



Town Council Meeting Minutes

Thursday May 24, 2018 at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

Chairman Rothhaus welcomed Barbara Healey to the Council.

On February 24, 2018, Carsten “Bud” Hahn, current holder of the Boston Post Cane, passed away at the age of 101. The Town has begun a search for the oldest resident to become the new Boston Post Cane holder. To qualify as the oldest resident, one must be a physical resident of Merrimack and have resided in Merrimack for at least 25 years. If you qualify, or know someone who does, send a nomination form to the Town of Merrimack, attention Boston Post Cane, 6 Baboosic Lake Road, Merrimack, NH 03054. Nomination forms are available on the Town [website](#) or at the Town Hall. Nominations will be accepted until Friday, June 29th. Please contact the Town Manager’s Office with questions at 424-2331 or email kwardner@MerrimackNH.Gov.

The Town Council Retreat previously scheduled for May 25th has been postponed. Regular meetings of the Town Council will be conducted on Thursday, June 14th and June 28th at 7:00 p.m. in the Matthew Thornton Room.

The June Book Sale will be Saturday, June 2nd and Sunday, June 3rd, with a Friends of the Library Members-Only Pre-Sale on Friday June 1st at 5:15 p.m. Please check the [website](#) for specific times. Contact Library Director, Yvette Couser, for information on volunteering at the sale.

The Parks & Recreation Department invites you to join them on Friday, June 8th for the first free outdoor movie night of the Summer at Abbie Griffin Park. The movie “Murder on the Orient Express” will begin at 8:15 p.m. and is sponsored by the Merrimack Lions Club.

The Public Works Department (PWD) and Eversource are pleased to announce a Free Freon Day at the Transfer Station. Saturday, June 9th, Merrimack residents will be able to bring up to three residential based Freon appliances to the Transfer Station free of charge. Items that will be collected include refrigerators, freezers, dehumidifiers, and air conditioners. Residents will be required to complete a short form with their name, address, product make, model, and serial number. Transfer Station staff are required to cut the electric cords on all of the appliances to ensure they are not reused. Eversource will reimburse the Town for the disposal expense of all of the units collected. Please note, this is a one day event only.

1 **PFOA Update**

2
3 Councilor Boyd stated his understanding the New Hampshire Drinking Water and Ground Water
4 Commission may meet only once over the summer and will reconvene looking at projects in
5 September.

6 Councilor Harrington stated awareness there has been activity related to Watson Park and concerns
7 expressed about PFOA levels. She asked if Councilors Boyd or Albert were aware if the concerned
8 citizens group has had any discussions related to these matters as she believes they have not.

9 Councilor Boyd stated that to be correct. He added, the inquiries he made were his alone. He had the
10 opportunity to utilize the information provided in a communication from Ms. Shaw, which developed
11 into a subsequent email regarding a larger set of questions. The larger set of questions he posed to the
12 Town Manager and the Town Council germinated from him alone.

13
14 Councilor Harrington remarked Councilors Boyd and Albert volunteered to serve as liaisons to the
15 citizens group, she does not believe they are being utilized in that manner, and is uncertain how to
16 change that.

17
18 Councilor Albert commented shortly after the April Merrimack Village District elections, a few new
19 members as well as one of the members of the Concerned Citizens for Clean Water reached out
20 questioning whether he and Councilor Boyd remained interested in being involved. They both
21 indicated they are, and the response received was that they would get back to them. Councilor
22 Harrington reiterated the group has been busy but has not been including the Councilors in their
23 efforts.

24
25 Town Manager Cabanel remarked she could be doing some legwork for people and answering
26 questions as was done once it was found out, through the grapevine, that people were asking questions.
27 She became aware of questions/concerns and began addressing them after receiving emails and
28 responses back from Clark Freise, Assistant Commissioner, New Hampshire Department of
29 Environmental Services (NHDES).

30
31 Councilor Harrington encouraged the group to take advantage of the resources available through the
32 Town and Councilors.

33
34 **Highway Garage Project Update**

35
36 Assistant Town Manager/Finance Director Micali noted the project is moving along; today he received
37 a request to ask Eversource to move the two poles on Turkey Hill Road so that the construction
38 entrance can be done. They are prepping for the layout of the building, e.g., grading.

39
40 **Comments from the Press and Public**

41
42 Wendy Thomas, 10 Wildcat Falls Road

43
44 Having found a plumber who is qualified to do so, her filtration system will be installed the following
45 day. She is hopeful that will resolve the issue of the water coming into her home. Now the fight
46 becomes for her neighbors who have private wells who may not be able to afford filtration systems or
47 who, through no fault of their own, are drinking contaminated water.

1 In the past week, it has been reported that the Environmental Protection Agency (EPA), under Director
2 Scott Pruitt, is sitting on an environmental report about contaminated water specifically with regard to
3 PFOAs. The conclusion of the report, which has not been released, is that the governmental minimum
4 level of 70 parts per trillion (ppt) is 6 times too high. The report is suggesting the highest amount for
5 human health is 12ppt. They are not releasing the report indicating it would be a public relations
6 nightmare for corporations. There is no statement about impact to human health, it is all about the
7 bottom line for corporations. When the report is released, the value will be reduced to 12ppt, which
8 puts our Town in crisis. Her well, 3.5 miles from Saint-Gobain, is at 45ppt. If they say the maximum
9 level for safe health is 12ppt, that means every single private well in our Town needs to be tested.

10
11 Ms. Thomas stated the Town needs to anticipate that the level will be lowered. The Government now
12 is saying that this is a carcinogenic substance that is too high.

13
14 Councilor Albert commented Governor Shaheen referred to this on WMUR on Sunday. He questioned
15 if Ms. Thomas is attending MVD meetings as well. Ms. Thomas stated there are representatives that
16 go to the meetings. She has gone to their meetings and been shut down because she has a private well,
17 although she pays MVD.

18
19 **Recognitions, Resignations and Retirements** - None

20
21 **Appointments**

22
23 **1. Hillsborough County Adult Drug Court Steering Committee Presentation**

24 Submitted by Julie Christensen-Collins

25 The Steering Committee of the Hillsborough County South Adult Drug Court would like to present
26 an overview of the Drug Court to the Merrimack Town Council.

27
28 Tom Monahan, Chairman, Hillsborough County Adult Drug Court Steering Committee, introduced
29 David Tencza, Esq. Attorney Tencza was a Prosecutor with the Hillsborough Attorney's Office from
30 2007-2017. From 2014-2016 he was a Team Member of the Hillsborough County Adult Drug Court,
31 and after leaving the office for private practice, he joined the Hillsborough South Drug Steering
32 Committee, and currently runs his own law practice in Nashua.

33
34 David Tencza, Esq., remarked he was a member of the Drug Court team when it first started in 2014.
35 It started in Nashua and Hillsborough South because the Judges and Prosecutors needed some
36 alternatives to what we had been doing for so many years in the criminal justice system. By
37 2010/2011 the criminal justice system was almost unrecognizable because the volume of cases had
38 exploded, and they were dealing with individuals being arrested for drug crimes or theft related crimes,
39 and they would either send them to jail or put them on probation in the hope that would deter them.
40 They would come out still addicted to drugs, commit more crimes, and end up at State Prison, which
41 also did not deter them. The Drug Court model came to NH around 2013-2014.

42
43 Eighty percent of offenders abuse drugs and alcohol. A large majority of crimes are motivated by
44 someone's mental health or drug addiction. Many seen in a drug court have co-occurring disorders
45 where they are both addicted to drugs and have mental health issues that need to be addressed.

46
47

1 National statistics indicate nearly 50% of jail and prison inmates are clinically addicted. Attorney
2 Tencza remarked if not receiving treatment while in jail, and sometimes even if they are, it is not as
3 effective as treatment can be in the community if they want to take advantage of it. About 60% of
4 individuals arrested test positive for illicit drugs. Sixty to eighty percent of drug abusers commit a new
5 crime after release from incarceration.
6

7 That is what they are trying to tackle with the Drug Court. It is not about the crime someone has
8 committed it is about the next victim, the next burglary they are going to commit if not getting help for
9 their drug issues. Drug Court is not something new or something that started in New Hampshire. It is
10 a national model that has been practiced in other areas for about 20 years. It is a model that has been
11 studied and one which has produced data indicating, if done right, the model reduces recidivism and
12 makes a community safer as a whole.
13

14 The Drug Court model is different than a straight probation sentence, which people may go on after
15 being convicted of a crime. The Drug Court model ensures compliance with treatment, which
16 significantly lowers treatment drop-out rates compared with non-judicially supervised treatment.
17 Participants are monitored both in treatment for drug and mental health issues as well as their free time
18 in the community. If they are able to, they are made to work while in the program, pay back any
19 restitution that is owed, and are taught pro-social skills so that once they get out of the program, which
20 typically lasts 12-18 months, they are able to be successful in continuing their sobriety and giving
21 back to the community.
22

23 Studies show Drug Courts reduce crime as much as 45% more than other alternatives. Attorney
24 Tencza remarked although these are national statistics, he practices in New Hampshire, and what he
25 has seen here is that the same names appear on the docket in Concord that appear on the docket in
26 Nashua. People don't stay in one area, they travel up and down either Route 3 or 93. In the State of
27 New Hampshire, the judiciary is now running the Drug Court program; funding the program in every
28 county in the State.
29

30 National studies show every dollar invested in Drug Courts saves as much as \$3.36 in criminal justice
31 costs alone. This would include incarceration. Studies show the cost of a year in incarceration either
32 at the jail or State prison could be anywhere from \$20,000 - \$30,000+. Drug Court participants are
33 able to be managed in the community at a cost of approx. \$8,000.
34

35 How does the Drug Court Work? It is a multi-disciplinary team approach. Traditionally in the
36 criminal justice system, it is an adversarial approach where the Prosecutors are asking for one thing,
37 the Defense attorneys are asking for something else, and a Judge makes the decision about the person's
38 fate. Once someone is plead into Drug Court they have to be appropriate; two screening processes.
39 They only take participants who are high need for drug treatment and who are high risk to reoffend. A
40 team made up of Counselors, Judge Coburn, Police Officers, Probation Department, Prosecutors, and
41 Defense Attorney. Each week participants have a number of things they are required to do; go to
42 treatment, go to work, go to meetings. They are drug tested regularly but randomly. Once a week the
43 team gets together to discuss how the participants did. They will get a report from the case managers
44 in the probation department. If the individual did well, during the court session that week, the Judge
45 will praise them, might give them an incentive for their good behavior. If not doing well, they receive
46 sanctions, which can be anything from having to write an essay, going to jail for a portion of the next
47 week, and up to termination from the program.
48

1 Studies show this makes a difference. The judicial participation on a weekly basis makes a difference.
2 It is a much different interaction for the participants than they have had with the criminal justice
3 system. The police officers get to know the participants, the participants get to know the police
4 officers and they build some trust in the community.
5

6 There are other ancillary services such as case management and mental health treatment. The team
7 does a lot in the way of getting people appropriate housing, preparing the participants for job
8 interviews, etc. A number of scholarships have been donated by the Nashua Community College.
9

10 Attorney Tencza commented one of the most difficult things for him to do as a Prosecutor was to
11 monitor compliance with restitution. When someone has to pay back a certain amount of money
12 generally what happens is they are sent to the State, the State has a collections person, and they are the
13 ones who try to put the person on a payment plan. Unfortunately, the victim doesn't get paid back
14 until the defendant pays restitution through the State. In Drug Court, they work with participants to
15 pay down that restitution before completing the program. You pay off any fines, if you need help
16 getting your license back, they will work with you.
17

18 Results from 2014; 115 participants came through the program, 38 graduated, 89% of graduates
19 employed at graduation, 44% of graduates participated in an educational or vocational activity, and
20 they have increased program census to 75 participants. There have been some that have not made it
21 through the program; 21 terminations and 7 who overdosed and died while in the program.
22

23 There are currently 3 Merrimack residents in the program. There have been 8 altogether who have
24 come through.
25

26 The program has had a good affect. There are currently 50 participants and the hope is to expand to 75
27 participants as well as strengthen gender-specific treatment to better serve female participants. The
28 program looks to partner with Revive Recovery in Nashua to better connect participants to Recovery
29 Coaches.
30

31 Drug Court is a databased program. There are ongoing evaluations of outcomes including recidivism
32 at the 1 and 3 year points. The most successful drug courts, nationally, have a successful completion
33 rate around 50%. The Hillsborough South Drug Court is a little higher than that.
34

35 Chairman Rothhaus commented he is thrilled that this is happening in New Hampshire. He has always
36 believed prison should be rehabilitative.
37

38 Councilor Boyd remarked he was pleased to hear that the program is looking to partner with Revive
39 Recovery and provide recovery coaches. Having a recovery coach with graduates of the program to
40 mentor them is going to be vital in getting these individuals back into society as productive members.
41

42 Councilor Boyd asked if the Public Defenders Office is involved and if DCYF is a part of identifying
43 appropriate participants into the program. Attorney Tencza stated the Public Defenders Office has two
44 attorneys that sit on the team each week along with the two Prosecutors. DCYF is not part of the team,
45 but they will work with probation if there is information needed specifically around issues of abuse and
46 neglect. The information is shared with the whole team. For someone to be involved in the Drug
47 Court they have to have been convicted of a crime. DCYF does not make referrals into the Drug
48 Court.

1
2 Attorney Tencza noted the City of Nashua devoted monies to Revive Recovery so they could hire
3 someone to train Recovery Coaches. He believes the hope is that some of the Drug Court participants
4 will train to be those coaches.
5

6 Councilor Boyd spoke of a report at the Hillsborough County level where the County Attorney went to
7 the County Commissioner's Office looking for additional funding for public defenders as it relates to
8 the Felony First Program. He questioned if Attorney Tencza sees any challenges or impacts as it
9 relates to that program in terms of identifying offenders that are going through the regular court system
10 and being targeted specifically for the Adult Drug Court Program. Attorney Tencza remarked in
11 theory, Felonies First should help Drug Court. One of the best practices is early identification and
12 treatment, which puts the individual on a better footing for the long-term. He stated his belief that will
13 happen once the Drug Court grows. Currently, the Drug Court has struggled just with having enough
14 space.
15

16 Councilor Albert questioned if juveniles are included and was told they are not. It is a separate system.
17 There are other places that have juvenile drug courts. Another important part of the way the Drug
18 Court is set up; they deal with high-risk, high-need people. A lot of times parents will bring their adult
19 child in saying they need Drug Court, but research shows if you put someone who is not high-risk,
20 high-need into the program, instead of the low risk people helping the high risk, people who are high
21 risk to offend will drag the low risk people down with them.
22

23 When asked if there is a member on the team from the Department of Corrections, he stated there is;
24 Captain Scurry.
25

26 Councilor Albert questioned if there is a recidivism rate on the 38 who graduated from the program.
27 Julie Christensen-Collins responded antidotally she is aware there have been people that have been
28 rearrested. In large part they were for technical violations of probation. They did have one return to
29 Drug Court. They are being evaluated currently and will be looking at the recidivism, rates over time.
30

31 Councilor Albert questioned the percentage of drug cases the Hillsborough County Attorneys Office
32 handles. Attorney Tencza was unaware of the specific number. He suggested it would be extremely
33 high especially if you lump in all of the crimes that are committed because of drug addiction. It is the
34 highest percentage of class of cases that they handle. They handle even more now after the Felonies
35 First because all of the felony drug crimes go to them. He believes it to be around 80% of the cases.
36

37 Vice Chairman Koenig commented the presentation indicated 80% of the offenders are drug and
38 alcohol abusers and 80% of the cases are drug related. He questioned, as a percentage of the cases,
39 how many cases the Drug Court is dealing with. Attorney Tencza responded with only 50 participants,
40 a very small percentage. Some of the other cases can be dealt with in other ways. Some can be trusted
41 to get treatment on their own and report back to the court, some are put on probation and the Probation
42 Officer will monitor them in the community. He reiterated the Drug Court only deals with the high-
43 need. Not everyone in the system is high-need, it almost adequately deals with the folks it needs to
44 deal with.
45

46 When asked what is keeping the program from expanding, Julie Christensen-Collins stated the
47 program currently has 2.5 full-time equivalent (FTE) Therapists on staff. It is difficult to hire a
48 replacement when someone leaves; finding qualified substance abuse counselors is difficult. There are

1 two case managers and she is the Coordinator. All of the other team members contribute their time
2 essentially without getting paid through the Drug Court. In large part, it is around staffing and wanting
3 to grow in a healthy way. She stated her belief the program can grow to 75 at the current staffing
4 level.

5
6 Vice Chairman Koenig questioned if the percentage of men versus women in the program is different
7 from that ratio in the court system. Attorney Tencza stated his belief the system has been more male.
8 A lot of the people that come through the Drug Court have some trauma history, and he believes the
9 gender specific groups help them to be a little more open about that in the clinical setting.

10
11 Ms. Christensen-Collins commented what has been learned from experience is people can get through
12 treatment especially with the supervision they get, but they really have to have the support in the
13 community when they leave. There is a great deal of excitement around partnering with Revive.

14
15 Councilor Harrington asked about other opportunities to partner with community resources. Ms.
16 Christensen-Collins remarked one of the things they do with every participant is work to get them
17 stabilized and then help them to think about what their plan is for recovery. They encourage and
18 mandate to a certain extent, people to try out recovery groups in the community.

19
20 Councilor Healey asked about the criteria to terminate someone from the program and was informed
21 serial non-compliance is what the Judge looks for. The treatment team would discuss whether the
22 person was making an effort and if he/she is likely to be successful. Some people don't come for
23 months at a time. Something like that would likely lead to a termination. Ms. Christensen-Collins
24 remarked the program relies heavily on behavioral modification. If the incentives and sanctions aren't
25 working it is probably not the program for them. I unable to be maintained safely in the community,
26 then they would face termination, which means that their sentence would be imposed, and they would
27 end up in prison.

28
29 Councilor Albert asked if the intent of the presentation was a public service message. Attorney Tencza
30 responded it is. They have made the presentation to the Board of Aldermen in Nashua, are hoping to
31 make a presentation in Hudson, and do their best to inform the public. Anyone having questions or
32 wishing to come to a Drug Court session is invited to do so.

33 34 **2. Merrimack 4th of July Review**

35 Submitted by the Rotary Club of Merrimack

36 To discuss the plans and intentions of the Rotary Club of Merrimack regarding the coordination
37 and implementation of a safe and fun Independence Day celebration.

38
39 Neil Anketell, Event Coordinator, Rotary Club of Merrimack, stated this year's event will be similar to
40 that of last year. The amount of entertainment at last year's event worked well and filled the whole
41 day. The same number of vendors is expected (approx. 40), and the intent would be to utilize the same
42 layout.

43
44 Ed Hilsten, President, Rotary Club of Merrimack, spoke of some of the entertainment planned; a
45 magician clown on-hand for the children, several bands including the Blues Brothers Band (in parade
46 and on-stage), a young vocalist who will sing with the band, Pistol Pete & the Smokin Guns; a Blues
47 based band, Studio Two; Beatles cover band. The Police Department will do a K9 demonstration, the
48 Fire Department will provide a recovery demonstration. At the High School, Darren Roy, DJ, will run

1 live and recorded entertainment. He is also running a cornhole contest at the High School just prior to
2 the fireworks.

3
4 Mr. Hilsten spoke of the level of support the event continues to receive from the community.
5 Chairman Rothhaus stated the Council's appreciation.

6 When asked, Mr. Hilsten stated the information as well as links to the performers, is posted to the
7 website, Merrimack4th.com. The event is rain or shine and starts at 12:00 p.m. following the pancake
8 breakfast the Rotary puts on (8:00-11:00 a.m.) at the High School Cafeteria.

9
10 Robert Best, Rotary Club of Merrimack, stated for all organizations that provide volunteer time, the
11 Rotary Club provides a donation based on some of the funds that are raised out on the field.

12
13 When asked about parking and transportation, Mr. Hilsten responded they do not have anything set up
14 for transportation necessarily, but do have designated areas to accommodate limited access, e.g.,
15 handicapped parking. They also designate some areas specifically for the entertainment, etc. There is
16 plenty of parking by the High School as well as parking across from the midway.

17 18 **3. NH Hot Dogz**

19 Submitted by Robert Bergin

20 3rd Annual Hot Dogz sale to benefit Alzheimer's Association - The Longest Day 2018.

21
22 Mr. Robert Bergin stated in New Hampshire, stated dementia is the 6th leading cause of death in New
23 Hampshire. Twenty four thousand people in the State have it. For 25 years there has been a day away
24 program in South Merrimack addressing awareness and providing a respite program for people of our
25 community. But there is not enough room and not enough awareness. There are people in our
26 community who are living with this disease and they are living with it alone. Thirty five percent of
27 those who have this disease live alone. The goal, with the assistance of the Catholic Church and the
28 Knights of Columbus, is to provide a day of awareness from 11:00 a.m. - 7:00 p.m., American, apple
29 pie, potato chips, and a cold drink for \$5.

30
31 The Police and Fire Chiefs work as volunteers. Last year between the police and fire departments,
32 they ate over 100 hot dogs. They came and participated.

33
34 Mr. Bergin requested the Council do something only 5 towns in Massachusetts have done and none in
35 New Hampshire; declare that on June 21st, the national day assigned to be the Longest Day, Merrimack
36 will go purple; purple bows, purple ribbons, purple flowers, etc.

37
38 He spoke of it being a statement to those who are living alone with this disease that their neighbor
39 notices them. Maybe there is a little something you can do for your neighbor. Mr. Bergin stated his
40 team has accomplished more in three years than any other team in the State. There are two Social
41 Workers for the Alzheimer's Association in New Hampshire. They will be at this event with an
42 information table. He has volunteers ready, and he wants the Council to take it to the next step.

43
44 The reason this day is called the Longest Day is because it is a long disease. It is a painful disease.

45
46 Councilor Albert questioned if they stay in connection with St. Joseph Community Services' Meals on
47 Wheels to connect those in various communities that live alone. Mr. Bergin was uncertain. He
48 indicated the Knights of Columbus does not. He is aware of Merrimack residents through his own

1 church, but not through Meals on Wheels or an official organization. Councilor Albert noted the
2 Hillsborough County Meals on Wheels, has an office in Town.

3
4 Vice Chairman Koenig questioned how the Council will affect the kinds of change being sought. Mr.
5 Bergin stated it to be a matter of improving awareness. Vice Chairman Koenig spoke of his
6 appreciation for the effort being put forth. He has participated in the walk to fight Alzheimer's in
7 Manchester. His Mother passed away with Alzheimer's. He is well aware of the disease. He is well
8 aware of the day away program at St. John Neumann, and believes it has been a wonderful program.
9 He commented he would love to see it expanded and expand awareness of the situation as a whole. He
10 offered to do anything he could to help.

11 12 **4. Department of Revenue Administration (DRA) Update - Changes to RSA 35:5, Capital** 13 **Reserve Funds of Counties, Towns, Districts, and Water Departments**

14 Submitted by Finance Director Paul T. Micali

15 Town Council to be presented with the details of RSA 35:5 and its effect with how the Town
16 deposits money into Capital Reserve Funds (CRF).

17
18 Steven Hamilton, Director, Municipal and Property Div., Department of Revenue Administration
19 (DRA), spoke of a change to the law that occurred in 2017 relating to appropriations to Capital
20 Reserve Funds (CRF). Chapter 127 of the laws of 2017 changed the pathways that appropriations may
21 be made into those CRFs. The law is clarified now that the only manner to add money into a CRF is
22 through a special Warrant Article. The change impacted Merrimack in the historical manner that the
23 CRFs had been raised through the operating budget.

24
25 When the Town and DRA became aware that this was an issue with the operating budget and that the
26 CRF appropriation would need to be revised, wanted to ensure it was done in a way that did not disrupt
27 the process for this year and identified a plan to make that change for the ensuing year. He spoke with
28 Paul Micali, Assistant Town Manager/Finance Director, and together they came up with three simple
29 steps to ensure there is good clarity with the way the appropriations were made:

- 30
31 1) Notify the Trustees of the Trust Fund that certain amounts of money had been appropriated to
32 CRFs so that they could anticipate receiving those funds in December of this year,
33
34 2) Invite the DRA to a Town Council meeting to notify the Council of the issue and make the DRA
35 available as a resource to help with the transition; and
36
37 3) To ensure the process is changed for the coming year.

38
39 The process that is utilized in most towns is a relatively simple single appropriation of a gross amount
40 to multiple identified CRFs. The appropriation needs to state the total amount and call out the
41 individual fund appropriations. He offered caution, e.g., if there is an amendment to the amount being
42 appropriated the meeting would want to identify where in those funds the changes would be found.

43
44 Other towns will have individual articles for each of the CRF appropriations. That may not be efficient
45 in a town like Merrimack where there are 15+ appropriations. Many towns have a combination of the
46 two approaches where they will have the regular amounts that are appropriated on an annual basis to
47 CRFs in a single article and if there is an article which appropriates a special amount to a CRF, that is
48 called out as a separate article.

1
2 Vice Chairman Koenig questioned the intent of the change to the legislation. Mr. Hamilton remarked
3 appropriations to CRFs are special types of acts. Those dollars are not like the operating fund dollars.
4 There is no ability to line item transfer any of those funds and it is one of the few acts of the town
5 meeting, which is not optional upon the governing body. Once the town meeting votes to raise that
6 money and deposit it into a CRF, it must be done by a certain date set in the law. Having those
7 appropriations in an operating budget mixes up two different kinds of dollars. It is his belief that is
8 why the Legislature was trying to ensure they are separated.
9

10 Vice Chairman Koenig asked for clarification of the aspects of a special warrant article. Mr. Hamilton
11 stated a special warrant article is a category of warrant article that includes, among other things, an
12 article by petition. The same way a petition warrant article may be amended at the Deliberative
13 Session, so can an appropriation to a CRF.
14

15 Vice Chairman Koenig noted the CRF funds are non-lapsing, which is part of the difference in the
16 types of monies in the budget. Mr. Hamilton commented for only very limited circumstances would
17 operating budget funds not lapse at the end of the fiscal year.
18

19 Councilor Harrington questioned what requirements exist for expending of the funds. Mr. Hamilton
20 explained many funds identify an agent having authority to expend. There is no further action required
21 to expend funds, which is expended by an agent of the fund. When asked if a Public Hearing is
22 required, he stated it is not. Once the town meeting has appropriated the money into the CRF and
23 named the agents of the fund, that is the authority that is required to expend the money.
24

25 Town Manager Cabanel stated they went back to verify that each of the CRFs, when established,
26 named the Town Council as agents to expend. That is true of all but one. Assistant Town
27 Manager/Finance Director Micali stated the one exception to be the fire CRF that was done in 1972 to
28 establish the fund for fire equipment. It was changed a few times with amendments. More research
29 needs to be done, but it does not appear that the Council was ever put on as agents to expend.
30

31 Mr. Hamilton explained the agents can be named at a subsequent date. A Warrant Article can be
32 drafted, and the DRA can help with the language to establish the agents of the fund. Assistant Town
33 Manager/Finance Director Micali noted any change to a CRF requires a super majority vote; 66.7%.
34

35 **Public Hearing** - None
36

37 **Legislative Updates from State Representative** - None
38

39 **Town Manager's Report**
40

41 The 2018 July tax bills will be mailed by June 4th and will be due by July 6th.
42

43 The Library will be offering quiet study hours in the Lowell Room for Merrimack students who are
44 looking for a quiet space to study for finals on June 18th, 19th, and 20th. Please check their website for
45 details.
46
47

1 Merrimack TV will be covering the High School's 2018 Graduation on Saturday, June 16th. The
2 ceremony will be available online the same day and played throughout the summer on Channel 21.
3 Congratulations to the class of 2018.

4
5 **Consent Agenda** - None

6
7 *There being no objection, the Council went out of the regular order of business to take up Item #2*
8 *under New Business.*

9
10 **2. Future of Economic Development Citizens Advisory Committee (EDCAC)**

11 Submitted by EDCAC Chair Susan Lee

12 The EDCAC members would like to request the Town Council disband the committee.

13
14 Susan Lee, Chair, EDCAC, stated the committee has had a good 11 year run, but has reached a point
15 where, as a committee, they have done what they can do. They have met with Tim Thompson,
16 Director, Community Development Department, who has nothing for the committee to do. As of June
17 30th, there will be no active members. It is time for the Council to say thank you for all of your good
18 work, and hope that in the future there might be opportunities for people to volunteer for something
19 that has sort of a specified purpose with a beginning and an end. Ms. Lee spoke of the
20 accomplishments of the committee and stated it to be time to disband.

21
22 Chairman Rothhaus commented the committee has done some amazing things. He stated appreciation
23 for the thought of individuals gathering for a specific purpose. Ms. Lee was commended for her
24 loyalty and focus to the committee and community.

25
26 **MOTION made by Councilor Harrington and seconded by Councilor Boyd to disband, with**
27 **regret, the Economic Development Citizens Advisory Committee (EDCAC). MOTION**
28 **CARRIED 7-0-0**

29
30 *The Council returned to the regular order of business.*

31
32 **Old Business**

33
34 **1. Town Council Committee Assignments [Tabled at the May 10, 2018, Town Council meeting]**

35 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

36 The Town Council will determine committee assignments for the current year.

37
38 Adult Community Center Representative; Councilor Harrington

39 Conservation Commission; Councilor Albert

40 Heritage Committee; Councilor Rothhaus

41 Highway Safety Committee; Councilor Rothhaus

42 Merrimack Safeguard; Councilor Healey

43 New Hampshire Rail Transit Authority; Councilor Thornton

44 Parks & Recreation Committee; Councilor Albert

45 Planning Board; Councilor Koenig

46 Planning Board, Alternate; Councilor Boyd

47 Nashua Regional Planning Commission; Councilor Boyd

48 Technology Committee; Councilor Healey

1 Town Center Committee; Councilor Rothhaus

2
3 **MOTION** made by Councilor Harrington and seconded by Councilor Boyd to ratify the
4 appointments, as stated. **MOTION CARRIED 7-0-0**

5
6 **2. Town Council Retreat / Goal Session**

7 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
8 The Town Council to decide when their Retreat / Goal Session will be held.

9
10 *The Town Council Retreat was set for Wednesday, June 20, 2018.*

11 **New Business**

12
13 **1. Committee Appointments**

14 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
15 The Town Council to consider appointing the following individuals to Town Committees, pursuant
16 to Charter Article 4-8:

- 17
18 - Corey Davenport – Parks and Recreation Committee (Full member)
19 - Abbigail Cote – Parks and Recreation Committee (Student Rep. member)

20
21 Vice Chairman Koenig spoke of being impressed with each of the nominees. Mr. Davenport was on
22 the EDCAC, is relatively new in Town and is interested in being involved. Ms. Cote's background and
23 interest in being part of the committee was nice to see.

24
25 **MOTION** made by Councilor Albert and seconded by Councilor Boyd to appoint Corey
26 Davenport as a Full Member and Abbigail Cote as the Student Representative Member of the
27 Parks and Recreation Committee. **MOTION CARRIED 7-0-0**

28
29 **3. Consideration of a Donation for Kids Kove Playground**

30 Submitted by Parks and Recreation Director Matthew Casparius
31 The Town Council to consider a donation in the amount of \$1,226.93 from the Rotary Club of
32 Merrimack to the Parks and Recreation Department to be used to replace the existing trash barrels
33 in Kids Kove with a combination trash/recycling barrel unit, pursuant to RSA 31:95-b and Charter
34 Article 8-15.

35
36 Assistant Town Manager/Finance Director Micali spoke of the fundraising campaign conducted by the
37 Rotary a few years back, which not only raised enough funds to cover the cost of the remodel, but also
38 left monies in reserve to cover future costs. Matthew Casparius, Director, Parks and Recreation, made
39 a request of the Rotary to cover the cost of the combination trash/recycling trash units. The Rotary has
40 offered the donation.

41
42 Councilor Healey questioned if recycling is currently occurring at Kids Kove and was informed it is
43 not. Vice Chairman Koenig commented in the letter from Director Casparius to Town Manager
44 Cabanel, it indicates there are currently no recycling barrels at the parks. If this works out, they will
45 slowly expand into the other parks.

1 **MOTION** made by Councilor Boyd and seconded by Councilor Thornton to approve the
2 acceptance and expenditure of a donation in the amount of One Thousand Two Hundred Twenty
3 Six Dollars and Ninety Three Cents (\$1,226.93) from the Rotary Club of Merrimack to the Parks
4 and Recreation Department to be used to replace the existing trash barrels in Kids Kove with a
5 combination trash/recycling barrel unit, pursuant to RSA 31:95-b and Charter Article 8-15.
6 Furthermore, that the Town Manager or her proxy be authorized to sign any documents
7 necessary to accept the donation. **MOTION CARRIED 7-0-0**

8
9 Councilor Boyd questioned if any type of review would be done of Kids Kove, e.g., painting,
10 maintenance. Town Manager Cabanel was uncertain and indicated she would report back.

11 **Minutes**

12 **May 10, 2018**

13
14 *The following amendments were offered:*

15
16 Page 3, Line 12; the vote should reflect Councilor Boyd as voting in the affirmative

17 Page 15, Line 17; delete the word “budget”

18 Page 15, Line 26; delete the word “special”

19
20
21
22 **MOTION** made by Councilor Boyd and seconded by Councilor Koenig to accept the meeting
23 minutes of the Town Council meeting of May 10, 2018, as amended. **MOTION CARRIED 4-0-3**
24 *Councilors Albert, Harrington, and Healey Abstained*

25
26 **Comments from the Press** - None

27
28 **Comments from the Public** - None

29
30 **Comments from the Council**

31
32 Councilor Harrington welcomed Councilor Healey to the Council.

33
34 Chairman Rothhaus spoke of having seen a post on the Merrimack Forum that suggested the Town
35 does not care about issues at Watson Park. Kyle Fox, Director, PWD, was meeting with Gail Shaw
36 and Kathleen Comer. He joined them and the four of them went around the park. The problem seen
37 was that of debris. A photo had been shown of a barrel, which was not viewed as it is located in an
38 area where nobody is supposed to be (behind fence). That is a dangerous area. They spent about an
39 hour and determined the signage should be a little better (keeping people away from the other side of
40 the fence). They considered bolting a sign to the concrete wall.

41
42 Vice Chairman Koenig remarked recently the Office of Strategic Initiatives held their annual Planning
43 & Zoning Conference. Several members of the Planning Board attended. They had some extremely
44 good programs dealing with issues such as solar, zoning, how planning boards operate, etc. All of that
45 information is available on their [website](#).

1 In addition, he attended the Nashua Regional Planning Commission’s training for new Planning Board
2 members. Also in attendance were Nelson Disco, Merrimack Planning Board and Neil Anketell, a new
3 member of the Merrimack Planning Board.

4
5 A Roundtable has been scheduled for Monday, June 11th at 6:30 p.m. at the NRPC offices to provide
6 planning board members in the region an opportunity to meet with peers from different communities,
7 discuss current issues and trends of common interest and share their observations, thoughts, and
8 experiences.

9
10 **Adjourn**

11
12 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the**
13 **meeting. MOTION CARRIED 7-0-0**

14
15 *The May 24, 2018 meeting of the Town Council was adjourned at 9:21 p.m.*

16
17
18
19 Submitted by Dawn MacMillan

DRAFT