to the citizenry and the workers at the Highway Garage a facility that will
27 meet both short and long-term needs and is a cost-effective solution.

28
29 The H.L. Turner Group has done the project design and been instrumental since the start of the
30 process. The decision was made to utilize a construction management approach to the project.
31 Turnstone Corporation was selected as the construction management company.

32
33 William Hickey, Sr. Vice President H.L. Turner Group, noted there will be a new access drive from
34 Turkey Hill Road, on the north side of the new building will be a small visitor's parking lot, and a
35 drive-thru. There are overhead doors on both sides of the maintenance bays. There is a drive that will
36 go around the building to provide for access to the maintenance bays from both sides of the building.

37
38 The building is proposed to be grey with white trim. It will have asphalt roof shingles to help maintain
39 the residential aesthetic and hold snow on the roof.

40
41 Director Fox stated the expectation the site contractor would be at the facility the following week to
42 begin mobilizing. A groundbreaking ceremony will be held at noon on May 5th at the garage. The
43 Public Works Open House will occur on the same day from 10:00 a.m. - 2:00 p.m. and alongside the
44 Touch a Truck and Fill a Truck events.

45
46 Construction will begin right away with the expectation employees will be in the new facility by
47 Thanksgiving of this year.

1 The next two phases of the project include the renovation of the existing garage building and the work
2 to upgrade the fuel pumps and add a canopy. That work should be completed by the end of December
3 of this year. What may spill into next year are landscaping and other miscellaneous items.

4
5 Councilor Albert spoke of a concern raised with the possibility of fuel leaking from the pumps
6 affecting the water. Director Fox noted the pumps are being replaced, but the tanks are not. Councilor
7 Albert questioned if added protections would be put in place. Director Fox stated the tanks that are in
8 place are double-walled (per code) and are licensed and inspected (every other year) by the State.

9
10 Councilor Koenig questioned if there are any plans that might slow the project or could quicken the
11 process. Mr. DaCosta spoke of the possibility of unforeseen ledge or unsuitables that could be
12 discovered during excavation. Steps have been taken to get ahead of schedules when it comes to items
13 that have anticipated long lead times such as the pre-engineered building itself. When asked if there
14 are steps that could be taken to mitigate any unforeseen issues, Mr. DaCosta stated the hope is with the
15 way the building is situated they will be able to avoid such areas. However, it is an unknown, and
16 therefore difficult to predict. Mr. Hickey noted some geotechnical investigation was done prior to
17 starting design. The soils that were found were pretty good.

18 19 **Comments from the Press and Public**

20
21 Laurene Allen, 16 French Court

22
23 Provided the Council copies of documents e.g., recent Site Investigation Workplan, from the NHDES
24 One Stop site. She would like to see that site referenced as an information source on the Town's
25 website. She commented every concern she is aware of having been raised is addressed in the report.

26
27 Another piece of information provided was the NHDES Workplan for residential well sampling, which
28 is outside of the designated zone. One of the wells included is located at 10 Wildcat Falls. Chairman
29 Harrington commented she was aware of talk of expanding that beyond the designated zone. Ms.
30 Allen stated the NHDES is looking at the well at 10 Wildcat Falls as a data source. When asked if
31 other homes in that neighborhood would be tested, Ms. Allen responded she had questioned that, but
32 that will not be done.

33
34 On March 30, 2018, NHDES expanded the inlet test list.

35
36 Ms. Allen spoke of discussions with the MVD and new Commissioners, and of resources provided
37 regarding what has worked for other communities in terms of filtration, where they have had
38 breakthroughs, etc. She stated her goal to be to provide them the connections and get out of the
39 equation.

40
41 Another issue that has come up in Town is related to health studies, e.g., whether there is definitive
42 information. The group now has an extensive collection of health studies. The goal is to get in touch
43 with the reference librarian who could put something together.

44
45 The health survey that was done last summer was reviewed by a University Professor paired with an
46 independent scientist from the West Coast. They found a bit of statistical significance, which will be
47 published.

1 A petition was written in response to learning the letter written by the School Board to Saint-Gobain
2 requesting they donate filtration was met with refusal. The petition gained 741 signatures and will be
3 delivered to Saint-Gobain.

4
5 Ms. Allen commented on schools in NY that were provided infiltration systems and had non-detect
6 levels. Vice Chairman Rothhaus commented it was brought to his attention months ago that Saint-
7 Gobain had supplied infiltration to the school district with non-detect levels. However, the article he
8 read seemed to indicate that was done because the State required it. Ms. Allen noted that was
9 requested by the community and supported by the State. It was put in the Consent Decree.

10
11 When asked, she noted the resource of Merrimack Water Issues Facebook forum and the Citizens for
12 Clean Water Facebook forum, which is meant for those looking to become involved.
13 CleanWaterNH.org is another internet source.

14 15 **Reorganization of the Town Council**

16 17 **Pursuant to Charter Article IV, 4-2, Organizational Meeting**

18
19 **Councilor Harrington nominated Councilor Rothhaus to the position of Chairman of the Town**
20 **Council.**

21 *No other nominations were offered.*

22 23 **Vote on election of Finlay Rothhaus to the position of Chairman of the Town Council**

24 **5-0-1**

25 *Councilor Rothhaus Abstained*

26
27 *Finlay Rothhaus declared Chairman of the Town Council.*

28
29 **Councilor Thornton nominated Councilor Koenig for the position of Vice Chairman of the Town**
30 **Council.**

31
32 *No other nominations were offered.*

33 34 **Vote on election of Thomas Koenig to the position of Vice Chairman of the Town Council**

35 **5-0-1**

36 *Councilor Koenig Abstained*

37
38 *Thomas Koenig declared Vice Chairman of the Town Council.*

39
40 **Appointments** - None

41
42 **Public Hearing** - None

43
44 **Legislative Updates from State Representative** - None

1 **Recognitions, Resignations and Retirements**

2
3 **2. Recognition of Retirement of Town Employee**

4 Submitted by Human Resources Coordinator Sharon Marunicz

5 The Town Council will present an award to Cecil E. Peters in recognition almost 41 years of full-
6 time service in the Wastewater Division of Public Works. Cecil retired on March 2, 2018.

7
8 Chairman Rothhaus stated Cecil Peters dedicated almost 41 years of full-time service to the Town of
9 Merrimack. He retired on March 2nd. The Council expressed gratitude for his years of service to the
10 community.

11
12 **Town Manager's Report**

13
14 Assistant Town Manager/Finance Director Micali spoke of the level of volunteerism in support of the
15 Earth Day celebration.

16
17 The PWD's 2nd Annual Open House will be held on Saturday, May 5th, from 10:00 a.m. - 2:00 p.m.
18 and will include a touch-a-truck event as well as a fill a truck with non-perishable foods event to
19 support local food pantries in addition to the ground-breaking ceremony for the Highway Facility
20 project. The groundbreaking ceremony will take place at noon and the public is invited.

21
22 Ken Conaty, Wastewater Sewer Inspector, attended Wild NH Day at the Fish and Game Headquarters
23 on Saturday, April 21st as a representative of the New Hampshire Water Pollution Control Association
24 (NHWPCA) Board. The NHWPCA partners with NHDES to support and educate the public on the
25 need for clean water for NH. This year's event drew over 9,000 people who were greeted by Governor
26 Sununu and NHDES Commissioner Robert Scott.

27
28 Councilor Albert commented on the length of time that has passed since the Council received an
29 update from one of its legislators. He requested the Council reach out to and coordinate participation
30 with the 8 Legislators. The Council has seen Representatives Christensen and Barry during his tenure,
31 and he would like to see all 8 rotate in and out with monthly updates.

32
33 **Consent Agenda** - None

34
35 **Old Business**

36
37 **1. O'Gara Drive Recreation Area Update**

38 Submitted by Town Manager Eileen Cabanel

39 Town Council to receive an update on the work associated with the O'Gara Drive recreation area.

40
41 Assistant Town Manager/Finance Director Micali stated the tennis courts have been removed. The
42 contractor was asked to lay top soil, which will be seeded. The basketball courts have not yet been
43 removed. We are getting into the basketball season, and there is no alternative location. The courts
44 will remain in place until the lease runs out on July 31, 2018. The ice skating rink has been removed
45 in its entirety. When asked, he explained it was the tennis courts alone that were considered obsolete
46 based on the criteria for the Land and Community Heritage Investment Program (LCHIP) through
47 which funded had been received.

1 Director Fox commented the School District requested the Town remove the tennis court and grade the
2 ground as is. That was the intent. Once the contractor started removing the asphalt and the
3 gravelly/sandy material there was concern for wind erosion from the loose sand. If the fines from the
4 sand blew onto the skate park it could create an unsafe condition. Director Fox spoke with Matt
5 Shevenell, Assistant Superintendent for Business, Merrimack School District, and explained the
6 concerns. Mr. Shevenell was happy to help. Four inches of loam were put down, and the area will be
7 seeded.

8
9 Once given the okay, the department is ready to proceed with some of the items associated with the
10 Watson Park project; installing sand/volleyball court area (skating rink in winter) and wood-rail
11 fencing (to keep vehicles off grass). Both projects require digging more than 2'. Because the park is
12 under an Approval Use Required (AUR) from NHDES, before any digging can occur there needs to be
13 in place a soil management plan and an employee safety hazard plan. The department has contracted
14 with Credere Associates to create the soil management plan, which is hoped to be in draft form within
15 a few weeks. The plan will be submitted to NHDES for approval. The hope is the work can begin this
16 spring/early summer.

17
18 Councilor Harrington questioned, and was reminded the option the Council chose for the design was
19 Option 3 (copy of [presentation](#) provided with agenda).

20
21 Councilor Albert questioned if there are plans to expand the parking lot commenting on his belief the
22 volleyball courts and other amenities will be used by many. Director Fox responded that discussion
23 has not been had. It may be a matter of waiting to see how heavily used the area is. Councilor Albert
24 commented on his belief a local business utilizes the area for its parking and suggested it may be time
25 to discuss the parking issue with the business.

26
27 Councilor Boyd commented the minutes reflect the Chairman had “questioned the will of the Council”
28 in terms of the option to proceed with, which he viewed as more of an informal poll. He questioned
29 why work would be proceeding forward with this project when the Council has not memorialized the
30 intention of what it envisions at Watson Park.

31
32 Councilor Boyd stated his preference for Options 1 and 2, which would allow the facilities to be seen
33 from D.W. Highway. Option 3 abuts a neighborhood. He had requested feedback from the
34 neighborhood be sought and has not received any information on such an effort. Vice Chairman
35 Rothhaus noted the minutes reflect the intent to approach the neighborhood early on. He stated
36 agreement he would like the neighbors to understand the intent.

37
38 Councilor Albert stated his belief the Council voted for Option 3. Councilor Boyd stated no formal
39 vote was taken. Chairman Harrington stated it to have been a consensus. Councilor Boyd stated the
40 consensus to have been where the Council wanted to send the PWD. He has been functioning under
41 the premise the department would come back with a final presentation as it relates to the consensus of
42 the Council. He stated his support for the proposed project at Watson Park. He sees value in it. At a
43 minimum, he would like to see that the Town has outreached to the neighborhoods. If they don't
44 exercise their opinion he is happy to proceed forward. There needs to be more input on this project to
45 avoid a public that is unaware and surprised by actions being taken.

46
47 Councilor Albert noted the cones that have been placed at Watson Park delineating where the
48 volleyball courts will be located. He does not believe it to be that close to the residences. He does not

1 disagree with outreach efforts being undertaken. He questioned if there are any requirements for
2 abutter notifications. Councilor Koenig stated he is not aware of any.

3
4 Chairman Harrington stated there was discussion around contacting abutters, and she is supportive of
5 that. Councilor Koenig stated agreement. Councilor Boyd commented on discussions around the
6 possibility of lights for the ice skating rink, and he is concerned abutters may not be supportive of that.

7
8 Assistant Town Manager/Finance Director Micali stated a conceptual design review could be done
9 with the abutters of Watson Park. He stated the hope this effort could be undertaken in time for input
10 to be provided at the Council's Retreat. At that time, the Council could engage in a lengthy discussion
11 of the project.

12
13 Councilor Thornton stated agreement with Councilor's Boyd's remarks concerning Option 3 resulting
14 in amenities that are not visible to passersby.

15
16 Vice Chairman Rothhaus suggested the review with abutters include all three options.

17
18 Councilor Koenig commented the initial plan was to dismantle all amenities at O'Gara Drive at the
19 same time as a way of achieving cost savings by mobilizing the contractor once. Director Fox stated
20 that was the plan. An estimate was received from the contractor to do both. Because the basketball
21 court is in decent shape, the basketball season has started, and there is no alternate location available at
22 this time, the decision was reached that the courts remain until the end of the lease.

23
24 When asked if they worked with the School District in coordinating that plan, Assistant Town
25 Manager/Finance Director Micali stated he could reach out to Mr. Shevenell.

26
27 Councilor Koenig remarked the rink is out, the tennis court is out, we do not know what will occur
28 with the skate park; however, theoretically it too must be removed by the end of June. Chairman
29 Harrington stated the last she knew; the School District was going to make the Town aware if they
30 wanted the skate park to be moved.

31
32 Chairman Rothhaus requested that information be sought as well. He questioned how the project cost
33 would be impacted by separating the projects, spreading of loam, etc. Director Fox stated the original
34 estimate (\$20,000) included the skate park. The cost of what has occurred already is well below that.
35 There will be some cost increase of separating the project. He commented he and Assistant Town
36 Manager/Finance Director Micali have discussed, if it is just the basketball courts, the department may
37 be able to handle that.

38
39 Chairman Rothhaus stated the desire for the Council to be made aware of the cost difference.

40
41 Director Fox stated Public Service came in several weeks ago and removed the power service that fed
42 the lights to both the tennis courts and skating rink.

43
44 Councilor Boyd stated he had the impression that when the skateboard park opened it would be open
45 for the year. He would not want to see a request for the park to be removed heading into the summer
46 months when the facility is most heavily utilized. He would like to see communication with the
47 School Board to ensure they are committed to keeping the skateboard park there through this year.

Councilor Koenig stated his understanding the agreement to control that property ends July 31st. Until the School Board makes a formal and final decision, he is uncertain the Council can guarantee the park would be open all season.

New Business

1. Nashua Regional Planning Commission (NRPC) Membership Nomination

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus Town Council to consider appointing Tim Tenhave as a member of the NRPC as recommended by the Planning Board, pursuant to RSA 36:46 (III).

MOTION made by Councilor Boyd and seconded by Councilor Harrington to appoint Tim Tenhave as a member of the NRPC as recommended by the Planning Board, pursuant to RSA 36:46 (III)

ON THE QUESTION

Councilor Boyd spoke of being pleased that Mr. Tenhave is willing to participate as a Commissioner on the NRPC. He spoke of the importance of having four (4) participating members from the community on the NRPC. **MOTION CARRIED 6-0-0**

2. Donation Acceptance for the Merrimack Police Department

Submitted by Captain Mike Dudash

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$500 from the graduates of the 23rd Citizen's Police Academy for the Merrimack Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Michael Dudash, Captain, Merrimack Police Department, informed the Council on April 4th the department completed its 23rd annual Citizens Police Academy. He spoke of what is learned through the academy. During graduation ceremonies the department is sometimes surprised by a donation that is made. In this case, the department was presented with a donation in the amount of \$500. How the funds are to be utilized was left up to the department.

MOTION made by Councilor Harrington and seconded by Councilor Boyd to approve the acceptance and expenditure of a donation in the amount of Five Hundred Dollars (\$500.00) from the graduates of the 23rd Citizen's Police Academy for the Merrimack Police Department, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 6-0-0

3. Donation Acceptance for the Merrimack Police Department

Submitted by Captain Mike Dudash

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$2,250 from the St. John Neumann Youth Ministry for the Merrimack Police Department to be used to offset expenses for the PACT Program, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Dudash remarked prior to March 9th, he was contacted by a member of the Youth Ministry of St. John Neumann who mentioned they were participating in their Fast for Social Action and asked if Officer Kelleher could speak to the group, which he did. During that fasting action, they raised quite a bit with the goal of giving money to organizations that can help people in need. They wish to donate

\$2,250 to the Police Department to be used towards the Police and Children Together (PACT) Program.

MOTION made by Councilor Thornton and seconded by Councilor Koenig to approve the acceptance and expenditure of a donation in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) from the St. John Neumann Youth Ministry for the Merrimack Police Department to be used to offset expenses for the PACT Program, pursuant to RSA 31:95-b and Charter Article 8-15

ON THE QUESTION

Councilor Koenig commented being a member of St. John Neumann and working with the Fast for Social Action program in the past, he is excited that they chose the Police Department for this donation. There are six different organizations that they choose to donate to each year. During the Fast for Social Action, kids stop eating at lunch time on Friday and don't eat anything else until Saturday night after the 5:30 p.m. service at St. John Neumann. They are drinking 100% juice and water that entire time, are going through programs where members of the 6 different organizations come out and talk about what their organizations do. They also go out shopping with \$100 to try and buy food for a family of 4 to last a week.

MOTION CARRIED 6-0-0

4. Souhegan River Trail 2014 TAP Grant Update & Discussion

Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

The Town Council to be presented with the details and to discuss the status of the Souhegan River Trail 2014 TAP Project.

Dawn Tuomala, Deputy Director, PWD, stated the feasibility phase has been completed and submitted to the New Hampshire Department of Transportation (NH DOT) for approval. Project costs have increased substantially resulting in the need for additional input from the Council. Some revisions to the project have already been made to reduce cost. The width of the trail has been reduced to 5'. The NH DOT had argued 8-10' was needed but conceded to the 5'. The scope of work has changed. The original scope went from Watson Park, along the side of D.W. Highway, under the Chamberlain Bridge, and across the sluiceway to reach the existing trail way. The original application upgraded the trail all the way up to the F.E. Everett Highway. The State had indicated they wanted that ADA compliant and 8-10' wide, which would have put the cost of that section up to \$1 million. In addition, at the turnpike it gets very steep, and there is a 19' elevation change. There would be substantial retaining walls or fill and slopes to be able to accommodate for ADA. It was cost prohibitive. They have approved a revised scope of work, which will connect Watson Park to the existing trail system. The trail has to be ADA compliant, but can be 5' in width. As part of the process, the trail has had to be moved out and further into the park area.

Comparing the original estimates to those resulting from the feasibility study; engineering estimate has gone from \$50,000 to \$276,859, construction costs from \$495,000 to \$821,200, and total project cost from \$545,000 to \$1,098,059.

The original estimate was derived from actual construction costs of the 2012 Transportation Alternative Program (TAP) Grant, which was the sidewalk from Buckley's up to Lobster Boat

1 (\$250/linear foot). The cost was doubled knowing the trail would have more issues. The feasibility
2 study identified costs as \$1,525/linear foot.
3 The total project cost is \$1,098,059. Based on the original estimate; the 2014 TAP Grant (80%) was in
4 the amount of \$436,000 and the Town's 20% match \$109,000. The difference between those figures
5 and the new project cost (\$553,059) is the Town's additional responsibility.
6

7 In terms of the project cost analysis, engineering costs have gone from \$50,000 to \$216,500. The
8 Chamberlain Bridge was recently RED listed, and the trail will have to traverse under the bridge.
9 There is a failing concrete beam that will have to be addressed. There is pier support deteriorating and
10 the cantilevered sidewalk needs replacement. There are additional costs (\$60,359) related to a
11 historical study that had to be done and the evaluation and documentation for the Categorical
12 Exclusion and Programmatic Section 4(f). The historical area of most concern is on the Watson Park
13 side. There is construction of earth embankments within the historically significant ruins. In the plan
14 now in place, the sidewalk would be moved further into the park, which increases the AUR plan. In
15 crossing the impoundment area (where backwater used to be on fire station side of the trail), the
16 original plan called for a bog walk, which now has to be a 48" culvert with headwalls and hand rails to
17 reduce the wetlands impact. The trail is located within an archaeological sensitive area and must be
18 ADA compliant. The project has experienced four years' worth of inflation.
19

20 Another project is occurring just down the street. The estimate for the 2016 project (Daniel Webster
21 Highway and Woodbury Street) had an original estimated cost of \$650,000; 80% funded by the 2016
22 TAP Grant (\$520,000) and 20% Town match (\$130,000).
23

24 Deputy Director Tuomala stated the available options to be: 1) pay the additional \$553,059, 2) opt out
25 of the program after the feasibility study is approved (if opting out prior to would have to pay back all
26 funds), which would result in the loss of the balance of the \$436,000 in grant funding, or 3) combine
27 the funding from the 2014 and 2016 grants. In this scenario, the sidewalk project would go away
28 (could reapply in future). Total available is \$1,195,000.
29

30 The PWD recommends the third option. The Souhegan Trail is #1 on the 2009 Trail & Sidewalk
31 Master Plan. Option 3 preserves the \$436,000 of Federal funds, helps improve the Chamberlain
32 Bridge, and the NH DOT has allowed this type of combination in the past for both Nashua and
33 Manchester.
34

35 Director Fox remarked there were funds in the 2014 budget (\$150,000) to fix the sidewalks where
36 there are steel plates. When the TAP Grant opportunity came about, the thought was we could
37 leverage the \$150,000 with the 80% grant funding to get both projects done. If the decision is made to
38 not do the trail project, the Town would still have to fund the full cost of the cantilevered sidewalk.
39

40 Director Fox commented there are several areas where TAP projects are scored. The key component
41 for this project was the connectivity. Not doing the section in the woods really doesn't have an impact
42 on the connectivity of the project. The real focus is connecting the east side of D.W. to the west side
43 of D.W. and the east side of the Town to the west side of the Town. That core goal of the project
44 remains.
45

46 Councilor Albert questioned the out of pocket cost if going with Option 3. Director Fox stated it
47 would be the \$109,000 from the original TAP grant plus the \$130,000 from the second TAP grant or

20% of the total cost. When asked about the funds set aside from 2014, he stated both projects have been funded through the budget; therefore, those funds are in the capital reserve fund.

Councilor Albert stated concerns with the direction of the path. He asked if the project would include cleaning up of the entire area. Director Fox stated it would. He noted the original goal of the Town Center Committee was to have the trail go through the stock pens (concrete pens). Having gone through the historic studies that was one area the Department of Historical Resources (DHR) was very concerned with. That coupled with the AUR and archeological restrictions caused the feasibility study to recommend the trail go further out into the park and tie in there.

The D.W. sidewalk, which has the plates, would no longer be a cantilevered sidewalk; would have actual soil supporting it.

Councilor Albert commented he was unaware the Chamberlain Bridge was RED listed. Director Fox stated the department just found that out in the last month or two. He explained every bridge in the State is inspected on a two-year cycle. If a bridge gets on the RED List, it simply means the State inspects it once a year. The deficiencies with the Chamberlain Bridge involve several things; chiefly the geometry of the bridge, the fact that it doesn't have an approved guardrail system, and the concrete beam that has shown significant deterioration and needs to be repaired.

Councilor Albert restated his question concerning the island eroding. Director Fox stated that to be one of the concerns. The original concept by the Town Center Committee was for a bog walk across that area. One of the reasons that will not be done is because of the concern with erosion.

Councilor Harrington questioned if Option 3 would result in the bridge being repaired. Director Fox stated the entire bridge would not be worked on; only the elements of the bridge that are coincidental to the sluiceway, e.g., where pedestrians would be walking under it. It just so happens to be that the most deficient parts of the bridge are coincidental to the project.

Councilor Harrington questioned the other portions of the bridge that would have to be repaired over time and was informed the mortar joints in the granite need to be repointed, which could be done at some point. The railing issue is not one that would easily be resolved (major rehabilitation). Director Fox commented when the bridges were put into the State Aid Bridge program (Program), this bridge was submitted for inclusion. The Council signs the form that initiates the project, NHDOT provides a cost estimate for the work, and it then gets into the program. The NHDOT hadn't provided a cost estimate; however, after speaking with them and resubmitting it, it is believed that information will be available shortly, and the Chamberlain Bridge can get into the Program. Although all the bridges done to date have been replacements, you don't have to replace a bridge for it to be eligible for the Program.

Councilor Harrington commented on the historical nature of the bridge and the attractiveness of the granite railings. When asked if the granite railings would have to be replaced, Director Fox stated it is not that something couldn't be done, the problem is the only thing holding them up there primarily is their own weight and the mortar underneath them. What he has seen in other places is if you put a new sidewalk or new concrete and tied some heavy rebar in a J-bar kind of fashion that came up, you could drill holes in the underside of the granite and slide them over those J-bars to help support the granite on the bridge. He stated his expectation if this bridge ever goes through a major rehabilitation, something like that would occur to preserve the historic nature.

1 Councilor Koenig questioned what the historical study showed and what would be done as a result. It
2 sounds as though the intent is that the blocks will be filled in with gravel. If they cannot be removed
3 because of historical significance, why can we fill them with dirt and put a sidewalk over the top.
4 Director Fox commented on the \$60,000 that had to be spent on the study as it was required by DHR.
5 It was studied as a power works center because it used to supply power to the buildings on the site.
6 The report concluded that other than the bridge itself the area has no historic value because too much
7 of it has been removed.

8
9 The filling of the ruminants that remain is always preferable from both a historical and archeological
10 aspect because the items remain. Even though you can't see them, they remain.

11
12 Deputy Director Tuomala stated what will be required is a series of commemorative panels. Although
13 the features are buried, it will have to be pointed out that they are physically still there.

14
15 Councilor Koenig asked if it is better to bury them than to put the trail through there. If it is
16 historically significant why would you not maintain it open and visible? Director Fox stated there to
17 have been two aspects. The second being the lower cost to bring the trail further out into the park.
18 Because both scenarios accomplished the goal of the project, the feasibility study preferred alternative
19 was the one that buried the concrete pins in and brought the trail a little further out into the park.

20
21 When asked, Director Fox stated the way the AUR is written, it covers the entire Watson Park parcel.

22
23 Councilor Boyd asked for clarification of the ability to combine the two TAP grants. Director Fox
24 stated when they headed into the meeting in Concord after the feasibility study was completed, they
25 believed the project was dead if additional funds were not going to be granted. NH DOT made it clear
26 there were no additional funds to grant but brought up the suggestion of combining the multiple year
27 grants and informed them they had approved that concept for projects done in Manchester and Nashua.
28 Councilor Boyd questioned if grant applications are required to identify the specific project for which
29 the funds would be utilized. Deputy Director Tuomala responded because we are at earlier stages on
30 the 2016 project and have not begun the engineering yet, we are able to move those monies over.
31 Director Fox stated the purpose of the TAP grants is to provide connectivity, safe pedestrian trails, etc.
32 The funds will still be used for the purpose of the grants.

33
34 Councilor Boyd questioned if there is an estimate of the cost to fix the entirety of Chamberlain Bridge
35 and was informed there is not. When asked if it is expected it would be a large amount of money to
36 complete the necessary repairs to the bridge, Director Fox responded were it a bridge replacement it
37 would be a multi-million-dollar project. He does not envision this one being a replacement project, it
38 would be a rehabilitation project. When asked if the cost would be in the six figures, he stated that to
39 be a safe assumption.

40
41 Director Fox stated the hope for a consensus from the Council so that the project can move forward.

42
43 Councilor Harrington remarked the reality is something has got to be done with that bridge and the
44 sidewalk must be fixed sooner than later. Moving forward with the proposed project would help get
45 some of the repairs done on the bridge. Funds are in place for the Town's 20% match.

Chairman Rothhaus commented he is of the belief when it comes time again to apply for grant funding for the sidewalk project that should be an easier sell because the sidewalk is utilized by school children.

Councilor Albert stated his opinion the proposal is a step in the right direction. The project would address the issue of Watson Park not being an eyesore any longer. It would allow for the desired connectivity. He is supportive of the project and the use of the grant funds.

Councilor Koenig requested clarification of the necessity of changing the bog walk to a 48" culvert with headwalls and rails; why is it necessary and if the trail were stopped on the other side of the bog walk could it end there and result in savings related to ADA compliance, etc. Director Fox stated the problem with stopping on the other side of the impoundment is it would no longer meet the connectivity purpose of the grant; not only the connectivity across D.W., but the connectivity to the other trail systems.

Director Fox commented the desire of the Town Center Committee was a bog walk and a little wooden aesthetically pleasing bridge. The engineers reviewed it and given the soils and the fact that we want a long-term durable project, they have recommended a 48" culvert to handle the flow that does still come through there and to beef up the walk to be less maintenance than a bog walk would be. Although nice and inexpensive, bog walks are not the easiest thing for some to navigate and would not necessarily meet ADA compliance, which requires a 5' path. When asked, Director Fox stated, in general, it is always good to have headwalls on a culvert when possible as it adds stability to the crossing and eliminates the possibility of erosion around the edges of the culvert.

Councilor Koenig commented it is a difficult position to be in. He does not wish to see the sidewalk project delayed, but he is uncertain how to proceed otherwise. He questioned the percentage of the bridge rehabilitation that would occur as a result. Director Fox stated that information could be provided.

Chairman Rothhaus questioned the will of the Council.

MOTION made by Councilor Harrington and seconded by Councilor Thornton to accept the recommendation of the Public Works Department for Option 3, as presented, which would combine the two projects together

ON THE QUESTION

Councilor Boyd questioned what would occur with the \$97,000± remaining. Director Fox stated any funds unspent by the project would be returned to the State. He added the feasibility study has been completed, which is the preliminary engineering. The final design has not occurred yet. Having that cushion provides confidence the project cost will not exceed the budget of the two TAP grants. When asked how long the project would take to complete, Director Fox stated it to be conceivable the project could be under construction next spring.

When asked what the traffic impact would be, he remarked for the sidewalk portion there would likely be some alternating one-way traffic scenarios.

MOTION CARRIED 5-1-0

Councilor Koenig voted in opposition

1 **5. Town Council Retreat / Goal Session**

2 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
3 Town Council to decide when and where their Retreat / Goal Session will be held.
4

5 The Council discussed the possibility of conducting the Retreat on a Saturday, the impact that would
6 have on Town staff and the likelihood that could impact the availability and increase the cost of the
7 facilitator and venue. The question was raised of conducting the Retreat in the Matthew Thornton
8 Room, particularly given the event is open to the public. Councilors spoke of the length of the Retreat
9 and the atmosphere fostered at an offsite location. Assistant Town Manager/Finance Director Micali
10 noted one of the reasons the Retreat was taken off sight was because of the distractions that occur by
11 being inhouse. He noted a representative of PRIMEX is brought in to facilitate the Retreat.
12

13 Councilor Thornton spoke of being unable to attend during a work day. Councilor Boyd stressed the
14 importance of having the newly elected/appointed members in attendance.
15

16 The request was made that the Town Manager's Office check availability of the facilitator as well as a
17 venue (Function Hall at Wasserman and/or Buckley's) for Saturday, June 9, 2018. The dates of May
18 25th and June 1st will remain as backup dates.
19

20 Becky Thompson, Executive Secretary, Town Manager's Office will send out information on the
21 topics that were included in the agenda for last year's Retreat. Councilors can provide feedback as to
22 items they wish to appear on the agenda.
23

24 **6. Town Council Committee Assignments**

25 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
26 The Town Council will determine committee assignments for the current year.
27

28 Councilor Boyd suggested tabling the committee assignments until the May 10th meeting at which
29 point the vacant position on the Council would be filled.
30

31 Members of the Council made their preferences known:

32 Adult Community Center Representative: Councilor Harrington

33 Conservation Commission: Councilor Albert

34 Economic Development Citizen Advisory Committee: Councilor Thornton

35 Heritage Committee: Councilor Rothhaus

36 Highway Safety Committee: Councilor Rothhaus

37 Merrimack Safeguard: Councilor Rothhaus

38 New Hampshire Rail Transit Authority: Councilor Thornton

39 Parks & Recreation Committee: Councilor Albert

40 Planning Board: Councilor Koenig

41 Planning Board, Alternate: Councilor Boyd

42 Nashua Regional Planning Commission: Councilor Boyd
43

44 Technology Committee

45 Town Center Committee
46

47 **MOTION made by Councilor Boyd and seconded by Councilor Harrington to table until the**
48 **May 10, 2018 meeting. MOTION CARRIED 6-0-0**

1
2 **Minutes**

3
4 *The following amendment was offered:*

5 Page 8, Line 45; replace “thanked Councilor Koenig” with “thanked Councilor Flood”

6
7 **MOTION made by Councilor Boyd and seconded by Councilor Albert to accept the meeting**
8 **minutes of the Town Council meeting of April 12, 2018, as amended. MOTION CARRIED 6-0-0**
9

10 **Comments from the Press** - None

11
12 **Comments from the Public** - None

13
14 **Comments from the Council**

15
16 Councilor Boyd spoke of having had the opportunity to attend the VFW Post 8641 Loyalty Day
17 Banquet where Commander Max Quayle presented Firefighter Of The Year to Merrimack Firefighter
18 Lenwood Brown, EMT Of The Year to Merrimack Paramedic Gordon Othot, and Police Officer Of
19 The Year to Detective 1st Class Michael Murray. In addition, they recognized Marcia Contarino with
20 the Citizenship Teacher award.

21
22 Also recognized were 9 high school students from Merrimack for their participation in the Voices of
23 Democracy Essay Contest. For the Post, the 1st place award went to Benjamin Richards, 2nd place to
24 Robert DeFelice, and 3rd place to Kristin Lavoie.

25
26 Winners of the Patriot’s Pen Essay Contest were Sam Reed (1st place), Brooke Lane (2nd place), and
27 Elizabeth Jacobs (3rd place).

28
29 Councilor Boyd thanked all involved in making the event a successful one.

30
31 Robert DeFelice is sponsoring the Armed Forces Day/Veteran’s Appreciation 5K Run and Walk at the
32 Merrimack High School on May 19th. All proceeds provide the opportunity for veterans who have
33 never been, to be driven to the top of Mt. Washington.

34
35 Councilor Koenig thanked the Council for placing its trust in him in appointing him as Vice Chairman.
36 He thanked the citizenry for re-electing him to his position on the Council.

37
38 Chairman Rothhaus thanked the Council for the opportunity to serve as Chairman.

39
40 **Adjourn**

41
42 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the**
43 **meeting. MOTION CARRIED 6-0-0**
44

45 *The April 26, 2018 special meeting of the Town Council was adjourned at 9:52 p.m.*

46
47 Submitted by Dawn MacMillan