



Town Council Meeting Minutes

Thursday July 19, 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 lead in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on August 16th, September 13th and September 27th at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation Department invites you to join them on Friday, July 26th for their next free Movie Night in the Park which will be held at Abbie Griffin Park. The movie "The Lion King" will begin at 8:15 p.m. The movie night is sponsored by the Merrimack Lions Club. Free popcorn will be given away to all attendees.

Merrimack Police would like to remind everyone that National Night Out is Tuesday, August 7th. Bring the family for fun, food, and games to Abbie Griffin Park. The movie "Despicable Me 3" will begin at dusk. Keep an eye on the Merrimack Police Facebook page for more details.

PFAS Update

Citizens for Clean Water will meet at 7:00 p.m. on July 31st in the conference room of the Merrimack Public Library.

The New Hampshire Drinking Water and Groundwater Commission met earlier in the day and began its review of over 80 applications for loan and/or grant funding for specific water quality/infrastructure projects from communities throughout the State.

The Merrimack Village District (MVD) submitted a pre-application for a \$225,000 grant for design and engineering on an artificial recharge assessment project. They are looking to enhance the yield of the video capacity of the MVD well field for MVD wells 4 and 5 and reduce and dilute the concentration of PFAS compounds that have contaminated the local aquifer and caused the production wells to be taken offline. Diluting PFAS concentration will lengthen the carbon life used for treating and removing the PFAS compounds from the wells. The application will be vetted by a team of 5 over the coming weeks. It is anticipated dates of public meetings will be announced.

Councilor Boyd stated the desire for a copy of the grant application to be posted on the Town's website. He would look to add to that information around meeting dates for the various grant applications being considered.

Recommendations will be made in September with final decisions scheduled for the Commission's October meeting.

Councilor Boyd reiterate the application by the MVD is related to wells 4 and 5 which are vital to our community. He is pleased that they are looking to do a design and engineering component on learning

1 what they need to do to rid PFAS from the system. Councilor Harrington suggested the Council
2 submit a letter of support for MVD's grant application.

3
4 The Trust Fund has a balance in excess of \$200 million. Councilor Boyd stated he would like to see
5 identification of a specific allocation each year, and ideally that it is the interest generated from that
6 fund that would be expended. Loans will have an interest rate of 2-3%. The philosophy with grant
7 approval is to support a project that requires additional funding to ensure it can move forward.

8
9 Councilor Healey questioned if there has been discussion of when remediation on wells 7 and 8 might
10 take place. Councilor Boyd stated there has not.

11
12 **MOTION made by Councilor Harrington and seconded by Councilor Boyd to submit a letter of**
13 **support on behalf of the grant application. MOTION CARRIED 7-0-0**

14
15 **Highway Garage Project Update**

16
17 Assistant Town Manager/Finance Director Micali stated the project is on schedule. This past week
18 steel was erected. On the maintenance garage area of the project, the structural steel is nearly
19 completed and will be followed by installation of roof purlins and steel siding. The Administration
20 portion of the building is underway. Framers have been onsite for the past two weeks. Once they
21 receive the go ahead the walls will go up. Utility installations into the garage subfloor are scheduled to
22 begin in the first week of August. The project is progressing and remains on schedule for a November
23 opening of the new highway garage.

24
25 **Comments from the Press and Public**

26
27 Nancy Murphy, 20 Brenda Lane

28
29 At the last meeting spoke of having received an email response from Lisa Morris, Director,
30 Department of Health & Human Services (DHHS) addressing ongoing discussions regarding a request
31 for access to blood testing and a health study for Merrimack residents. Director Morris indicated
32 DHHS has decided not to offer PFAS blood testing to any New Hampshire resident "at this time"
33 believing that "medical monitoring of PFAS exposure and associated health impacts was best served
34 by the relationship between a patient and their healthcare provider."

35
36 Merrimack Citizens for Clean Water members have had ongoing discussions with DHHS and have
37 made DHHS aware of the limited PFAS awareness, knowledge, and understanding currently held by
38 healthcare providers in our State. DHHS has met with the membership and other entities and
39 discussed plans to improve physician awareness. New Hampshire has been seriously affected by
40 PFAS exposure both in the Seacoast area and in Merrimack. Healthcare providers must get up to
41 speed if they are to oversee biomonitoring for exposed residents.

42
43 Additionally, residents will now have to pay out of pocket or request that their insurance cover the cost
44 of PFAS blood testing. This may limit accessibility to biomonitoring for some people. Residents here
45 are victims of PFAS exposure caused by an industrial polluter who is not providing remedy to the
46 individuals affected.

47
48 Director Morris drafted a letter intended for physicians regarding PFAS and biomonitoring. On July
49 6th, the draft was sent to Ms. Murphy and other interested parties for review and feedback. Ms.

1 Murphy commented it is due to patient health provider and biomonitoring access complications that
2 she and other members of Merrimack Citizens for Clean Water continue to advocate for DHHS'
3 assistance in these matters.

4
5 Wendy Thomas, 10 Wildcat Falls

6
7 Read the following statement into the record:

8
9 *A new study by the Centers for Disease Control and Prevention has found that the pediatric cancer*
10 *rates are the highest in the northeast with New Hampshire having the highest rate in the country. The*
11 *study, recently released, showed that there were 816 cases of pediatric cancer in New Hampshire*
12 *recorded between 2003 and 2014. That is a rate of more than 205 per 1 million, which was the highest*
13 *rate in the United States. The CDC says that geographical variation in pediatric cancer might be*
14 *influenced in part by the following factor: difference in exposure to carcinogenic chemicals or*
15 *radiation.*

16
17 *Just as a reminder, PFAS are linked to kidney and testicular cancer as well as high cholesterol,*
18 *ulcerative colitis, thyroid disease, pregnancy induced hypertension, and other illnesses in a still*
19 *growing body of research.*

20
21 *Clearly, we are going to be learning a lot more about how carcinogenic man-made chemicals in our*
22 *drinking water affect our and our childrens' health. It will be up to us to act accordingly on that*
23 *information when it becomes available.*

24
25 Katharine Hodge, 44 Belmont Drive

26
27 Spoke of a drain pipe spotted on the Flatley property, which is now draining into the river. The New
28 Hampshire Department of Environmental Services (NHDES) has been notified and is expected to
29 follow-up. Flatley is still registering at 1,400 ppt. She has been informed they will not be doing
30 further testing. She is uncertain why. She requested that be followed up on. She suggested the Town
31 follow up on both issues.

32
33 Ms. Hodge spoke of emails sent to the Town Manager. Town Manager Cabanel indicated she would
34 review the emails and respond. She noted her frustration with the lack of interest by NHDES in the
35 Flatley site and that she has been speaking with them about this matter since the onset.

36
37 Ms. Hodge spoke of Watson Park noting NHDES information indicates Elementis still owns the
38 property. Town Manager Cabanel stated the Town does own Watson Park. Harcross/Elementis
39 Chemical still has responsibility for any kind of contamination that may come up.

40
41 Ms. Hodge asked who authorized the yellow ribbon that was put up at Watson Park and the reasoning
42 for it. Kyle Fox, Director, Public Works Department (PWD), indicated the department was performing
43 a site inspection of Watson Park earlier in the day, and noted a large washout at the top of the hill
44 where people go down the slope. They roped it off until the issue can be addressed (5-6' deep hole).
45 When asked if the trash was cleaned, he indicated it is cleaned every Monday. Ms. Hodge questioned
46 if the tape was also erected to keep people from traversing the top part where they had noted large
47 holes. Director Fox stated it is there to prevent people from falling into the new hole that was caused
48 by heavy rains on Tuesday.

1 Laurene Allen, 16 French Court

2

3 Spoke of the Environmental Protection Agency (EPA) Regional Meeting conducted on June 25th
4 noting a discrepancy between New Hampshire's response to industrial contamination and the other
5 states in Region 1.

6

7 The signing of Bills, NHDES can hire a Toxicologist. They are to review the Agency for Toxic
8 Substances and Disease Registry (ATSDR) report by January and make a recommendation for New
9 Hampshire maximum contaminant levels (MCLs). She stated concern with statements made since the
10 Bill signing and the conference that are basically; we are going to weigh out costs, and regulation is a
11 problem. Clark Freise, Assistant Commissioner, NHDES, spoke on a radio program and also made a
12 statement on July 2nd that he feels the 70 ppt is a lifetime protective advisory.

13

14 We have a report that was paid for by taxpayers. It is pretty clear the science has been there; it is
15 National Institute of Health (NIH) Science. She is getting overtures that it may not be looked at
16 properly. She stated concern and questioned if the Town could consider making its wishes known.
17 The report states the risks over 11 ppt for PFOA and 7 ppt PFOS are significant and that is the
18 recommendation.

19

20 She has heard for the past two years that we are going to follow the Federal Government, and this is a
21 Federal Government generated report. She would assume the State would want to be precautionary.
22 We need to look at intervention and prevention. We are an impacted community. Our contamination
23 zone is 1.5 miles. That number was not determined based on data. They stopped those parameters
24 because that is what was agreed to by Saint-Gobain. That is not capturing our true contamination area.

25

26 She stated concern that she is unsure who the Toxicologist is, his/her background, whether he/she is an
27 industry backed scientist. Perhaps if someone official asks, those questions will be answered. He/she
28 is going to review this report, and she is concerned with what will be concluded.

29

30 In the meantime, DHHS has been denied (twice this year) a half position for a Toxicologist that they
31 hoped would expand the CDC biomonitoring program to include Merrimack. They have been denied a
32 Toxicologist for this purpose and NHDES has been given one for the purpose of reviewing a report
33 and advising them on what the MCL should be. She would like to see the Town follow up.

34

35 Ms. Allen commented the amended language of the Bill says it will be revisited in 5 years. The
36 original language said annually. She does not want to take the chance that in January they will say this
37 is what we think and here is why.

38

39 If those numbers are taken as a given that really means that we don't know about our private wells in
40 Town, people have not been notified and given the option of testing, and that well 2 is the only well
41 currently that meets that maximum risk level criteria. That is frightening. She requested the Council
42 join with some residents in coming up with a statement as to what our expectations are. She would
43 like the Town to be kept informed and part of the process.

44

45 Councilor Boyd stated he spoke with Director Morris earlier in the day and was informed they received
46 approval for a half-time Clinical Toxicologist.

1 Wendy Thomas 10 Wildcat Falls

2

3 Stated what Ms. Allen said was that the contamination site that Saint-Gobain acknowledges is 1.5
4 miles from the epicenter. She resides 3.5 miles from Saint-Gobain and recently received a letter from
5 Saint-Gobain asking permission to test her well water.

6

7 **Recognitions, Resignations and Retirements**

8

9 **1. Recognition of Retirement of Town Employee**

10 Submitted by Human Resources Coordinator Sharon Marunicz

11 The Town Council will present an award to Robert Kelleher in recognition of his retirement after
12 more than 17 years of full-time service with the Town of Merrimack Police Department. Robert
13 retired on May 31, 2018.

14

15 Denise Roy, Chief, Merrimack Police Department, spoke of Officer Kelleher's character. He made his
16 mark not only on the Department, but through all of the community outreach he has done. A great
17 patrolman, but an even better community service officer. She expressed her gratitude to Officer
18 Kelleher for his service to the community and stated he is an amazing person and she could not be
19 luckier to call him her friend.

20

21 Councilor Albert commented he worked with Officer Kelleher during all of his 17 years on the force;
22 something that has been an honor. He thanked Officer Kelleher's family for sharing him with the
23 community.

24

25 *Officer Kelleher was presented with a plaque in recognition of his loyal and dedicated 17 years of full-*
26 *time service to the Town of Merrimack.*

27

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

29 Submitted by Human Resources Coordinator Sharon Marunicz

30 The Town Council will present an award to Theodore M. Dillon in recognition of his retirement
31 after more than 20 years of full-time service with the Town of Merrimack Police Department. Ted
32 retired on May 31, 2018.

33

34 Chief Roy commented she remembers Lieutenant Dillon's first day. Although difficult to now say
35 good-bye, he will remain part of the department's family. She spoke of his coming up through the
36 ranks to become a Lieutenant, how she counted on him, and her understanding that every decision he
37 made was always in the best interest of the Town and department first and foremost.

38

39 Councilor Albert spoke of having worked with Lieutenant Dillon for all of his time on the department.
40 He referred to him as a consummate community police officer; he grew up in this Town, made it a
41 career of 20 years, and raised a beautiful family in this Town. It is a tough call to become a police
42 officer in your hometown.

43

44 *Lieutenant Dillon was presented with a plaque in recognition of his loyal and dedicated 20 years of*
45 *full-time service to the Town of Merrimack.*

1 **3. Merrimack Crimeline Appreciation Plaque Presentation**

2 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
3 The Town Council to present a plaque to the Merrimack Crimeline for their ongoing support of the
4 Merrimack Police Department.
5

6 Chief Roy spoke of Merrimack Crimeline and how they assist the department. The department needs
7 community partners, and their #1 supporter in that is Crimeline. They help through fundraising for the
8 K9, provide cash rewards for tips for crimes that are solved, and the perpetrators brought to justice.
9 They have joined the Police Department family just because of the mere fact that they care. They care
10 about every single Police Office and every single citizen and business in Merrimack.
11

12 They are a unique group. There are not many people who will meet once a month to discuss all the
13 things they can do to be proactive. They sponsor the anonymous tip line. Through the department's
14 website and Crimeline's website, individuals can submit anonymous tips. She spoke of the level of
15 appreciation the department has for each and every member of the Crimeline.
16

17 A representative of Crimeline thanked the Council for the recognition. He commented on the services
18 provided; anonymous tip line both online and through the phone line, they work with the Police
19 Department on Neighborhood Watch, provide a magic show every year. This year is the 10th year, and
20 the amount of donation to the K9 program is over \$16,000.
21

22 *A plaque was presented to Crimeline in appreciation of the generosity and continued support of the*
23 *Merrimack Police Department.*
24

25 **4. Bear Christensen Charitable Trust Appreciation Plaque Presentation**

26 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
27 The Town Council to present a plaque to the Bear Christensen Charitable Trust for ongoing
28 support of the Merrimack Parks and Recreation Department.
29

30 Chairman Rothhaus stated the Christensen's have, for many years, made contributions to the
31 community. The Council wished to express appreciation. As a token of that appreciation, a plaque
32 was presented in recognition of ongoing support of the Parks and Recreation Department.
33

34 Representative Chris Christensen remarked, although the Bear Christensen Charitable Trust, the Trust
35 was supported and created by the citizens of Merrimack, so it is the citizens giving back to themselves,
36 and they appreciate that they are allowed to be part of that.
37

38 **5. Recognition of Town Committee Member**

39 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
40 The Town Council to present a certificate to the following individual for his volunteer service to
41 the Town of Merrimack: Anthony Pellegrino - Zoning Board of Adjustment Appointments
42

43 Chairman Rothhaus noted Mr. Pellegrino was unable to be in attendance. The recognition will be
44 included on the August agenda.
45

46 **Appointments** - None
47

48 **Public Hearing** – None

1 **Legislative Updates from State Representative** - None

2
3 **Town Manager's Report**

4
5 The Planning Board, on Tuesday, conditionally approved the 6th Phase of the Bowers Landing Planned
6 Residential Development, which will add 65 detached condominium units to the project (located off
7 Bowers Landing Drive, between D.W. Highway and Manchester St).

8
9 The Planning Board also held the initial public hearing for a project by NeighborWorks of Southern
10 NH to develop 45 townhouse-style residential units on property that was formerly approved for 57
11 units of elderly housing, located off D.W. Highway and Angelo Drive (near Horseshoe Pond). The
12 project will be back in front of the Board for a continued hearing on August 7.

13
14 The Town recently reached out to residents for nominations for a new Boston Post Cane holder.
15 Carsten "Bud" Hahn, the previous holder, passed away earlier this year at the age of 101. We are
16 happy to report that we have found the new holder and hope to present the honor at next month's
17 Council meeting on August 16th.

18
19 Highway Division employees Dean Stearns and John Trythall participated in the NH State plow rally,
20 a competition that tests the skills of operators of dump trucks with plows. The competition pits drivers
21 from around the State against each other performing three tasks: Pre-Trip inspection of the vehicle,
22 Written knowledge test, and finally an obstacle course driving test where the operators must make
23 difficult maneuvers through a slalom course with the trucks, and then do them again in reverse. We
24 are proud to report that John and Dean finished first in the competition with a whopping 385 out of 392
25 points. They will now compete in the regional tournament held in Boxboro, MA this fall.

26
27 Construction on the Wilson Hill Road culvert replacement project is scheduled to begin
28 tomorrow. The contractor will be moving equipment in and starting tree and brush clearing. Drivers
29 should expect alternating one-way traffic during the day. Wilson Hill Road is scheduled to be closed
30 at the culvert near the Town Line with Amherst beginning on Monday, July 23rd. The closure is
31 expected to last 5 days, weather permitting. Once the road is opened there will be another week or two
32 of work with daily lane closures of alternating one-way traffic.

33
34 We are pleased to announce that temporary handicapped parking signs have been added to the Town
35 Hall lower level parking lot to facilitate easier access to the summer concert series at Abbie Griffin
36 Park. Fifteen parking spots have been designated handicapped parking on Wednesdays from 5:00 -
37 9:00 p.m. There are 16 remaining spots for general parking.

38
39 Vice Chairman Koenig informed the viewing audience of an opening on the Zoning Board of
40 Adjustment. Anyone interested in serving on the Board is encouraged to submit a letter of interest
41 within the next week. It is hoped a new member will be appointed at the Council's August meeting.

42
43 **Consent Agenda** - None

44
45 **Old Business** - None

1 **New Business**

2
3 **1. Sale of Town-Owned Property Discussion**

4 Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

5 The Town Council to consider the sale of a small Town-owned landlocked parcel known as tax
6 map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5.

7
8 Dawn Tuomala, Deputy Director/Town Engineer, PWD, stated Mr. Bailey approached the Town
9 Manager regarding this property a few months ago. The parcel is approx. 68' x 64' and is comprised
10 of two different tracts of land. It is surrounded by a lot (owned by Mr. Bailey). Research shows the
11 entire area was actually one larger tract of land that had been split and then split and divided. Mr.
12 Bailey's parcel, which fronts on Depot Street has a description that goes right around the parcel of land
13 that the Town owns. However, there are exceptions within his Deed (both of the tracts of land that the
14 Town owns).

15
16 The site has a brick pump house the back side of which has a large concrete pad. The pump house lost
17 its roof some time ago. Research indicates Mr. Bailey's property is the only one remaining that talks
18 about the Town pieces, exclusions, etc. Deputy Director Tuomala stated extensive research was done,
19 and she is comfortable with what she was able to locate. She was unable to locate the second Deed to
20 the Town, but knows it exists prior to 1882.

21
22 The matter was before the Council as the result of a request by the Baileys to purchase the property.
23 Deputy Director Tuomala noted a prior instance where the Town allowed for the sale of another land
24 locked parcel.

25
26 Chairman Rothhaus spoke of having visited the property and that he was informed the concrete slab is
27 where they stored the water. There is water flowing out of it now. Deputy Director Tuomala
28 commented in all of the Deeds they refer to it as a spring. They don't call it a well. In the Deeds
29 dating back to the 1800s they refer to it as the large spring. There were also other exceptions given to
30 other wells and other springs, but the tract at that point was large, and it could have been anywhere.
31 This has always been referred to as the large spring.

32
33 Councilor Thornton commented what was before the Council was consideration of the sale of the
34 property; however, in the summary that was sent to the Town Manager (dated July 13th), Deputy
35 Director Tuomala recommends the Town Council contact legal counsel to ensure Town and State laws
36 are followed. He questioned if the request was for the Council to follow-up with legal counsel.
37 Deputy Director Tuomala indicated she would follow whatever direction the Town Manager provided
38 her.

39
40 Assistant Town Manager/Finance Director Micali spoke of the sale of the other land locked parcel
41 referenced. With that parcel, a notice was sent to all abutters. A two-week deadline was cited for bid
42 submittals. The high bidder was notified and given X number of days to make the payment. When
43 that occurred, the Deed was transferred over. The two ways to dispose of Town owned property is
44 through auction and sale. Were the Council to approve the sale, certified letters would be sent to all
45 abutters. Town Manager Cabanel commented on having been contacted by one of the abutters
46 indicating there may be an interest.

47
48 Councilor Albert questioned if MVD has had any involvement with the pump house. Assistant Town
49 Manager/Finance Director Micali spoke of the roof issue that was brought to the Town's attention a

1 few years back. When made aware of its collapse, the Town went in and did some clean-up. At that
2 time, they reached out to Anita Creager, Chair, Heritage Commission questioning, if the well had any
3 significance. She indicated she was unable to find anything in her records that would indicate it was of
4 historic value.

5
6 Councilor Albert questioned if the Council would be required to remove the structure with the sale.
7 Town Manager Cabanel stated the sale would indicate “as is”. The Town would also have the property
8 & liability insurance carrier take a look at it from that perspective as well.

9
10 Deborah Veillette, 11 Depot Street

11
12 Read the following into the record:

13
14 *“In addressing the Town Council tonight, I Gary Bailey, would like you to be aware of my request to*
15 *take over this property. I took the initiative to take care of Lot #6E1-15-1 seven years ago. I was also*
16 *given a key to the pump house to oversee the care of the property by Adam Jacobs five years ago when*
17 *I originally requested to take over this property. I have been maintaining the parcel since then, with*
18 *the Town’s permission. Merrimack removed some rotting trees, at my suggestion to Adam, for safety*
19 *purposes at that time. Presently, while maintaining the property, I have made a small dirt road for*
20 *access to help with the upkeep, which includes pruning, cleaning, and checking on the trees for rot,*
21 *maintaining the pump house, which has no roof, as best as I possibly can.*

22
23 *I have verbal estimates for all the work needed, from trained professionals. These estimates are for a*
24 *new roof for the pump house along with major brick repairs, cleaning the brush, and rotted trees*
25 *around the parcel. The estimated total is at least \$11,000, which is due to property neglect for many*
26 *years.*

27
28 *I will make the lot eye pleasing and the Town will be collecting tax monies that I am sure you would*
29 *prefer to have. This is a win/win situation for all parties. If given the land, which was originally on*
30 *our Deed, I will follow through on my commitments to put the parcel in proper order. As anyone can*
31 *see in the Town records, my bills are always paid on time, and I am a stand up person.*

32
33 *It was brought to my attention that the water pipes laying alongside the property may be asbestos; I*
34 *am not 100% sure. But I would request that if they are found to be asbestos the Town remove the*
35 *hazardous asbestos pipes that were left on the property as long as I have owned mine. At this time, I*
36 *welcome any questions that you may have, and I thank you for all your time.”*

37
38 Gary Bailey, 11 Depot Road

39
40 Stated the only major problem they have at the moment is the water pipes. He thought they were
41 concrete but was told they are not. They could be asbestos. They are 7-10’ long by about 6” in
42 diameter. There are 4-5 pipes. They are in the water (stream that runs between the buildings and
43 eventually into the river).

44
45 Councilor Healey questioned if there is a plan to utilize the water. Mr. Bailey stated he is uncertain.
46 He commented it would be great to use the building as a little workshop. When it was first erected it
47 fed water to the first homes in Merrimack. It would be nice to erect a plaque or something similar or at
48 least place a roof on it. He commented with a new roof and brickwork, clearing of the debris, etc. it
49 would look beautiful and would be something Merrimack would value.

1 Councilor Harrington commented on the prior practice suggesting that is the path to take. Councilor
2 Boyd indicated concern with the issue of asbestos and the mitigation that would be required. The
3 Town would be asked to incur the cost to address that. Town Manager Cabanel spoke of additional
4 work that needs to occur. If the Council has an interest in Town staff pursuing this, the materials can
5 be tested to determine if asbestos, and, if that is the case, an estimate could be sought. When all of the
6 information is known it could be brought before the Council.

7
8 Mr. Bailey questioned the will of the Council with regard to a cost share (50/50) for the cost of
9 removal, if found to be asbestos.

10
11 **MOTION made by Councilor Thornton and seconded by Councilor Harrington to consider the**
12 **sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct**
13 **abutter of the property, in accordance with RSA 47:5, contingent upon findings and legal**
14 **concerns that may result from further review of the parcel. MOTION CARRIED 7-0-0**

15 16 2. **Watson Park Fencing Proposal**

17 Submitted by Town Manager Eileen Cabanel

18 The Town Council to discuss and consider fencing options for the Watson Park parking lot.

19
20 During the Retreat, the Council spoke of updates/enhancements desired for Watson Park. Councilor
21 Albert spoke of fencing he had seen in another park that he believed would make Watson Park more
22 attractive as well as prevent the parking that occurs on the parcel itself. During the 4th of July holiday,
23 a deplorable mess was left at Watson Park, which spurred the discussion of having a fence erected.
24 Funds are available from the FY18 budget.

25
26 The plan, along with a few fencing options, went before the Parks and Recreation Committee. The
27 Committee stated the desire for the appearance to be a little less industrial and more attractive. They
28 also wanted to make the parking lot area larger. The difficulty in this parcel is the restrictions
29 imposed. Any work on the property requires a Soil Management Plan be prepared and approved by the
30 State. The Soil Management Plan Director Fox has done for the other amenities being discussed for
31 Watson Park includes this area, and would, therefore, negate the need to postpone the fencing to have
32 such a plan done.

33
34 Although important for the park to be looked at as a whole, at this time, there is not a Soil Management
35 Plan for the entire park. It is believed Director Fox will seek to get the 80% Federal match to have a
36 plan done as part of the Souhegan River Trail project. It is hoped that plan could be inclusive of the
37 entire parcel.

38
39 Town Manager Cabanel stated her support of the plan, as endorsed by the Parks and Recreation
40 Committee.

41
42 Director Fox stated he and Matt Casparius, Director, Parks and Recreation Department, attended the
43 meeting of the Parks and Recreation Committee the prior evening. The committee was provided with
44 information on numerous types/designs of fencing. The Committee made two motions. The first was
45 to expand the parking area (additional 10 spaces). If maintaining existing configuration, it would
46 equate to about 50' additional length.

47
48 When erecting fences around fields the primary purpose is to keep vehicles off the parcel. They locate
49 5' gaps in the fence to allow pedestrians key access points to the park. At the end of the parking area

1 would be a 10' steel gate. That allows Town staff to get past the fence to maintain the parks as well as
2 emergency vehicle access. The second motion was with regard to the style of fencing. The Committee
3 was in favor of the look of the fence at the Abbie Griffin Park. That is a vinyl fence that is not very
4 sturdy. The department promotes something that provides that look, but is more durable, e.g., instead
5 of hollow vinyl rails, wooden rails with vinyl sleeves. When asked if the proposed extension would
6 infringe on the volleyball court/ice rink area, Director Fox stated it would only be 50' longer. It would
7 not impact that area. Councilor Albert stated concern with the durability given the amount of use the
8 park gets. Director Fox stated he would not bring an option forward that was not durable.

9
10 Both the kiosk and the porta potty and enclosure would have to be relocated with the increase to the
11 parking lot. Councilor Boyd questioned the depth of the kiosk into the ground noting mitigation that
12 was done onsite and the requirement that no digging be done beyond 2'. Director Fox stated any
13 activities that occur on the property have to comply with the Approval Use Required (AUR) document.
14 In that document, it states that anything the Town does on the property requiring excavation deeper
15 than 2', requires a Soil Management Plan. A consultant was hired to develop a Soil Management Plan
16 for a number of different projects the Council has been discussing, e.g., volleyball courts, skating rink,
17 bringing water down to the skating rink, and for this fencing project. The NHDES approved it a few
18 weeks ago.

19
20 Councilor Boyd spoke of the fencing at Bishop Field, which he believes to be a more appropriate style
21 of fencing for Watson Park. Chairman Rothhaus stated the desire to understand the maintenance
22 aspect and the cost. Councilor Thornton stated agreement with Councilors Boyd and Albert with
23 regard to the durability aspect. He questioned maintenance. Director Fox stated the maintenance to be
24 minor. The style fencing can be found at Veterans Park and a number of other parks around Town;
25 kind of the park standard.

26
27 Councilor Healey stated agreement with Councilor Boyd that the white at Abbie Griffin looks really
28 good. For this area, she prefers the more natural look. She questioned how far up the driveway the
29 extension goes. She spoke of having a family member who tried to go to Watson Park during the 4th of
30 July weekend to walk her dogs. There was an overabundance of cars from Massachusetts, and they
31 were all parked on the lawn. She believes fencing needs to travel up more toward the road. Director
32 Fox stated that is what is being proposed; the cost of linear footage was based on bringing the fence up
33 the slope to the butterfly garden, they would leave a gap for the butterfly garden, but then it would
34 continue further up towards D.W. Highway.

35
36 Councilor Harrington remarked this is a parking lot and cars will end up denting the fence. Although
37 she likes the white, it is really not functional for what is needed.

38
39 Vice Chairman Koenig stated he does not believe the pattern that was shown as an example really
40 exemplifies a Town Center. What he was hoping was to move towards a better pattern instead of these
41 2 x 6 rails going across 10' long spans to 6 x 6 posts; to do something that looks a little more New
42 England, a little more split rail fence with the diagonally placed 4 x 4 rails. They can be wood, painted
43 brown, etc. With the cost of maintenance with snow plowing, concern about cars bumping into them,
44 etc. it may be better to go with the heavier duty posts.

45
46 He believes within 10 years we will want to expand that parking lot or modify it and will have to pull
47 this fencing up and redo it. He does not believe fencing that will last 50 years is needed. Since the
48 Parks and Recreation Committee has already requested it be extended he definitely believes there is a

1 need. He has concerns regarding who is using the parking lot. He is of the opinion the fencing at
2 Bishop Field is more industrial and doesn't really fit the Town Center as well.

3
4 Councilor Albert spoke of the winter maintenance and plowing of the lot. He questioned if a front-
5 end loader may have to be used to address snow once the fence is erected. Director Fox stated the
6 fence would be constructed in such a way that they would be able to maintain the lot, e.g., would not
7 crowd the fence right up to the asphalt area (likely leave 5' all around).

8
9 Director Fox indicated he would visit a fence company and bring back ideas that are durable, long
10 lasting, and attractive.

11
12 Councilor Harrington questioned chaining the picnic tables, etc., noting the items were moved during
13 the 4th of July holiday. Director Fox stated they can be chained; however, that would not guarantee the
14 items would not be moved. Director Fox spoke of a new style (heavier) table that will be seen in the
15 parks.

16
17 Councilor Albert commented one way to protect a specific area is to create better visibility. He
18 questioned if there is a means of mitigating some of the brush along the shore to create that visibility.
19 Director Fox stated the area can be walked with Chief Roy and her staff to determine if there are areas
20 where pruning would be advantageous. Once the Souhegan River Trail project is completed the whole
21 are by the Chamberlain Bridge will be cleared of brush. Chief Roy has been copied on the emails
22 relating to increased activity at the park and has indicated patrols will increase in the area.

23 24 **3. Investment Policy**

25 Submitted by Finance Director Paul T. Micali

26 The Town Council to review and consider the approval of the Town's Investment Policy, for the
27 investment of public funds held by the Town Treasurer, in accordance with RSA 35:9 and RSA
28 41:29 for FY 2018-19.

29
30 State Statute requires review and approval of the Investment Policy on a yearly basis. The policy has
31 remained unchanged and is fairly restrictive. Assistant Town Manager/Finance Director Micali stated
32 he does not talk to any bank if they are not offering 100% collateralization of Town funds. Were a
33 bank to come forward with an unbelievable rate, the investment policy allows the Town the ability to
34 consider unsecured deposits and investments.

35
36 **MOTION made by Councilor Harrington and seconded by Councilor Koenig to approve the**
37 **Town of Merrimack Investment Policy for the investment of public funds held by the Town**
38 **Treasurer, in accordance with RSA 35:9 and RSA 41:29 for FY 2018-19. MOTION CARRIED**
39 **7-0-0**

40 41 **4. Fiscal Year End Review**

42 Submitted by Finance Director Paul T. Micali

43 The Town Council to consider the authorization of a request to transfer \$7,500 from the Fire
44 Department's budget to the Welfare Department's budget to cover Welfare's overspent budget, in
45 accordance with RSA 32:10.

46
47 Town Manager Cabanel remarked it had been expected the Police Department's budget would be over
48 because of the approval of the new officers. As a result of the timing of retirements and new hires, that
49 is not the case. A similar scenario played out in the Fire Department resulting in a year-end surplus.

1 The Town is required by law to follow certain standards in order to provide housing for people who are
2 homeless. That aspect of the Welfare budget was over-expended. The request is to transfer \$7,500
3 from the Fire Department’s budget to the Welfare Department’s budget.
4

5 Assistant Town Manager/Finance Director Micali spoke of the current housing market and the number
6 of eviction notices. It is more cost effective to cover the cost of rent than to cover the cost of an
7 individual becoming homeless.
8

9 Councilor Boyd spoke of recent information in the Union Leader regarding an uptick in welfare
10 payments across the State. He questioned if this is the beginning of a trend Merrimack will have to
11 consider during budget discussions. Town Manager Cabanel responded that discussion has taken
12 place, and it is not believed to be a trend. She spoke of new work force housing coming online.
13 Councilor Boyd stated concern he sees this as a trend.
14

15 Councilor Albert questioned the vetting process for financial aid in the form of rental payments. Town
16 Manager Cabanel stated there to be incredibly stringent rules. She commented on the percentage of
17 assistance provided to property owners and the value of liens noting assistance is not a gift. Councilor
18 Albert stated concern with the possibility of additional activity resulting from the increased housing.
19

20 Councilor Boyd voiced concern with the possibility of covering the costs at the extended stay. Town
21 Manager Cabanel stated that has not been done once.
22

23 **MOTION made by Councilor Thornton and seconded by Councilor Healey to authorize the**
24 **transfer of Seven Thousand Five Hundred Dollars (\$7,500) from the Fire Department’s budget**
25 **to the Welfare Department’s budget to cover Welfare’s overspent budget, in accordance with**
26 **RSA 32:10. MOTION CARRIED 7-0-0**
27

28 **Minutes**

29
30 **June 28, 2018**
31

32 *The following amendments were offered:*
33

34 Page 2, Line 30; delete “is”

35 Page 5, Line 35; replace “Repurpose” with ‘Repurchase’

36 Page 6, Line 3; replace “must” with “much”

37 Page 10, Line 9; following “precedent”, insert “and that a waiver determination should have been
38 made by the Council prior to the interview scheduling”

39 Page 13; Replace “Mr. Tarr” with “Mr. Carr”

40 Page 13, Line 22; replace “Site” with “Sight”
41

42 **MOTION made by Councilor Koenig and seconded by Councilor Harrington to accept the**
43 **meeting minutes of the Town Council meeting of June 28, 2018, as amended. MOTION**
44 **CARRIED 6-0-1**

45 *Councilor Boyd Abstained*
46

47 **Comments from the Press** - None
48

49 **Comments from the Public** - None

1 **Comments from the Council**

2
3 Vice Chairman Koenig stated the Planning Board has been meeting regularly. NeighborWorks is
4 coming forward to try and put something on the YMCA property, and the Planning Board is looking at
5 that carefully to understand how to best handle that.
6

7 The Planning Board received a presentation from Tim Thompson, Director, Community Development
8 Division, which he had provided the School Board, on the number of school-aged children expected to
9 be coming in as a result of the different housing projects occurring around Town. When adding up all
10 of the approvals that have gone through, it is over 1,000 units, not very many of which have started
11 going forward. There is a lot of future availability around Town.
12

13 Town Manager Cabanel commented on having found that discussion interesting and questioned if the
14 Council would like to receive the presentation.
15

16 Vice Chairman Koenig remarked there are a few developments that are somewhat in limbo. Across
17 from Harris Pond there was a fairly large development that has not gone anywhere, and likely will
18 have to be resubmitted given the amount of time that has passed. There were lawsuits filed by
19 neighbors, etc., which appear to have been resolved to some level.
20

21 Another is Chestnut Hill, which is the development off of Old Blood Road. It was approved but
22 appears to have been delayed by the expense of developing that area. There is a requirement to fix the
23 sewer line up Madeline Bennett and Baboosic Lake so that everybody could be tied into it. That is a
24 very expensive venture for 74 lots.
25

26 Chairman Rothhaus stated the desire to recognize the many volunteers at the MYA during this their
27 50th anniversary.
28

29 **Adjourn**

30
31 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the**
32 **meeting. MOTION CARRIED 7-0-0**
33

34 *The July 19, 2018 special meeting of the Town Council was adjourned at 9:22 p.m.*
35
36
37

38 Submitted by Dawn MacMillan