



## Town Council Meeting Minutes

Thursday April 11, 2019 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 Councilor Albert, Councilor Boyd, Councilor Harrington, Councilor Healey, Councilor Thornton, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Vice Chairman Koenig was excused.

### Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

### Announcements

Regular meetings of the Town Council will be conducted on Thursday April 25<sup>th</sup>, May 9<sup>th</sup> and May 23<sup>rd</sup> at 7:00 p.m. in the Matthew Thornton Room.

A recount has been requested on the vote for the open position on the Council. The recount is scheduled for 5:00 p.m. on April 18<sup>th</sup>.

Chairman Rothhaus recognized Chris Perez, Media Assistant. Chris started in the Town's Media Department while an intern in High School, and has been in his current position for 6 years. Members of the Council expressed their gratitude to Chris for his professionalism and hard work. Chris is leaving his employment with the Town for a similar career path in the community of Salem. He will be missed.

Dog licenses are due by April 30<sup>th</sup>. To license, the Town Clerk's office will need current rabies information and a neuter/spay certificate, if applicable. The Town Clerk's office will be open this Saturday, April 13<sup>th</sup>, from 9:00 a.m. - Noon for dog licensing.

The Parks & Recreation Department invites you to join them Saturday, April 13<sup>th</sup> from 10:00-11:30 a.m. for the 27<sup>th</sup> Annual Easter Egg Hunt at Wasserman Park. There will be 10,000 Easter eggs given out and the Easter Bunny will be available for photos during the event. For complete details, visit the Parks & Recreation Department website at [www.merrimackparksandrec.org](http://www.merrimackparksandrec.org)

The 11<sup>th</sup> Annual Crimeline Magic show is being held Saturday, April 13<sup>th</sup> from 10:00 a.m.–2:00 p.m. at the American Legion. This benefits the Merrimack Police Department's K-9 unit. Pluto will be on hand performing a demonstration at noon.

Join the Merrimack Parks & Recreation and Public Works Departments on Saturday, April 20<sup>th</sup> from 10:00 a.m. - 12:00 p.m., and show your love for Merrimack by signing up to volunteer at our 2<sup>nd</sup> Annual Community Clean Up Day. Last year, there was an amazing turnout of 304 volunteers representing 28 different groups and families that cleaned up 18 parks, open space and Adopt-a-road locations in Merrimack. To register contact the Parks & Recreation Department at 882-1046.

The Public Works Open House will be held on Saturday, May 18<sup>th</sup> from 9:00 a.m.–Noon at the new Highway Facility located at 76 Turkey Hill Road. Activities will include a ribbon cutting ceremony for the new facility and a Touch-a-Truck event. We hope to see you there.

1 **PFAS Update**

2  
3 Last year the New Hampshire Department of Environmental Services (NHDES) developed Maximum  
4 Contamination Levels (MCLs), which are drinking water limits for four (4) polyfluoroalkyl substances  
5 (PFAS) compounds. These were also groundwater quality standards. The draft levels developed were  
6 38 parts per trillion (ppt) for Perfluorooctanoic acid (PFOA), 70 ppt for Perfluorooctane sulfonic acid  
7 (PFOS), 85 ppt for Perfluorohexane sulfonic acid (PFHxS), and 23 ppt for Perfluorononanoic acid  
8 (PFNA).

9  
10 On February 21<sup>st</sup>, NHDES announced the MCL development that occurred last year may change due to  
11 their receipt of a new assessment tool (developed by the MN Department of Health). At this point,  
12 NHDES is waiting on public comment (public comment period on draft MCLs closes 4-12-19).  
13 Following that, NHDES will review the comments and the new assessment tool, and come out with  
14 draft MCLs. The MCLs will also be considered groundwater quality standards.

15  
16 Sarita Croce, Assistant Director, Public Works Department (PWD)/Wastewater, noted, as part of the  
17 rule that was adopted, they also are required to develop a procedure for assessing surface water  
18 standards by January of 2020.

19  
20 On March 15<sup>th</sup> Saint-Gobain submitted a lengthy report, which compiled all stormwater sampling that  
21 has occurred since the time they began their investigation. Some major highlights; roof drains on the  
22 northern side of the property emit the highest concentration of PFAS compounds. They tried to clean  
23 out their drains using high velocity pressure washers and found there remained sediment inside. They  
24 also did an evaluation of the stormwater conveyance piping on the property and cleared those as well  
25 as lining the inside. Subsequent evaluations showed there remain problems and infiltration of  
26 groundwater into the stormwater pipes. Roofing material possibly has absorbed or is impregnated with  
27 some of the PFAS compounds. That will possibly be something for a future investigation. Regarding  
28 Dumpling Brook, which is located on Flatley's property, the general trend is the contamination  
29 increases as it approaches the Merrimack River. One possible reason for that might be groundwater  
30 contamination, which is something they are going to be looking closer at. There appears to be very  
31 little impact to the Merrimack River.

32  
33 They are going to submit an onsite investigation report, hopefully by the end of April. In that report  
34 what Saint-Gobain will present is the investigation that occurred onsite and hopefully what their path  
35 forward will be; perhaps remediation activities as well.

36  
37 In March of 2019, Saint-Gobain submitted an air permit application. They indicated they would install  
38 a thermal oxidizer to actually treat the emissions from the stacks to destroy the PFAS compounds. The  
39 thermal oxidizer, at this point, they have identified, will operate at 1,600 degrees Fahrenheit. In a  
40 thermal oxidizer, it is turbulence time and temperature that determine the effectiveness of the  
41 breakdown of those compounds.

42  
43 NHDES has indicated, once the draft permit is issued, in addition to the required public comment  
44 period, they will pre-schedule a public hearing.

45  
46 In October of 2018, Saint-Gobain submitted a permit application to treat the PFAS compounds in their  
47 process wastewater. This treatment system consists of granular activated carbon and is in the process  
48 of being installed right now. One of the delays for the project was due to the need for a custom reactor  
49 tank. They are not going to receive that until April 30<sup>th</sup> of this year.

1  
2 Installation is expected to be complete by May 23, 2019, initial start-up by May 29<sup>th</sup>, and followed up  
3 with a two-month period of evaluating the treatment system, collecting samples, and analyzing them to  
4 make sure the system is working effectively. It is anticipated commissioning will be complete in  
5 August of 2019.

6  
7 It was pointed out Saint-Gobain did a treatability study before designing the treatment system. They  
8 analyzed for 23 PFAS compounds. The treatability study, after treatment, with the granular activated  
9 carbon, showed that all those compounds were non-detect.

10  
11 When the process first began, NHDES established a preliminary Groundwater Management Zone  
12 (GMZ). What the GMZ identified was the extent of PFAS contamination associated with Saint-  
13 Gobain activities. Subsequent to the development of the GMZ, several homes were placed on  
14 municipal water supply as well as point-of-source treatment systems being placed online. What  
15 NHDES realized, as a part of this process, because now you have taken so many homes off the  
16 groundwater system, (not pumping out any longer), the contamination could change. They have  
17 identified 42 residences that will be sampled as part of this monitoring plan. Approx. 12 are within the  
18 GMZ and the remainder outside (northwest). They will sample those as sentry wells to assess if PFAS  
19 concentrations in the groundwater are moving. If they discover contamination is moving offsite,  
20 NHDES will require Saint-Gobain to take contingency actions to protect human health and prevent  
21 exposure to contaminated groundwater.

22  
23 On March 22<sup>nd</sup>, the state of Maine issued a Memorandum, which required all facilities that make  
24 biosolids (like compost) to analyze them for PFOA, PFOS, and perfluorobutanesulfonic acid (PFBS).  
25 The screening levels Maine has are 2.5 parts per billion (ppb) for PFOA, 5.2 ppb for PFOS, and 1.9  
26 ppb for PFBS. If any results come back higher than those limits, they cannot land apply the biosolids  
27 anywhere. NHDES is aware of this and is currently evaluating the recent developments.

28  
29 Assistant Director Croce stated the only limits NHDES currently has for PFOA and PFOS are direct  
30 contact standards, which are 500 ppb for each.

31  
32 Asked if there is a completion date for the installation of the thermal oxidizer, she indicated once the  
33 air permit is issued, they will have one year to complete installation.

34  
35 Councilor Boyd commented on the amount of PFOAs in the drainage on the north part of the building,  
36 noting the smokestacks are located southerly of that drain and the prevailing winds generally run in a  
37 southeasterly direction. He questioned if it is fair to say the roof is sloped with drainage toward the  
38 northerly drain. He finds it odd that drain had a higher concentration than on the south end of the  
39 building. Assistant Director Croce was uncertain.

40  
41 Councilor Boyd spoke of being aware NHDES has discussed looking at the report that came out of  
42 MN and the 38 ppt as it relates to PFOA. Minnesota currently has a PFOS standards of 27. He  
43 questioned if, in her conversations, it was relayed whether the PFOS number would be explored in  
44 addition to the PFOA number to be consistent with the state of MN.

1 Assistant Director Croce stated the PFOS number is a health advisory. The PFOA number (35 ppt) is  
2 in the actual report. She believes they are looking at all four.

3  
4 Councilor Harrington stated appreciation for the information brought forth commented on relying upon  
5 the Assistant Director, and her knowledge, to be able to help the Council understand the voluminous  
6 information and the implications.

7  
8 **Comments from the Press and Public** - None

9  
10 **Recognitions, Resignations and Retirements** - None

11  
12 **Appointments**

13  
14 **1. Annual Review with the Parks and Recreation Committee**

15 Submitted by Parks and Recreation Chair Laura Jaynes

16 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review  
17 with the Parks and Recreation Committee. This agenda item is to highlight the committee's  
18 significant actions, current projects, anticipated actions, and to raise any concerns the Council  
19 should know or could act on.

20  
21 Laura Jaynes, Chairman, Parks and Recreation Committee (Committee), spoke of what Director  
22 Casparius has added to the department and Committee. The Committee serves as an advisory  
23 committee to the Town Manager. She spoke of the Committee membership, which includes many new  
24 members. There remain two open alternate positions.

25  
26 Ongoing old business is the Dog Park Sub-committee. The group sponsors many fundraisers. Their  
27 continual goal is the refreshing of bark mulch. Future improvements include a water line and perhaps  
28 lighting. At this point, their fund has an approx. balance of \$2,400.

29  
30 In 2018, the Committee spent considerable time working on an online survey for Merrimack residents.  
31 The results of the survey should assist in identifying long and short-term goals. The survey is available  
32 through the Town's website. To date, 393 surveys have been received.

33  
34 She thanked the Council for its support of the Wasserman waterfront.

35  
36 The department is in search of a new Program Coordinator. Approx. 90 applications have been  
37 received.

38  
39 Summer camp is proceeding well. Last year was the highest enrollment ever. To date, there are 777  
40 camp enrollments (approx. 45% ahead of where it was this time last year).

41  
42 Improvements continue to be made at the Function Hall. Flooring was replaced with carpeting, which  
43 has helped with acoustics. The Rotary is proposing assistance with portable acoustic walls.

44  
45 There have been approx. 6,200 rentals this year to date. Last year it was 2,400 and the year before  
46 1,200.

1 Councilor Boyd questioned if there are any issues the Committee has discussed that the Council should  
2 be reviewing in terms of growth, improvement, redevelopment, etc.

3  
4 Ms. Jaynes stated her belief the Committee would be discussing its goals in the meeting scheduled for  
5 the following week. She can make the Council aware of the result of that discussion. She commented  
6 on the skateboard park and perhaps the tennis courts being issues that would be discussed.

7  
8 Councilor Albert commented on the possibility of dock replacement having been brought up. Field  
9 space is always an issue.

10  
11 **Public Hearing** - None

12  
13 **Legislative Updates from State Representatives**

14  
15 Representative Rosemarie Rung noted earlier in the day the House voted on the budget, which is on its  
16 way to the Senate. Local property tax and the State budget are tightly linked. This year Merrimack  
17 receives \$15.58 million in education funding, which has a large impact on property tax. When the  
18 State cuts funding to municipalities it increases the property tax. When the State increases its budget it  
19 is not money being spent away from us, it is usually money that is coming back to us. That is the case  
20 with this budget.

21  
22 Noted was \$12.5 million in revenue sharing was approved at the House. Should this budget pass, next  
23 year Merrimack is scheduled to receive \$117,782. The proposed budget provides \$160 million over  
24 the biennium in additional educational aid including full-day kindergarten and stabilization grants.  
25 The House has approved a new tax to join dividends and interest (adding capital gains in with existing  
26 dividends & interest tax of 5%). The revenue from that (estimated at \$160 million) would be  
27 distributed to towns through education funding. Merrimack is at the cusp of this formula; minimum  
28 \$266,628 additional dollars and slightly more in 2021 (depending on equalized valuation of Town;  
29 could be close to \$2 million).

30  
31 Capital Gains Tax; increased exemptions (\$2,400 - \$5,000). The first \$5,000 of dividends, interest or  
32 capital gains would be exempted. People 65 and older have an additional exemption of \$7,500. The  
33 desire was to support and strengthen the middle class.

34  
35 An additional \$19.3 million in school building aid is included in the proposed budget and an additional  
36 \$9 million to support special education costs. Also provided was \$20 million to eliminate the  
37 development services weight list and provide 2.5% increase for providers.

38  
39 Distributing \$137.6 million in Room & Meals Tax to go back to municipalities. There was also a Bill  
40 that passed the House, which would allow municipalities to add a \$2 fee onto room rentals (hotel  
41 rentals). She does not believe it applicable to Merrimack. If the Council wished to entertain it, it could  
42 (enabling legislation). Primarily the Bill is intended to address communities like Hampton Beach and  
43 Laconia where, during certain times of the year, they see a huge influx of people coming in, which  
44 saps a lot of the services they need for emergency services. They have a very difficult time covering  
45 those services in their budget.

1 The way kindergarten is funded would be changed (currently funded as half-day and tied in with Keno  
2 revenue). The House voted to include the kindergarten students full-time with the 1-12 population;  
3 when looking at the number of students enrolled for the purpose of calculating adequacy education  
4 funding, kindergarten students are included. The proposed budget also provides additional monies to  
5 fully fund career and technical education programs and \$1 million into the Running Start Program.  
6

7 Asked for clarification on the Rooms & Meals Tax for Merrimack, Representative Rung indicated she  
8 did not have that broken out. Asked about the wastewater grant, she indicated that grant was applied  
9 for. The fund that it comes from is under pollution control. The current funding for this year is \$7.6  
10 million. In the House Finance Committee that goes up to \$8.8 million. That looks positively for  
11 Merrimack as one of the applicants for those grants.  
12

13 Senator Shannon Chandley, District 11, remarked this is the time of crossover where of the 1,000±  
14 bills that were introduced, those that have passed have moved to the other body. Just passed at the  
15 House were HB1 and HB2; budget bill and trailer bill. The Governor introduced his budget, the House  
16 has voted on its budget, and it will come to the Senate. The Senate budget, she is confident, will look  
17 somewhat different from those of the Governor and House.  
18

19 Senator Chandley noted she serves on three committees; Judiciary, Executive Departments and  
20 Administration, and Health & Human Services. She stated a willingness to meet with anyone at any  
21 time to discuss specific concerns, and/or to address the Council regarding any specific legislation.  
22

23 Senator Chandley spoke of sponsoring a bill, along with several members of the House, to remove the  
24 toll at exit 11. It passed twice in the Senate; out of the Policy Committee with a unanimous roll call  
25 vote and out of the Finance Committee on a voice vote. It is in the House, and will have a hearing in  
26 the coming weeks. The date will be provided.  
27

28 Councilor Albert spoke of being pleased with the possibility of the tolls at exit 11 going away, and,  
29 perhaps in the future, those at exit 10 as well.  
30

31 Councilor Albert spoke of concern with the Turnpike widening project; he is hopeful the NHDOT  
32 addresses sight and sound barriers for the Merrimack neighborhoods that border the Turnpike. He  
33 spoke of a list having been sent to the NHDOT noting the concerns. He is hopeful they do more than  
34 was done in Bedford with the installation of a stockage fence.  
35

36 Councilor Albert questioned if there is any legislation coming forward relative to bail laws. Senator  
37 Chandley noted SB314 recently passed. It came out of the Judiciary Committee. There were two bills;  
38 SB91 and SB314, which both looked to make some changes to current bail laws. A lot of collaborative  
39 work was done in a bi-partisan effort. She spoke of the stakeholders involved; Chiefs of police, Public  
40 Defenders, etc. SB314 did address the situation of failure to appear, individuals being arrested on  
41 numerous occasions and let go, etc.  
42

43 Representative Rung commented it came up Tuesday during the House Finance briefing, but there is  
44 no additional funding for sound barriers. There are many communities throughout the State that have  
45 qualified for sound barriers because of highway widening on projects that completed years ago.  
46 Although they qualified, there were no funds available to construct them. That funding has not been  
47 increased. She is not optimistic that the neighborhoods in Merrimack, that have qualified for sound  
48 barriers upon the widening of the Turnpike will get them; at least not in the near term. She suggested  
49 that would be something that could be a priority for the next biennium, and what could be looked at is

1 another mechanism for the funding. It is one of the areas that is easiest to cut when looking to balance  
2 the budget.

3

4 Chairman Rothhaus commented on a quote in local newsprint by Representative Thomas indicating  
5 Health & Human Services did a report on a study looking at 20+ different cancers. Each one said it  
6 was not a significant statistical variation, that Merrimack's cancer rates were not really different than  
7 other communities that didn't have the PFOA/PFAS problem. Her words were that children and pets  
8 are dying in Merrimack. When remarks like that make it around the world, through the internet, it is  
9 disappointing. He requested his remarks be passed along.

10

11 Councilor Harrington stated agreement with Chairman Rothhaus. She too was upset with the  
12 statement. The concern could have been phrased that her fear is that children and pets..... If  
13 misquoted, she should make that known/clear. In her opinion, she did a great disservice to Merrimack  
14 as a Representative.

15

16 Representative Rung stated agreement the hyperbole and exaggeration outside the context of data is  
17 not helping anyone. She noted the House approved a bill to have an environmental and health study  
18 done. That is where we need to put our energy and focus. We need to look at the data and understand  
19 if there is a causation. She stated she would pass the message along.

20

21 Councilor Boyd stated his disappointment with the article speaking of the efforts to make Merrimack a  
22 great place to work, live, and raise a family. Rhetoric such as that does not reflect nicely on the efforts  
23 of the community.

24

25 Regarding kindergarten funding as it relates to Keno, the lottery has spent a great deal of funds  
26 promoting Keno highlight the fact that proceeds would be dedicated to kindergarten. He questioned  
27 philosophically why the move away from dedicating those funds to kindergarten and into the general  
28 education fund.

29

30 Representative Rung responded Keno has not met the revenue expectations projected. Revenues  
31 continue to go into the educational trust fund, but will be disbursed according to the grant not  
32 specifically to deferring costs of kindergarten. The desire is to make the funding of K-12 more  
33 predictable and more reliable.

34

35 Councilor Boyd spoke of the project to widen the Turnpike. The NHDOT conducted a public meeting,  
36 which was very well attended by those who will be directly impacted by the project. He understands  
37 they must widen the road; however, they are creating the impact on the neighborhoods. To not even  
38 try to budget funds to mitigate that impact is disingenuous. The level of arrogance that comes out of  
39 the NHDOT as it relates to his community is vial. He provided examples of the Town looking to  
40 address problem areas and the lack of acknowledgement/agreement by the NHDOT. One of the  
41 examples provided was the light on Executive Drive; for 9 years the Town has been trying to get that  
42 light eliminated. There was an assurance the light would be gone. It is still sitting there and there is  
43 still traffic backing up on the Turnpike going all the way down Greeley Street to D.W. Highway. It is  
44 causing accidents and problems. The NHDOT refuses to do a darn thing about it.

1 Representative Rung stated the first thing she would do in the morning is call them and set up a  
2 meeting to discuss the removal of the light. If they don't do it, she will introduce a bill, which she  
3 believes will move them along.

4  
5 She shares the frustration over the lack of funding for the sound barriers. The NHDOT has a formula  
6 used to determine if a neighborhood qualifies. Why have a formula if you are not going to fund it?  
7

8 Councilor Boyd remarked if looking to identify the ambient noise output, testing must be done during  
9 off-peak hours, e.g., Saturday at 2:00 p.m.

10  
11 Councilor Healey spoke of having brought up that issue with the NHDOT. As you drive from exit 10  
12 up to Bedford the edge of the highway is abutting people's yards. She worries not only about the  
13 sound but those yards that don't have fences. It is a safety issue.

14  
15 Representative Rung spoke of an error in the testing. The Wire Road area was re-tested and qualified.  
16 It really is unfair to qualify a neighborhood and not put the funding in place. Councilor Harrington  
17 questioned if the neighborhood would have grounds to go after the State given, they meet the criteria  
18 of the State, but the State is not responding to it.

19  
20 Town Manager Cabanel stated a desire to speak with the representatives regarding issues she is having  
21 with the NHDOT; one having to do with a business that employees about 1,100 people in Merrimack  
22 and an issue of their not plowing a particular section of road and another related to information  
23 concerning revenues/expenditures, bonds, etc. related to the tolls at exists 10 and 11.

24  
25 Senator Chandley stated she would share the data she has with her, and if it is not enough, they can  
26 look to gain additional information.

27  
28 Representative Rung stated she would inform the Council of the scheduling of the meeting with  
29 NHDOT. If there is anything the Council wishes to add to the agenda, she would be happy to do so.

30  
31 **Town Manager's Report**

32  
33 The Municipal Separate Storm Sewer Systems (MS4) permit will be nearing the end of year 1 on June  
34 30, 2019. The work for this year has focused on creating a new Stormwater Management Program for  
35 the Town, which involves setting up several different "Control Measures" to include: Public education  
36 and outreach, public involvement and participation, Illicit Discharge Detection and Elimination  
37 (IDDE) Program, construction site stormwater runoff control, post construction stormwater  
38 management in new development and redevelopment & good housekeeping and pollution prevention  
39 for permittee owned operations.

40  
41 The 3 stormwater coalition groups in the State have joined forces and divided out the work on each of  
42 the control measures.

43  
44 Town Manager Cabanel commented when this was before the Council last there was discussion of how  
45 this year and next the Town will be doing a lot of information gathering at the various outfalls.



1 Work on the Bedford Road Bridge between Pearson Road and Catskill Road began on April 1<sup>st</sup>.  
2 Clearing and grubbing work is being worked on as well as the demolition of the old Darrah Bridge.  
3 The next phase will be to construct the by-pass road and relocate the utilities. Alternating one-way  
4 traffic will begin around June 1<sup>st</sup> and will continue until about December 1<sup>st</sup>.

5  
6 On April 2<sup>nd</sup>, the Planning Board began discussion on a comprehensive overhaul of the Town's Site  
7 Plan Regulations. Workshop discussions will take place over the next few months on the draft  
8 regulations, in the hope of adoption during the summer. Public input is appreciated, and the draft  
9 regulations can be found on the Planning Board webpage under "News & Events."

10  
11 The Community Development Department welcomes Rhonda Fleming as the new full-time department  
12 secretary. Prior to joining the Community Development team, she was a Project Manager for a large  
13 health insurance company.

14  
15 **Consent Agenda** - None

16  
17 **Old Business** - None

18  
19 **New Business**

20  
21 **1. Donation Acceptance for Parks and Recreation Department**

22 Submitted by Parks and Recreation Director Matthew Casparius

23 The Town Council to consider the acceptance and expenditure of donation from the Merrimack  
24 Lions Club in the amount of \$445.00 to the Parks and Recreation Department to be put towards the  
25 Summer Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

26  
27 **MOTION made by Councilor Albert and seconded by Councilor Boyd to approve the acceptance  
28 and expenditure of a donation from the Merrimack Lions Club in the amount of Four Hundred  
29 and Forty Five Dollars (\$445.00) to the Parks and Recreation Department to be put towards the  
30 Summer Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15**

31  
32 **ON THE QUESTION**

33  
34 Councilor Albert stated the Lions Club has always been generous. This is a great donation. They  
35 annually help those in need. He expressed his gratitude.

36 **MOTION CARRIED 6-0-0**

37  
38 **2. Committee Appointments**

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

40 The Town Council to consider appointing the following individual to Town committees, pursuant  
41 to Charter Article 4-8:

42  
43 - Rod Buckley – Zoning Board of Adjustment (Full member)

44  
45 **MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the  
46 appointment of Rod Buckley as a Full Member to the Zoning Board of Adjustment**

1 ON THE QUESTION

2  
3 Councilor Boyd remarked Mr. Buckley has done yeoman's work in this community throughout the  
4 years. He is very pleased he is moving from an alternate to full member position on the ZBA.

5 MOTION CARRIED 6-0-0

6  
7 **3. Reeds Ferry Fire Station (Station 3) Discussion**

8 Submitted by Fire Chief Michael Currier

9 The Town Council to discuss and consider the recommendation of eliminating the current critter  
10 problem and to prevent future problems at the Reeds Ferry Fire Station (Station 3) due to some  
11 recent damage to the Town's equipment stored at the station.

12  
13 Town Manager Cabanel remarked Station 3 is not in the best condition, and is currently used as  
14 storage. A quote was provided for replacement of items damaged totaling \$16,000. She is concerned  
15 with that large of a cost related to a facility that serves for storage.

16  
17 Assistant Town Manager/Finance Director Micali stated he heard from the insurance carrier late in the  
18 day. The policy has an exclusion for critter damage. There will not be any reimbursement from  
19 insurance.

20  
21 Councilor Boyd questioned if the Town has spoken with Mr. Flatley. The memo the Council received  
22 states the construction of the new apartments has had an impact on this situation. Town Manager  
23 Cabanel stated she has not reached out, but that is something she is considering. At one point, Mr.  
24 Flatley had indicated a willingness to improve the appearance of the back of the facility to make it  
25 more visually pleasing for his residents.

26  
27 Councilor Albert questioned if the Town would begin to monitor the building more closely.

28  
29 Michael Currier, Fire Chief, Merrimack Fire and Rescue, provided a presentation. Can be viewed [here](#)  
30 (beginning at tape counter 1:13). Station 3 was constructed in 1972 and used during the period of  
31 1979-1997 as the maintenance facility housing a full-time firefighter mechanic. In 1998, the firefighter  
32 mechanic was moved to the Highway Department due to special training on emergency vehicles and  
33 the fact an individual working alone in a facility has safety implications. Although no longer staffed  
34 by full-time personnel, Station 3 remained a call station.

35  
36 Over the years, station maintenance was performed by the call division. As the volunteers and the call  
37 station started to dwindle, so did the presence of people and maintenance at the station. In 1999, Chief  
38 Hall requested funding from the Shedd Harris Fund to repair windows and doors. In 2003, funds were  
39 used from the Shedd Harris Fund to install an emergency generator and plymovent vehicle exhaust  
40 system. A natural gas conversion was done in the summer of 2011.

41  
42 With the station not staffed, critters moved in. Efforts were made to control the rodents. Chief Currier  
43 noted the issue did not begin with the development of abutting property. In the spring of 2018, the  
44 station was cleaned and purged of items no longer needed. That effort improved the situation. With  
45 the development of the Flatley property, the activity increased.

1 Photos were provided illustrating some of the current damage caused by the rodents as well as leaks in  
2 water pipes, etc.

3  
4 Some of the items stored at the facility, e.g., Engine 3, training props, sandbags, trailers (need to be  
5 kept heated); HAZMAT and special operations, forestry 2 (during winter months), ladders, backup  
6 hose, backup stretchers.

7  
8 The recommendation is for rodent eradication (\$16,200); remove and fix any possible or potential  
9 openings (will guarantee nothing further will gain access), station decontamination (cost unknown);  
10 removal of rodent contamination, and station repair and upgrade (cost unknown); repair station to  
11 proper health conditions and meet existing codes.

12  
13 Councilor Healey questioned if the department could do without the station. Chief Currier responded  
14 no; to maintain equipment in a usable and ready form, particularly the HAZMAT trailer, it needs to be  
15 stored in that station.

16  
17 Councilor Healey commented in the past the Shedd Harris Fund has been used. She spoke of the  
18 George Carol Fund that was also set up for fire protection in Reeds Ferry, and stated her understanding  
19 there is no specification on what the funds must be used for other than for protection. Storage of the  
20 equipment, in her opinion, would constitute protection of the Reeds Ferry area. She questioned why  
21 the funds could not be looked to as a means of covering the cost.

22  
23 Town Manager Cabanel stated the desire to ensure the Council had the opportunity to view the state of  
24 the building and determine whether the building should be rehabbed or if the best approach would be  
25 another storage option. She commented on the cost involved. Yes, the funds can come from the  
26 Shedd Harris Fund.

27  
28 Councilor Healey commented if the decision were reached to replace the building, it would still have  
29 to be left in the Reeds Ferry area.

30  
31 Councilor Albert suggested a prime piece of realty on Route 3 is being used as a warehouse. Chairman  
32 Rothhaus stated the property is not that of the Town. If not being used, the Town would have to give  
33 the property back. Town Manager Cabanel stated her recollection the property was provided by  
34 General Electric.

35  
36 Councilor Albert suggested looking into the possibility of selling the property and utilizing any  
37 revenue towards a facility on a less valuable piece of property where an appropriate warehouse facility  
38 could be in place. He questioned if the \$16,200 would cover the cost of equipment replacement, and  
39 was informed it would not. Assistant Town Manager/Finance Director Micali stated with the hose  
40 purchased last year and the one to be purchased this year and the damaged equipment, the cost could  
41 range from \$2,500 - \$5,000.

42  
43 Councilor Albert questioned the will of the Council relative to requesting the Town Manager  
44 investigate the possibility of sale and value of the property. Town Manager Cabanel stated her belief  
45 the value would likely only be to the abutting property (parking).

1 Councilor Thornton remarked there is a problem that has a known cost of \$16,200. If purchasing or  
2 construction another facility, the cost would be much greater. If not addressing the situation there is no  
3 way of knowing whether the critters would get into the \$50,000 HAZMAT trailer. He suggested the  
4 funding be allocated to address the problem.  
5

6 Councilor Harrington stated agreement the Council should understand what the options are regarding  
7 the sale of the property. She recollects there being some language that would prohibit that. She agrees  
8 with expending the funds to address the current situation. She would like the Town to approach Mr.  
9 Flatley to assist with some beautification efforts.  
10

11 Chairman Rothhaus stated agreement the repairs are necessary and guaranteed.  
12

13 Asked for his opinion, Chief Currier stated the north end voter is in the building for police and fire  
14 communications. Asked if the department utilizes a hose tower, he stated that is not done very often.

15 Chairman Rothhaus questioned if, instead of replacing windows, that may be something that would  
16 come down. Chief Currier remarked he is uncertain if it would be more dangerous to the building  
17 taking it down. That will be looked at and evaluated. He believes the antenna is on top of that.

18 Chairman Rothhaus commented he thought he had heard, at one point, that the concrete block structure  
19 was having issues. Chief Currier commented it is just not the safest thing to hang hose. With a  
20 modern hose there is no need to hang and dry. If it can come down that is the smartest thing to do for  
21 the tower as it will only get worse.  
22

23 Councilor Harrington suggested the next steps be to identify the issue of ownership of the land and  
24 bring back information on what would be required to sure up and improve the appearance of the  
25 facility as an alternative to sale.  
26

27 Chief Currier stated there to be documentation that was presented in prior years about some of the  
28 minor things that could be done to make the facility a more usable building. He spoke of the long-term  
29 benefit to the community of storing the equipment in a dry environment.  
30

31 Chief Currier stated he started in the department in 1983, and dedicated his life; 20 years as a volunteer  
32 and then a career, to saving lives, property, and the environment for the Town of Merrimack. He takes  
33 that very seriously. Of all the years he has been in the department, more lives were lost in the 12  
34 months. Over the past year the department has lost three lives, due to structure fires; three citizens  
35 from this community. They died because they didn't have working smoke detectors in the house. He  
36 pleaded with the viewing audience to check their smoke detectors/change the batteries. Smoke  
37 detectors don't last forever. After ten years they start to fail, and you need to start thinking about  
38 replacing them.  
39

40 Starting Monday, the department will be going on tv with a smoke detector campaign. Captain Bartell  
41 took his crews out over the weekend; went to Shaws and started educating people on smoke detectors  
42 and changing their batteries. They met everybody walking in and out of the building, talked to them,  
43 and explained the importance.  
44

45 Councilor Albert commented Meals on Wheels works out of the Senior Center. Perhaps a  
46 representative from the center could help with education. Chief Currier spoke of the department's  
47 plans to go to the Senior Center to start the conversation.  
48

49 **Minutes**

1 Special March 13, 2019

2  
3 *The following amendments were offered:*

4  
5 Pages 1 and 2; correct page numbering

6  
7 **MOTION made by Councilor Boyd and seconded by Councilor Harrington that the minutes of**  
8 **the Special meeting of the Town Council of March 13, 2019 be approved, as amended. MOTION**  
9 **CARRIED 6-0-0**

10  
11 March 28, 2019

12  
13 *The following amendments were offered:*

14  
15 Page 2, Line 41; insert “was” before “a jokster”

16 Page 6, Line 15; replace “Bed” with “Ben”

17 Page 8, Line 39; replace “Heavner” with “Heavener” and replace “Breanne” with “Brianne”

18 Page 11, Line 32; correct spelling of “abatement”

19 Page 14, Line 44; “pilot” should be “PILOT” and “payment in lieu of taxes” should be in parenthesis

20 Page 15, Line 20; replace “provided” with “providing”

21 Page 17, Line 30; delete “special”

22  
23 **MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the**  
24 **minutes of the Town Council meeting of March 28, 2019, as amended. MOTION CARRIED 5-**  
25 **0-1**

26 *Councilor Thornton Abstained*

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

29  
30 **Comments from the Public** - None

31  
32 **Comments from the Council**

33  
34 Councilor Boyd thanked the attendees, Department of Environmental Services, and Department of  
35 Health and Human Services for putting on a successful health fair last week. He thanked the  
36 Merrimack Delegation for their attendance, and Merrimack Citizens for Clean Water for their  
37 participation. He was very happy with the level of attendance (80). He thanked all the vendors that  
38 participated.

39  
40 Councilor Boyd thanked the voters for approving the wastewater bond. There were a good deal of  
41 things on the ballot, but that is a critical piece of infrastructure that needs to be updated.

42  
43 Councilor Boyd thanked Councilor Thornton for his leadership and stewardship. He spoke of the level  
44 of due diligence he brought to every discussion. He thanked him for his service to the community.

1 Councilor Harrington spoke of her respect for Councilor Thornton and her appreciation of his time on  
2 the Council. She commented on wanting to continue to receive his opinion as that is something she  
3 honors.

4  
5 Councilor Albert thanked Councilor Thornton for his many volunteer activities in the community.  
6

7 Councilor Healey spoke of time spent at the Middle School during the elections, and thanked him for  
8 everything he taught her about the process while there.

9  
10 Chairman Rothhaus commented on understanding what it is like to have young children and a job that  
11 has him traveling to the back woods of Maine, etc. He spoke of his appreciation for everything  
12 Councilor Thornton brought to the Council and the community.

13  
14 Councilor Thornton thanked the Council commenting on having gained the understanding of what it is  
15 like to sit on the other side of the table and see everything the Administration and Council do. He  
16 stated it to have been a pleasure serving with his colleagues.

17  
18 **Adjourn**

19  
20 **MOTION made by Councilor Thornton and seconded by Councilor Boyd to adjourn the**  
21 **meeting. MOTION CARRIED 6-0-0**

22  
23 *The April 11, 2019 meeting of the Town Council was adjourned at 8:56 p.m.*

24  
25  
26  
27 Submitted by Dawn MacMillan