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Town Council Meeting Minutes



Thursday, November 16, 2023, at 7:00 PM, in the Matthew Thornton Room

Call to Order

- 4 Vice Chair Harrington called the meeting to order at 7:00 pm. Present at the meeting were Vice Chair
- 5 Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, Councilor N.
- 6 Murphy, and Town Manager Paul Micali. Chairman Rothhaus was excused.

Pledge of Allegiance

Vice Chair Harrington led the Pledge of Allegiance.

Announcements

- 11 The Town Offices will be closed on Thursday, November 23 & Friday, November 24 in observance of
 - Thanksgiving. The Merrimack Transfer Station will also be closed on Thanksgiving Day.

Upcoming Town Council Meetings:

- Thursday, December 7, 2023, 7:00 PM Regular meeting
- Thursday, December 21, 2023, 7:00 PM Regular meeting
- Wednesday, January 10, 2024, 6:30 PM Budget meeting
- Thursday, January 11, 2024, 7:00 PM Regular meeting
- Property tax bills will be issued by November 28th and will be due by December 29th.
- Come and join the Parks & Recreation Department on Sunday, December 3rd as we officially kick off the holiday season in Merrimack with the 30th Annual Holiday Parade and Tree Lighting. The theme of this year's event is "Rock & Roll Holidays Thru Time".
- The Annual Holiday Parade will kick off at 3:00 p.m. from the Commons Shopping Plaza located at 515
- 27 Daniel Webster Highway and will end in the Town Hall parking lot located at 6 Baboosic Lake Road. The
- Tree Lighting Ceremony will take place immediately after the Parade arrives at Town Hall (at approximately
- 3:45 pm.) For questions, visit the Parks & Recreation Department website or call 603-882-1046.
 - The Annual Food Drive is taking place from now through December 31st.
 - Non-expired canned food and non-perishable items accepted at the following locations:
 - Highway and Equipment Maintenance Complex 76 Turkey Hill Rd.
 - Fire Department 432 Daniel Webster Highway
 - Police Department 31 Baboosic Lake Road
 - Library 470 Daniel Webster Highway
 - Public Works Administration Lower Level @ Town Hall (6 Baboosic Lake Rd.)
 - Town Hall Upper Level (6 Baboosic Lake Rd.
 - Transfer Station Recycle Building (1 Fearon Rd.)

Some suggested donations include toiletries and hygiene products, applesauce, juice boxes, canned soups, macaroni and cheese, pasta, canned tuna, canned fruits and vegetables, crackers, cereal, bottled water, baby formula, diapers & baby wipes.

Donations will be brought to the two food pantries in Merrimack; St. John Neumann and St. James United Methodist Church

Comments from the Press and Public

Karen Contos of 28 Fairway Drive was present to share that she is part of the Merrimack Energy Committee and they are very interested in the community power aggregation discussion.

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Recognitions, Resignations and Retirements

None.

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Appointments

1. Library Board of Trustees Update

Submitted by Library Board of Trustees Chair Debra Covell and Director Yvette Couser The Library Board of Trustees to provide an update to the Town Council.

Library Board of Trustees Chair Debra Covell and Director Yvette Couser were present along with board member Jen Jobin and Treasurer of the Trustees Janet Krupp to share their annual update. Ms. Covell began by stating that their building has undergone some upgrades. The granite steps out front have been completed, and the elevator refurbishment project should be beginning in December. They also recently accepted a proposal from a retro commissioning agent for the HVAC and chiller system to see what can be fixed in the most cost effective way. They are also looking to replace the slate roof and do some repairs as there is some leakage. Ms. Covell also shared that they had some new phones purchased and installed with the help of the IT department and Jonathan Diaz. She also shared that there was unfortunately some flooding this summer due to parking lot drainage issues that will have to be addressed at some point.

- 18 Ms. Couser then spoke, sharing that they recently rolled out a new catalog overlay that is more user friendly.
- 19 She also shared that over the summer the library consortium planned a library hop, where they created a
- 20 passport and patrons could pick up a passport and visit all of the libraries in your consortium, get your
- 21 passport stamped, and win a prize. This was a hit with the community and Ms. Couser was very proud of this
- 22 accomplishment. She then talked about the seed collection, sharing that this was a very popular topic this
- spring and summer, and now is the time that the seeds are being harvested and packed for next year. She also
- 24 talked about the "library of things" collection, and how this has been featured on WMUR and continues to
- 25 grow by adding puzzles to the collection. Ms. Couser also discussed shifting away from the Dewey Decimal
- System, and how they added the Eric Carl museum pass, which is down in Massachusetts, to their museum
- 27 pass collection. She also touched upon some various projects they participated in, such as their annual Trunk
- or Treat, the Little Free Library at the Merrimack Outlets, operation Santa Tree, Student Wellness at the
- 29 Merrimack schools, and some monthly library programs. She also talked about some furniture rearrangement
- at the library, specifically how they combined their two service desks into one service desk. They also
- 31 promoted some staff from within.
- Ms. Covell then shared their goals for the year- they have been working on a strategic plan and have been
- working with a consultant who is also a former library trustee. She also shared that their board has changed a
- bit; Molly Mortimer joined for a one year term, and Ruthmarie Swisher and Karen Freed are alternates. She
- wanted to thank people who have donated to the collection, particularly Dr. Quimby for the ongoing
- memorial fund in honor of his son Barry Quimby, as well as donations from the Merrimack Lions and
- 37 Lioness clubs for funds to stock the Caring Cupboard, as well as the Greater Nashua Smart Start Coalition
- 38 who gave them a grant of \$332.85 to purchase toys to promote early literacy and social and emotion
- learning. She also wanted to thank the Merrimack Garden Club for making the library garden beautiful.

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2. Annual Review with the Conservation Commission

Submitted by Conservation Commission Chair Steve Perkins

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

- 1 Conservation Commission Chair Steve Perkins was present to share the Commission's annual review. He
- began by stating that they said goodbye to Mike Boisvert, Cindy Glenn, Mike Drouin, and Gina Rosati, and
- 3 added Karis Welsh, Andrew Duane, Tom Martinson, and Danielle Melanson. He then shared the following
- 4 about the Commission via PowerPoint:

Mission of the Commission:

- Per RSA 36-A
 - Responsible for the Proper Utilization and Protection of the natural and watershed resources in Town. This includes: out streams, rivers, forests, wetlands, wildlife habitats, open space and our drinking water resources
 - Coordinate activities of unofficial bodies organized for similar purposes
- By other means (RSA, Town Subdivision Rule, etc.)
 - o Review and provide recommendation to the NH DES for Dredge and Fill permits
 - Review and provide recommendations to the Planning Board for projects within the Aquifer Conservation District and Wellhead Protection Areas
 - Manage ~1600 acres of Conservation open space land in Merrimack

16 Finances

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- Special Funds as of September 30, 2023
 - o 51 Special Conservation Fund: \$49,278
 - o 53 Land-Use Change Conservation Fund \$1,023,652
 - Horse Hill Nature Preserve Fund \$571

21 **Budget**

- Commercial printing of pamphlets and maps: \$850
- Memberships
 - o NH Association of Conservation Commissions: \$1,050
 - Society for the Protection of NH Forests: \$250
 - Merrimack River Watershed Council: \$200
- Education, Seminars, Presentations and Training: \$400
- Office Supplies: \$380
- Website hosting service: \$150
- Souhegan River water quality monitoring: \$200
- Lay lake Monitoring: \$1,688

MCC Accomplishments 2023:

- Enjoyed the support and cooperation of Scouts, the Litter Crew, NEMBA, our subcommittees, and various other volunteers in various capacities related to maintaining and improving the man properties
- New trails and bridges; improvements to trail markings and signage

- Reviewed numerous proposed projects regarding their potential impacts to wetlands, town aquifers, storm water management, invasive species control, and potential impacts to conservation lands
- 23rd Annual Seedling Give-away
 - Used several vendors
 - o Continue to "tweak" the assortment
 - Continue to use the GIS-based Assessment Mosaic to guide us in discussions/exploration of potential acquisitions and high0value mitigation opportunities/solutions
 - Continued to maintain an engaging and fresh website at: www.merrimackoutdoors.org
 - Participated in the Winter Carnival
 - Attended the NHACC Wetlands Workshop
 - Four members attended the NHACC annual meeting
 - Completed the annual LCIP Survey at Wasserman

14 Goals/Activities for 2024

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- Parcel maintenance/ trail maintenance
- Recruitment and outreach activities
- Work with NRPC to complete the parcel map "refresh" we started in 2023
 - Continue to review acquisition opportunities for remaining key parcels
- Resolve the Fields Farm access dilemma
 - Provide education opportunities for Merrimack by partnering with the NHACC, NH Coop Ext, School District, etc.
 - Develop more comprehensive plan to address invasive plant species in targeted areas
 - Continue to take the necessary steps to bring a student representative to the MCC
 - Continue to implement water control activities and apply the Merrimack Beaver Management Policy
 - Continue to bring more people into our properties and improve their experience when they visit by providing accurate maps and regularly scheduled events
- Expand the www.merrimackoutdoors.org website
 - Grow our social media presence beyond www.merrimackoutdoors.org
- Improved trail signing on a number of parcels
- Develop a "punch list" of projects
- Continue to document our processes and procedures
- Monitor E-bike usage

Where the Town Council Can Help

- The Merrill's Marauders pedestrian bridge across the Souhegan
- Provide input and feedback often. We are partners in keeping Merrimack a great place to live, work, raise a family and to enjoy the great outdoors
- We may need some help as we work towards better public access to Field's Farm
- Future phases of the F.E Everett Turnpike widening will impact wetlands and there is a parcel that should become part of the mitigation

Recognition of Support

• We appreciate the continued support we get from community Development, Public Works, Parks and Recreation, Police Department, Finance Department, and Merrimack TV

Public Hearing

1. Public I

Public Hearing - Consideration of Changes to Chapter 142, Parks & Recreation Areas
 Submitted by Parks and Recreation Director Matthew Casparius
 The Town Council will hold a public hearing to consider the acceptance of recommended changes to Chapter 142, Parks and Recreation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

Parks and Recreation Director Matthew Casparius was present to recap the recommended changes, stating that everything should be up to date as was discussed at the last meeting. Mr. Micali shared that they did add in the section on metal detectors.

The public hearing was opened at 7:47pm and closed at 7:48pm.

<u>MOTION</u> made by Councilor Koenig and seconded by Councilor Healey to move this to the Consent Agenda.

MOTION CARRIES 6-0-0

2. Public Hearing – Bear Christensen Fund Acceptance

Submitted by Finance Director Adam Britten

The Town Council will hold a public hearing to authorize the acceptance of the amount of but not to exceed \$10,000 for the Bear Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

Chris Christensen was present to share that annually he presents this to the Council. He would like to donate \$7,000 to principle and \$3,000 to the income/expendable fund.

The public hearing was opened at 7:50pm and closed at 7:51pm.

<u>MOTION</u> made by Councilor Koenig and seconded by Councilor Healey to authorize and accept the amount of but not to exceed \$10,000- \$7,000 for principle, \$3,000 for investment- for the Bear

42 Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town

43 Manager to sign any necessary documents.44 MOTION CARRIES 6-0-0

Legislative Updates from State Representatives

- 2 State Rep Wendy Thomas was present to share that she attended a meeting about the Everett expansion
- 3 project and asked for emergency access behind the apartment buildings behind DW Highway due to the
- 4 expected traffic increase. She shared that Rep Bill Boyd asked for the DOT to do some type of study on DW
- 5 during the high traffic times of day due to the concern of emergency vehicles not being able to get through
- 6 traffic quickly. She also shared that she raised concerns with the DOT about residents having an entrance
- 7 ramp on Exit 12 North and exit ramp on Exit 12 South, but unfortunately this will not happen because there
- 8 is private land and a cemetery in this area.
- 9 Rep Thomas also talked about getting requests for a more robust climate change education in our public
- schools. She shared that in this climate, it is unlikely this will get changed, but the solution was to create a
- ll house resolution, which is an official letter from one governing body to another governing body, which
- would go to Frank Edelblut at the Department of Education. This letter would ask him to consider a more
- 13 robust climate change education and show the impacts of climate change, as well as local case studies and
- local solutions in NH such as the Portsmouth climate action plan, solar power, wind power, etc., as well as
- 15 ways students can make changes in the own schools to be part of the solution, and conservation, engineering,
- and climate change focused careers. She is working with young adults to present this to the Merrimack
- 17 School Board to present this on December 4th.

Town Manager's Report

Amherst Road Bridge over the Souhegan River is now open. Due to the weather holding, the project was able to finish ahead of schedule.

The Souhegan River Trail construction

The Souhegan River Trail construction has begun on both sides of the Daniel Webster Highway. The ground breaking ceremony was on November 3rd. Due to safety concerns, please note that the <u>public is not to enter the construction area</u>. There are OSHA regulations that restrict who can go within the construction zones without proper authorization and PPE. Please stay on the sidewalks. Additionally, the gate down to the river

has been temporarily closed due to the construction.

The Septage Receiving Facility at the Wastewater Facility will be closed on Wednesday, November 29th and Thursday, November 30th it will reopen on December 1st. This closure is to facilitate necessary electrical

upgrades related to the ongoing renovation project. Letters and emails have been sent to all the haulers that

bring septage to the facility.

There will be a temporary traffic pattern change visitors to the facility are encourage to follow the posted

34 signage.35

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The Merrimack Police Department will be hosting the first Small Business Safety Training on Dec. 2nd from 9-10:30 am. Topics include:

- Reducing the risk of preventable crimes
- Improve the safety of the small business, employees & customers
- Talk about current trends in local crime
- Discuss your concerns and share your thoughts with other merchants in Town
 - RSVP to Detective / CSO Vandersyde 603-424-3774 wvandersyde@merrimacknh.gov

With the Holiday season upon us I would like to wish the residents of Merrimack a Happy Thanksgiving and a safe, healthy & happy Holiday season.

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Consent Agenda

1. Consideration of Changes to Chapter 167, Stormwater Management Standards [Final Reading] Submitted by Public Works Director Dawn Tuomala and Assistant Public Works Director / Environmental Leo Laviolette

The Town Council to consider the final acceptance of recommended changes to Chapter 167, Stormwater Management Standards, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to approve the Consent Agenda as presented.

MOTION CARRIES 6-0-0

2. Addition of Chapter 168, Illicit Discharge Detection and Elimination (IDDE), to the Merrimack **Town Code [Final Reading]**

Submitted by Public Works Director Dawn Tuomala and Assistant Public Works Director / Environmental Leo Laviolette

The Town Council to consider the addition of Chapter 168, Illicit Discharge Detection and Elimination, to update the Merrimack Town Code to the current requirements of the EPA MS4 Permit, pursuant to Charter Article V.

MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to approve the Consent Agenda as presented.

MOTION CARRIES 6-0-0

Old Business

1. Community Choice Aggregation Program Committee Set-up Discussion

Submitted by Freedom Energy Logistics CEO Bart Fromuth and Town Manager Paul T. Micali The Town Council to discuss the details of establishing a Community Choice Aggregation Program, an optional buying group organized by a municipality or group of municipalities to benefit electric customers, as presented and discussed at the December 1, 2022 Town Council meeting.

Town Manager Paul Micali shared that he talked with legal and they advised him that the Town Council can have authority to establish the committee and the committee can come back to the Council with a program, and the Council can then decide to move forward to a vote on the April 2025 ballot. Freedom Energy Logistics CEO Bart Fromuth was then present to recap the Community Choice Aggregation Program, sharing that this is a program that essentially bundles the collective buying power of the Town's residents. The program is essentially authorized by the Town Council and this enables the residents to have the joint buying power to get better rates and better contract terms than they would as a single residence. He explained that this program is offered as an opt-out service for Eversource customers, and residents will have 30 days to respond via mail if they wish to opt out before they are enrolled in this program. He shared that if someone would like to leave this program, they may do so during their next meter read with no termination fee. After some discussion, the Council decided to establish a committee to work on this plan.

MOTION made by Councilor Healey and seconded by Councilor M. Murphy to establish a committee on Community Choice Aggregation to make recommendations to the Council, with the Town Council to use the Committee Appointment Policy to have a date in December to have applications due.

- Interested parties should send resume and cover letter/letter of interest to Town Manager's office by 47
- Friday December 8th. 48
- 49 **MOTION CARRIES 6-0-0**

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to appoint Tom Koenig and Andy Hunter to the Aggregation Committee.

MOTION CARRIES 6-0-0

New Business

1. Proposed Changes to Summer Camp Refund Policy

Submitted by Parks & Recreation Director Matthew Casparius

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The Town Council to consider the acceptance of the proposed changes to the Summer Camp Refund Policy.

 Parks & Recreation Director Matthew Casparius began by sharing that over time, camp registrations have gradually increased, with summer '23 having a total of 1,304 camp registrations. Their current refund policy is basically 10 days' notice of a session results in a loss of only \$10. Because of this, they are noticing a pattern of mid-summer cancellations that are hard to fill last minute, resulting in a loss of \$20,000 worth of revenue. They are also having an issue with no shows due to sick kids without doctor notes where the parents are asking for refunds. He is proposing they add in wording to the Refund Policy to update the weekly non-refundable deposit from \$25 to \$50, as well as increase the payments in full deadline from 10 days to 45 days. They would also like to allow up to 30 days to cancel, minus the \$50 deposit, with a 50% deposit between days 15-30. The 30 day deadline would not include medical situations, but they would still require a doctor's note for 50% deposit back.

<u>MOTION</u> made by Councilor M. Murphy and seconded by Councilor Koenig to accept the proposed changes to the Summer Camp Refund Policy with the recommended changes. <u>MOTION CARRIES 6-0-0</u>

2. Donation of Funds to Kids Kove Playground at Twin Bridge Park

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$812.00 from the Rotary Club of Merrimack to Parks and Recreation for the purpose of replacing the broken Sand Digger play element at Kids Kove, pursuant to RSA 31:95-b and Charter Article 8-15.

Lynn Christensen was present representing the Rotary Club of Merrimack, sharing that they noticed that the Sand Digger at Kids Kove was broken, and they are always raising money for projects such as this, so they would like to donate money to have a new one purchased.

 <u>MOTION</u> made by Councilor Healey and seconded by Councilor N. Murphy to accept and expend a donation in the amount of \$812.00 from the Rotary Club of Merrimack to Parks and Recreation for the purpose of replacing the broken Sand Digger play element at Kids Kove, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any necessary documents.

MOTION CARRIES 6-0-0

3. Withdrawal Request from the Sewer Infrastructure Capital Reserve Fund

Submitted by Public Works Director Dawn Tuomala

The Town Council to consider the request for withdrawal of funds from the Sewer Infrastructure Capital Reserve Fund for the purchase of a loader and a welder at the Wastewater Treatment Facility.

Public Works Director Dawn Tuomala and Assistant DPW Wastewater Director Leo Gaudette were present to share the following information via PowerPoint:

Presentation Overview:

- Current Loader Cat 9380 2006- 17 years old
- Operation of loaders
- Review of Bid Price
- Questions and Discussion

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Request for CRF Withdrawal

- Six bids were received
 - o Develon, \$236,000 Trade \$33,000 Bid Price; \$203,000
 - o JCB, \$265,000 Trade \$30,000 Bid Price; \$235,000
 - o Caterpillar, \$298,900 Trade \$50,000 Bid Price; \$248,900
 - o Volvo, \$286,000 Trade \$30,000 Bid Price; \$256,000
 - o John Deere, \$309,000 Trade \$45,000 Bid Price; \$264,000
 - o Case, \$292,150 Trade \$25,000 Bid Price; \$267,150
- Requesting permission to withdraw \$248,900 from the Sewer Infrastructure Improvement CRF

Councilor Koenig asked if the current loader was having any issues, in which Mr. Gaudette shared that there is corrosion in the metal and they cannot afford to be without this equipment so they would like to replace this now to be ahead of the curve.

<u>MOTION</u> made by Councilor Hunter and seconded by Councilor M. Murphy to approve the request for withdrawal of funds from the Sewer Infrastructure Capital Reserve Fund for the purchase of a loader for \$248,900, and to allow the Town Manager to sign any and all necessary documents. MOTION CARRIES 6-0-0

Mr. Gaudette then shared that they would like to purchase a welder attachment for a crane truck for maintenance at the pump stations. This attachment would mount right onto the trucks so that the welding can be done right on the spot. The existing welder is about 20 years old and due for an upgrade. They went out to bid for this, and Granger was the low bid, and then they received a bid from Technology International and KV7 Resources at \$8,477. Air Gas East did not bid, but ended up having the best price at \$7,500, and this is Mr. Gaudette's recommendation as this is the same welder and it comes with a cover. Mr. Micali shared that they cannot do this due to their bidding policy, so his recommendation would be for the Council to approve not to exceed up to \$7,500 for a welder, and then they can send out to all the bidders that were not accepting any bids, wait 30 days, and rebid it.

<u>MOTION</u> made by Councilor Koenig and seconded by Councilor Healey to authorize up to \$7,500 for the purchase of a welder for the Wastewater Department. MOTION CARRIES 6-0-0

4. New Position Request for Public Works Administration – Civil Engineer

Submitted by Town Manager Paul T. Micali

The Town Council to consider the establishment of a Civil Engineer position at Grade 17 of the Town's current Wage Schedule and Classification Plan.

Mr. Micali shared that this position is needed due to the amount of construction going on around the town. This position would mostly assist Dawn Tuomala in inspections, reviewing plans, etc. The Council discussed the pay scale with Mr. Micali and HR Director Sharon Marunicz.

- MOTION made by Councilor Hunter and seconded by Councilor Koenig to establish the Civil
- Engineer position at Grade 17 of the Town's current Wage Schedule and Classification Plan.
- **MOTION CARRIES 6-0-0**

2 Minutes

- 3 Approve the minutes from the following Town Council meeting:
- 4 ◆ November 2, 2023
- 5 MOTION made by Councilor M. Murphy and seconded by Councilor Healey to approve the minutes
- 6 from November 2, 2023 as amended.
- 7 MOTION CARRIES 6-0-0
- 8 Amendments:
- 9 Page 25 Line 32: Spelling of Fricano

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Comments from the Press

- 12 None.
- 13 Comments from the Public
- 14 None
- 15 Comments from the Council
- 16 Councilor N. Murphy wanted to remind everyone about Wreaths Across America's annual event on
- 17 December 16th at noon at Last Rest Cemetery. They did meet their goal to put wreaths on each veteran's
- grave. They will be serving refreshments at Our Lady of Mercy Church downstairs in the basement right
- 19 after the ceremony.
- 20 Councilor Healey wished everyone a Happy Thanksgiving and for everyone to enjoy the time with their
- 21 friends and family.
- 22 Councilor Koenig wished everyone a safe holiday and for everyone to be careful this holiday season.
- 23 Councilor N. Murphy wanted to announce Merrimack High School's first Robotics team Chop Shop 166 has
- their first Lego League qualifier at Merrimack High School on Saturday November 18th from 8:30am-
- 25 3:00pm.

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- 27 Adjourn
- 28 MOTION made by Councilor Healey and seconded by Councilor M. Murphy to adjourn the meeting.
- 29 MOTION CARRIES 6-0-0
- The meeting adjourned at 9:51 pm.

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32 Respectfully submitted by Jennifer Steagald