

Approved: September 27, 2012

Posted: September 28, 2012



Town Council Meeting Minutes



Thursday, September 13, 2012, at 7:00 PM, in the Town Hall Meeting Room

Vice Chairman Rothhaus called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Harrington, and Town Manager Eileen Cabanel. Councilor Koenig was excused.

Vice Chairman Rothhaus stated Chairman Mahon requested he preside over the meeting as it was likely he would have to depart prior to its conclusion.

Pledge of Allegiance

Roshan Tadi, Boy Scout Troop 424, led in the Pledge of Allegiance.

Announcements

The Merrimack Town Council initiated and is overseeing the 6th Annual Merrimack Fall Festival Business Expo., which will be held at the Town Center on Saturday, September 29th from 10:00 a.m. to 3:00 p.m. rain or shine. There will be venues both inside and out including Town Hall, the parking lot at Our Lady of Mercy, O'Gara Field, and James Masticola Upper Elementary School. Admission is free, and the event is open to everyone.

There are over 100 businesses, organizations, and crafters that will be on hand to show citizens from all over New Hampshire what Merrimack and surrounding communities have to offer as they sell their goods and demonstrate their products. Food will be available from Merrimack's many restaurants. There will be live music, a basketball tournament, K-9 demonstrations, robotic demonstrations, Fire Department demonstrations, and Taser demonstrations. The event will also include entertainment for children; Red Sox mascot Wally the Green Monster, McDonny's Petting Farm, a Clydesdale, face painting, and a lot more. For more information contact Dave McCray via e-mail at DMcCray7@aol.com or go to MerrimackExpo.com.

The Town Council will conduct regular meetings on September 29th, October 11th, and October 25th at 7:00 p.m. in the Town Hall Meeting Room.

The Parks and Recreation Department is hosting a bus trip to Lake Winnepesaukee on Wednesday, October 3rd. The fall foliage cruise is complete with a buffet lunch on board the M/S Mount Washington followed by shopping at the Mills Falls Marketplace (\$57.00/person (all-inclusive)). For more information contact the Parks and Recreation Department at (603) 882-1046.

Drug Take Back Day will be conducted on Saturday, September 29th, from 10:00 a.m. to 2:00 p.m. Drop off all unused, unwanted prescription and over-the-counter medications at the Police Department.

October is National Fire Prevention Month. The Merrimack Fire Department will be holding its annual Open House on Thursday, October 4th from 4:30 to 7:30 p.m.

Recognitions, Resignations and Retirements

None.

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Appointments

1. Annual Review with the Agricultural Commission

Submitted by Agricultural Commission Chairman John Lastowka

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Agricultural 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.

John Lastowka, Chairman and Robert McCabe, Vice Chairman, of the Agricultural Commission provided the Council with a PowerPoint presentation. Highlighted were:

- Goals Completed
 - 2011; Rented 59 plots to 29 gardeners/2012; 55 plots to 28 gardeners
 - Farmers Market; hours changed to 3:30 – 6:00 p.m.
- Collaborative Efforts with Public Library
 - In partnership with the Merrimack Garden Club, conducted a seed swap and planting demonstrations.
 - Installation of 5 water faucets at Community Gardens (spring loaded/winterized). The irrigation system consists of 1" black PVC pipe placed into a ditch approx. 2.5" deep.
- Civic Agriculture; brings homeowners together with local farmers to share locally grown products.
- Collaborating with the University of New Hampshire Cooperative Extension (UNH) and the Merrimack Conservation Commission, conducted educational agricultural workshops, which included the pruning of trees.
- Participation in the Merrimack Business Expo.
 - Not participating this year due to the unavailability of volunteers.
- Education and Speakers
 - Dissemination of information (handouts)
 - Bob Demers, President of Giant Pumpkin Grower's Club, provided a presentation
 - UNH speakers
 - 4H Silver Spurs provided a presentation on current activities and projects.
 - Revenue from the Community Garden was utilized for the installation of faucets. Revenue from the Farmer's Market will be used to create a scholarship (\$200) to the Silver Spurs. Monies to be held by UNH and used for travel, training, etc.
 - Advertisement; video of farms in Merrimack aired on local television, newsprint articles, inclusion of local farms in the Chamber of Commerce flyer, ad placed in Manchester Union Leader in attempt to gain additional foot traffic at the Farmer's Market, signage established, Facebook page created, membership in Farm Bureau, and representation on Master Plan Sub-Committee.
 - New Insect from Asia, Spotted Wing Drosophila (SWD), one of most destructive insects to come into this country in years. Trial underway (funded by UNH); Integrated Pest Management Program.
 - Need for additional volunteers in order to continue efforts such as the Farmer's Market.

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Mr. Lastowka questioned the ability of the Commission to expend monies for the hiring of a Manager for the Farmer's Market (as other markets have done). The Manager would be a participating vendor as opposed to an employee of the Town. Councilor Mahon stated a 1099 would have to be issued. He remarked if an individual is offering their services to other communities for a similar position, the argument could be made this is a position that comes under contractor provisions of the labor laws. Councilor Dwyer spoke of a program whereby local restaurant owners could receive a reduced rate for produce by contributing to a fund that provides the stipend for the Manager. Councilor Boyd suggested this would be a unique opportunity to partnership with the High School and involve the youth of the community in the running of a business; advertising, establishing relationships with local restaurants, etc., and noted the hours of operation are ideal for student participation.

Mr. Lastowka spoke of State RSA 79-F, Taxation of Farm Structures and Land Under Farm structures. This law, if adopted, would allow for the building of an agricultural structure on farm land without affecting current use status. The structure would be taxed. This helps preserve farmland and avoids penalties/tax that would be associated with change in current use. When the structure comes out of agricultural use, the land comes out of current use.

Mr. Lastowka spoke of the need for the governing body to place the question on the Warrant at the Annual Town Meeting. Town Manager Cabanel noted the RSA reads: "Any municipality may adopt the provisions of this chapter by vote of its legislative body." which in this instance is the Town Council. Chairman Mahon clarified the Town Council has the authority to adopt or to pass the question along to the voters.

Comments from the Press and Public

Lynne Wenz, 17 Farmer Road

Commented she had believed the Watson Park Pavilion Plan and the proposed Dog Park would be on the agenda for the Council's September 27th meeting; however, before the Council this night was a request for acceptance of the Pavilion Plan as well as a request to release \$10,000 from the remaining Watson Park funds. She requested, out of fairness to both worthy projects, the Council not grant the release of funds until such time as both groups have had the opportunity to present. She further requested the Council give consideration to the release of equal amounts, or \$8,000, to each project with the balance going towards bathroom maintenance, which benefits all users of the park.

Ms. Wenz voiced her support of Life Scout Roshan Tadi's request to approve the construction of a kiosk to be placed at the Horse Hill Nature Preserve, and commented a kiosk (map) would assist in the prevention of hikers becoming lost in the area.

Tim Tenhave 72, Amherst Road

Stated the website Merrimackoutdoors.org provides a link of farms located within Merrimack and what they specialize in.

There being no objection, the Council went out of the regular order of business and took up the first item under New Business.

1. Eagle Scout Project Presentation for Horse Hill Nature Preserve

Submitted by Roshan Tadi

Life Scout Roshan Tadi is requesting the Town Council to consider the approval of the request to

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construct a kiosk to be placed at the Horse Hill Nature Preserve.

Scout Tadi informed the Council his proposed Eagle Scout project is the construction of a kiosk at the Horse Hill Nature Preserve (HHNP) directly across from the Post #9 marker. The installation is necessary to address concerns the Town has received with regard to trail distance. He explained trail users typically take a wrong turn at Post #9 and end up on a longer trail than intended. .

Blueprints provided indicated polls would be installed at a minimum of 4' underground to ensure they are not affected by the frost line. Quarter inch Lexan would be used to protect the map and brass screws to ensure it is tamperproof, pressure treated wood would provide longevity, nails would be galvanized, and roofing would be cedar shingles. The kiosk would be constructed in accordance with Town standards, and similar to those previously constructed.

Fundraising efforts will consist of a car wash and multiple bake sales. Local businesses will be solicited for donations. Lowe's has offered to donate some of the materials. The cost of materials and supplies is anticipated to be approximately \$800.00. Any funds remaining would be given to the Horse Hill Nature Preserve.

Scout Tadi was thanked for his detailed presentation. Councilor Boyd spoke of the number of scouts from Troop 424 that have achieved the rank of Eagle Scout, and the leadership provided those scouts allowing them to achieve such a prestigious goal.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to approve Scout Tadi's request to construct a kiosk to be placed at the Horse Hill Nature Preserve. MOTION CARRIED 6/0/0

Public Hearing

None.

Legislative Updates from State Representatives

None.

Town Manager's Report

The Welfare Department would like to thank Merrimack Friends and Families for backpack and school supply donations to 32 Merrimack school-aged children.

The Community Development Department staff and Legal Counsel will conduct a training session for the Zoning Board of Adjustment on September 19th.

The Master Plan Steering Committee remains on target for completion of the 2012 Master Plan by early 2013. The Steering Committee will meet next on September 18th. Agenda topics will be Transportation and Utilities.

The annual Capital Improvements Plan (CIP) process has begun. Departments are expected to submit project requests to Community Development and Finance by the end of September. The Planning Board will begin

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their review of the CIP during October and November, with the hope of providing the plan to the Council for use in the annual budget process.

The New Hampshire Retirement System (Retirement System) has announced new employer rates for fiscal years 14 and 15. The increase will affect both the school and Town budgets. Increase in cost to the Town alone will be \$360,000 (13 cents). For a regular employee, the Town's contribution to the retirement system is 10.77%, for police 25.3%, and fire 27.74%.

In the last Legislative session, retirement numbers were provided by the retirement system; a separate entity from the State, which were very alarming and higher than those stated above. Although, in the past, the State contributed approximately 35% of the employer's share for teachers, firefighters, and police officers, the Governor's budget proposed elimination of the State contribution. At that time, the cost for the Town, not inclusive of the school district, was \$400,000. As a result of public outcry, the Retirement System reduced rates for the current and prior fiscal year (based on old actuarial numbers). For the coming fiscal years, the rate increase will be based on current actuarial numbers.

Chairman Rothhaus questioned whether a vote of the Legislature was required to increase the rates, and was informed the Retirement System has the ability to increase the rates. The framework by which benefits are determined is based on the benefits given to each group, e.g., age at which one can retire, medical stipends, etc., which are determined by the Legislature. It was noted neither the Council nor employees can impact these costs as participation in the Retirement System is required by law. Councilor Flood remarked the average property owner in Merrimack (\$200,000 assessed value) would pay \$20 more in taxes as a result of the increase. She questioned whether overtime pay is included in the retirement calculation, and was informed it is.

Town Manager Cabanel stated the Legislature has set up differing tiers of benefits based on date of hire, which has resulted in several lawsuits being filed. She has asked the Finance Director to summarize the case and status. In a lawsuit, which was settled, a municipality argued this as an unfunded mandate. The State prevailed in the lower courts. The suit went to the Supreme Court where the State prevailed once again. Councilor Mahon remarked this is the price that is paid when there is inconsistent administration in a benefit program, and the result of a consorted effort over the past 35 years with constant meddling and interference on both sides through the process; ignoring actuarial advice, etc.

Town Manager Cabanel informed the Council a structural analysis was completed on two Wasserman Park buildings; the theatre building and dining hall. Both buildings, along with some small cabins, were closed this past summer season. The analysis shows the dining hall is not repairable (would have to be torn down and rebuilt in accordance with new code standards) and the theatre building is in relatively good shape. The Town Manager, in collaboration with the Parks and Recreation Committee, will be bringing before the Council a no-frills plan to demolish buildings that are not repairable (a few small cabins and the dining hall) and perform basic upgrades for code compliance in the remaining buildings including the theatre building.

The Council will be asked to make a decision regarding the future use of Wasserman Park, e.g., should the Summer Camp Program, which utilizes these structures, continue. Councilor Dwyer stated his desire for the Council to come to a decision on the vision/future of the park in a timely manner. Councilor Flood agreed and suggested the issue should be addressed separate from the budget process.

Councilor Mahon departed at 8:30 p.m.

Consent Agenda

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None.

Old Business

MOTION made by Councilor Boyd and seconded by Councilor Harrington to take from the table the Committee Appointments tabled at the August 16, 2012 meeting. MOTION CARRIED 5/0/0

1. Committee Appointments [Tabled at the August 16, 2012 Town Council Meeting]

Submitted by Town Council Chairman Tom Mahon and Vice Chair Finlay Rothhaus

The Town Council to consider appointing the following recommended individuals to the Merrimack Conservation Commission, pursuant to Charter Article 4-8:

- Simon Thomson – Remainder of 3 years (Full)
- Ron Davies – Remainder of 3 years (Alternate)

Chairman Rothhaus informed the Council he and Councilor Boyd met with the candidates and believe them both to be good candidates with interesting backgrounds and a lot to offer the Commission.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to appoint Simon Thomson as a full member and Ron Davies as an alternate member of the Conservation Commission to fulfill the remainder of three-year terms expiring on June 30, 2014.

ON THE QUESTION

Councilor Boyd commented Mr. Thomson is a younger member of the community who is making a commitment to public service. He is a legacy of the State as the Grandson of former Governor Mel Thomson. He was born and raised in Orford, NH. He would bring to the Commission a very strong agrarian background as well as backgrounds in real estate and property development and legislative affairs.

Mr. Davies has been a girls softball umpire for over 30 years, is an abutter to Grater Woods, a trail user, etc. Mr. Davies never wanted to get involved with politics and government, but was focused on coaching the youth of the community. That type of experience will serve him well while sitting on the Conservation Commission. One of the questions asked of him was regarding the use of ATVs and snowmobiles within Grater Woods. His response was having lived there for close to 23 years he has only heard them once. Councilor Boyd stated his enthusiastic endorsement of the candidates.

Councilor Flood stated she would not be supporting the motion not because of the two fine individuals nominated, but because of her belief the appointment process itself was flawed, e.g. too few interviewers, her belief Mr. Powell did not receive proper treatment with regard to his nomination, etc. Councilor Dwyer respectfully disagreed, and remarked Mr. Powell was given many opportunities to address the Council, which he did not avail himself of. Councilor Rothhaus commented these types of interviews were previously conducted in non-public session, which was not appropriate, and conducting interviews in public session poses some difficulties. Councilor Dwyer reminded the Council Mr. Powell has accepted and been sworn into the position of alternate member of the Conservation Commission. Councilor Flood remarked in accepting the position Mr. Powell showed his fineness of character.

MOTION CARRIED 4/1/0

Councilor Flood voted in Opposition

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Oath of Office administered to Simon Thomson by Vice Chairman Rothhaus.

2. Consideration of Acceptance of the Watson Park Pavilion Plan

Submitted by Parks and Recreation Committee Chair Tom Thornton

The Town Council to consider the acceptance of the pavilion plan that is recommended by the Parks and Recreation Committee.

Town Manager Cabanel stated the process for both the Pavilion Plan and the Dog Park project was for each project to go before the Parks & Recreation Committee prior to presentation to the Town Council, and stated the issue of funding would be addressed separately.

Mr. Tom Thornton, Chairman, Parks & Recreation Committee, informed the Council the Parks & Recreation Committee received its presentation from the Pavilion Sub-Committee after which the Committee voted to provide a positive recommendation. He requested the Council endorse the project as well.

Councilor Harrington noted the August 16th Town Council meeting minutes state: “the Council would receive a request to release grant funds, a request to accept the donation by the Rotary, and a request for approval of a finalized plan for the pavilion.” She questioned whether the request to accept the donation by the Rotary would be addressed. Town Manager Cabanel stated the item was not included on the agenda; however, could be addressed providing the Parks and Recreation Committee endorses the action. Councilor Harrington stated her desire to address the issue as acceptance of those funds for the dedication to Roger DuHamel is part of the Plan. Mr. Thornton informed the Council the Parks & Recreation Committee has not yet taken the donation under consideration. Its next meeting is scheduled for September 19th.

MOTION made by Councilor Dwyer and seconded by Councilor Flood to accept the Pavilion Plan as recommended.

ON THE QUESTION

Councilor Boyd questioned the objections of the member of Committee who was not supportive of the project, and was informed the member chose not to state a reason. Councilor Flood commented the two projects stand on their own merit and are completely separate from one another. Each project will be given consideration as it comes before the Council.

MOTION CARRIED 5/0/0

3. Polling Places – Establish Boundaries & Location

Submitted by Town Manager Eileen Cabanel

The Town Council to establish the boundaries of the central polling place and eliminate the boundaries of the prior polling places, pursuant to RSA 658:10.

Town Manager Cabanel informed the Council of the need to formally schedule the polling place location for the November 6th Presidential Election prior to October 6th and in accordance with State RSA 658:10. Legal counsel has opined, should the Council determine the James Masticola Upper Elementary School (JMUES) will be the single polling place (as it is now); the Council should vote to establish the boundaries of the central polling place as the entire town, that the central polling place, JMUES, shall be the single polling location, and should make it clear the boundaries of other polling places are now eliminated.

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Councilor Dwyer stated his desire to utilize the High School as a single polling place, and noted the School Board, at this time, will not allow for its use. Chairman Rothhaus noted the School Board has concerns with interruption of the school day. Town Moderator Lynn Christensen stated the School Board has yet to make a decision, and will likely consider the issue at its next meeting.

Councilor Boyd suggested the item be tabled until the next regularly scheduled meeting to allow the Council to understand what options are available when making a determination. Councilor Flood stated although the desire is to receive input from the School Board, it is Council's responsibility to establish polling place(s). Town Manager Cabanel stated, by State Statute, the School Board is responsible for all of the school buildings; therefore, an election could not be conducted within their facilities without the consent of the School Board.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to table until the Council's meeting of September 26, 2012.

ON THE QUESTION

Councilor Boyd remarked, he would prefer to table the item until such time as the Town Council has been advised as to the direction of the School Board so an informed decision can be made and relayed to the electorate.

Councilor Dwyer suggested a decision could be made to establish the single polling place as JMUES. Should the School Board allow the use of the High School, the issue could be reconsidered at the September 26th meeting. Town Manager Cabanel stated a concern with establishing a polling place and later changing it. Councilor Dwyer agreed. Moderator Christensen stated JMUES is the established polling place, and unless the Council decides otherwise, the location has been established. Town Manager Cabanel clarified the motion that passed at the Council's June 28th meeting was: "to consolidate the polling places in the Town of Merrimack to one location to be the Upper Elementary School for the September 11, 2012 State Primary". It did not address future elections. **MOTION CARRIED 5/0/0**

New Business

2. Merrimack Safeguard Seeking Town Council Representation

Submitted by Officer Tom Prentice and Jody Vaillancourt

Merrimack Safeguard would like to invite the Town Council to participate in the work of the Committee, which supports the Drug Free Communities grant by educating and supporting the community to work toward preventing alcohol and drug use in families.

Ms. Jody Vaillancourt spoke of the September 6th joint meeting of the Town Council and School Board at which a presentation was made by Officer Prentice and Ms. Houde regarding Merrimack Safeguard and the Drug Free Communities Grant.

The grant is in the 4th of its 5 years. It is hoped the community will be successful in receiving an additional 5-year grant. Officer Prentice stated his awareness, as of the previous day, no one in New Hampshire has received any grant funding from the Drug Free Communities (DFC) Support Program (new or additional requests). Available funding has been reduced due to budget cuts and an increase in the number of requests.

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DFC is a collaborative initiative, sponsored by the Office of National Drug Control Policy (ONDCP) in partnership with the Substance Abuse and Mental Health Services Administration (SAMHSA), which works to achieve two goals:

- *Establish and strengthen collaboration among communities, public and private non-profit agencies, and Federal, State, local, and tribal governments to support the efforts of community coalitions working to prevent and reduce substance use among youth.*
- *Reduce substance use among youth and, over time, reduce substance abuse among adults by addressing the factors in a community that increase the risk of substance abuse and promoting the factors that minimize the risk of substance abuse.*

DFC grantees are required to work toward these two goals as the primary focus of their Federally-funded effort.

The Federal Government looks for grantees to ensure programs are sustainable when grant funds are no longer available. To that end, and part of the reason Merrimack was successful in its initial grant application, is the representation/participation on the Committee. Merrimack Safeguard has 12 sectors represented at meetings including representation from the Police Department, School District, clergy, healthcare professionals, business owners, Judge Kinghorn, etc.

Ms. Vaillancourt spoke of the need to be proactive. The School Resource Officer has a dual position whereby he is also the Juvenile Officer. As the Juvenile Officer, he works closely with the Prosecutor on Children in Need of Services (CHINS) Petitions and works in the community; in homes where interaction with the families can occur. The Police Department works with the Nashua Youth Council, which provides the court diversion service for the court. The Court Diversion Program gets involved as a community response that holds first-time juvenile offenders accountable for their actions. This type of collaboration is what the Federal Government is looking for. It was stated having a member of the Council on the Committee would be a welcome addition, and would add to the strength of the program.

Ms. Vaillancourt stated the desire of the Committee to extend an invitation to the Council to actively participate on the Committee either by assigning a liaison member or any other means. She noted the Committee has changed its meeting dates; beginning in October, the Committee will meet on the first Thursday of each month from 6:00 p.m. to 7:30 p.m. at the function hall at St. James Church.

Councilor Rothhaus volunteered to serve as the Liaison and Councilor Harrington as the Alternate.

Councilor Harrington questioned whether the grant is competitive, and was informed it is in the 5th year. She spoke of the broad base of support that comes with the partnerships. Police Chief Mark Doyle agreed and stated one of the secrets to the success of the program, since its inception, has been the ability to bring together stakeholders in the community and to build partnerships across a broader group of participants and involve those who are directly involved with the youth; school, police, religious leaders, Nashua Community Council, those involved at the court level, those involved at the different levels of citizen groups in town, etc. not only for the purposes of ensuring the grant was accepted, but to ensure it is successful.

He added every single person has a stake in what happens to the youth of this community. The natural segway is to bring those in the government to the table as they have a lot to offer towards the direction this program is moving.

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Councilor Dwyer stated he values the services that are being provided. He remarked it is the responsibility of the Council to oversee police, fire, etc. However, the Police Chief is responsible for running his department and assigning manpower where it is needed (with or without grant funding). He stated he has full faith the Chief will assign manpower where it is needed, and that the community will continue to have this type of program for as long as it is needed.

When asked, Chief Doyle explained the position of School Resource Officer/Juvenile Officer is funded within the Police Department's budget; however, over the past four years (with grant funding in place), the School District has been backcharged the cost of salary and benefits. If grant funding does not continue that revenue source would be absent. Councilor Harrington agreed the Council oversees the budget, but the running of the department is the responsibility of the Chief. Councilor Flood remarked in a town of 25,000, a large portion of the population is children; with one officer dedicated to children, the decision of retaining this position is an easy one.

Councilor Boyd questioned whether Merrimack Safeguard had reached out to Harbor Homes. Ms. Vaillancourt responded the Committee has begun reaching out to different government entities, e.g., State Representatives, Chamber of Commerce, etc., and would welcome any suggestions/assistance. Councilor Boyd stated a willingness to make an introduction and noted the President of Harbor Homes is personally known to him. Harbor Homes runs an alcohol and substance abuse rehabilitation facility in southern New Hampshire (5 facilities). Chairman Rothhaus stated he would speak with Councilors Mahon and Koenig to determine their interest/availability to participate on the Committee, and he reiterated his willingness to be the liaison for the Council.

3. Parks and Recreation Committee Request for Release of Watson Park Funds

Submitted by Parks and Recreation Committee Chair Tom Thornton

The Parks and Recreation Committee requests that the Town Council consider the release of \$10,000 from the remaining Watson Park funds.

Mr. Tom Thornton stated his purpose for appearing before the Council was to request the release of \$10,000 from the Watson Park Fund (\$20,000 balance). The Parks & Recreation Committee unanimously voted to recommend expenditure of the remaining funds as follows: \$10,000 to the Pavilion, \$6,500 to the Dog Park, and \$3,500 for the portable toilets (per grant requirements).

Councilor Flood commented on the size of the Pavilion project and the fact the project is ready to proceed. For the sake of the viewing public, Town Manager Cabanel explained the Land and Water Conservation Grant was applied for to perform various tasks at Watson Park. It is a matching grant (\$40,000 grant/\$20,000 Town match). The Watson Park Committee and the Parks & Recreation Committee raised, and expended, \$40,000 through cash donations and in-kind services (no tax dollars). The State performed an inspection to ensure all aspects of the grant were adhered to, after which they released the grant funds. Monies are reimbursement for those already expended.

MOTION made by Councilor Dwyer and seconded by Councilor Harrington to authorize the release of ten thousand dollars (\$10,000) from the remaining Watson Park funds for the Pavilion project.

MOTION CARRIED 5/0/0

Councilor Boyd questioned whether grant funds allocated to the Dog Park would be lost if Watson Park was deemed to be an unsuitable location. Town Manager Cabanel noted the final inspection report from the State
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describes the project as a “developed, open, passive park along the Souhegan River and Baboosic Brook and an open parcel of land with picnic table, grills, access to the river, bathroom, and large parking lot.” The State came in and said yes you did all of that so here is the check to reimburse you for our half. The funds have been received (in Town coffers) and are no longer attached to a grant as the obligations of the grant have been met. The only way funding could be lost would be if the Council did not grant the expenditure of the remaining balance.

4. Library Board of Trustees Vacancy

Submitted by Town Council Chairman Tom Mahon

The Town Council to discuss filling the vacant seat on the Library Board of Trustees for the remainder of Martha Wagner’s term, which ends April 2013, pursuant to Charter Article 6-2, RSA 202-A:10 and RSA 669:75.

Town Manager Cabanel stated her belief the desire had been for Councilor Mahon to have the opportunity to discuss the process with the Board. It was her belief the process would follow that used in the past; the position would be advertised and the Town Council representative along with the Library Board of Trustees would interview potential Trustees.

MOTION made by Councilor Harrington and seconded by Councilor Boyd to table. MOTION CARRIED 5/0/0

Minutes

Approve the minutes from the August 16, 2012 meeting.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the minutes of the August 16, 2012 Town Council Meeting as presented. MOTION CARRIED 5/0/0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Boyd noted the 2012 Erica’s 5K Run/Walk to Strikeback Against Cancer will be conducted on Saturday, September 23, 2012. The race is run around the magic mile, which is the loop around the Merrimack High School. He encouraged members of the community to participate.

Councilor Boyd spoke of the 11th anniversary of 9/11, and thanked the Legion Commander, Roland Roberge, for putting together a respectful ceremony at the American Legion Hall. In attendance were the Merrimack Police Color Guard, the VFW Color Guard, members of the Merrimack Fire Department, as well as members of the public. He remarked the ceremony was simple and somber, and served as a reminder of the need to remember the 2,977 people who perished in that tragedy.

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Councilor Boyd spoke of an incident that occurred the previous Friday where he came across a bicyclist in distress. The gentleman had a heart attack in the middle of Back River Road and Bedford Road. He stopped as did a Nurse and Doctor who were behind him in traffic. During the course of these individuals administering CPR, police and fire arrived on the scene. At the time firefighters arrived the gentleman was blue. Firefighters shocked him three separate times, performed compressions, and were able to regain a pulse. They literally brought a man back to life. During a call to Chief Currier to commend him on the work he learned that was one of three cardiac events that had occurred that day.

Councilor Boyd remarked this illustrates wholeheartedly why Merrimack has first responders in the community, why a premium is paid for their expertise, competence, and professionalism. He noted the gentleman is recovering well, and publicly thanked the firefighters for what they do day in and day out, and their representation of the community.

Councilor Boyd thanked Councilor Dwyer for raising the level of discourse during the campaign, and stated he represented Merrimack very well. He remarked the comment about Merrimack being a gated community will not be lost. He commented Merrimack has 1,271 reasons to be very proud to have such a committed individual willing to take on the task of taking on the entrenched incumbent. He thanked him for and congratulated him on his efforts.

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to adjourn the meeting.
MOTION CARRIED 5-0-0**

The September 13, 2012 meeting of the Town Council was adjourned at 9:55 p.m.

Submitted by Dawn MacMillan