



# Town Council Meeting Minutes

Thursday June 11, 2015, at 7:00 PM, in the Matthew Thornton Room

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

## Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

## Announcements

Regular meetings of the Town Council will be conducted on Thursday June 25, 2015, July 16, 2015, and August 20, 2015 at 7:00 p.m. in the Matthew Thornton Room. The Town Council Retreat /Work Session will be held on Thursday, July 23, 2015 from 9:00 a.m. - 4:00 p.m. at the SERESC Conference Center located at 29 Commerce Drive in Bedford.

Chairman Harrington noted the date marked one year since the loss of the Council's beloved Chairman, Dave Yakuboff, Sr. She remarked it has been difficult accepting the realization that he is not coming back. He is frequently mentioned in conversations, always ending with either a hearty chuckle or a simple statement on how much he is missed. We can all agree that you can truly feel the void created by his absence.

The Merrimack High School graduation is this Saturday, June 13<sup>th</sup> at 10:00 a.m.

The YMCA Triathlon will be held this Sunday, June 14<sup>th</sup> at 9:00 a.m. at Camp Sargent. This event will cause traffic delays along Camp Sargent Rd., Tinker Rd. and Continental Blvd.

## Kinder Morgan – Proposed Northeast Energy Direct (NED) Pipeline Project

### ● Informational Reports and Updates

- The Nashua Regional Planning Commission (NRPC) has issued a draft report from their Energy Facilities Advisories Committee (EFAC). The report has to do with the analysis of the 13 communities the NRPC covers. The Town provided corrected information relative to the number of Town residents impacted by the proposed pipeline (listed as 61 and should identify 153).
- A meeting is scheduled at the NRPC Office on June 12, 2015, which will be attended by Timothy Thompson, Director, Community Development Department, Eileen Cabanel, Town Manager, and Chairman Harrington. An update will be provided.
- A letter has been drafted by the Town's counsel, and approved, which corrects the number of residents impacted. The letter will be submitted to the Federal Energy Regulatory Commission (FERC) docket.
- The Town of Amherst has prepared a well-written letter to the FERC related to the need for the pipeline. That letter can be viewed on their website.

1 Councilor Vaillancourt commented she and Town Manager Cabanel discussed the possibility of the  
2 Town Council making a public statement in support of the letter written by the Amherst Board of  
3 Selectmen. She requested her colleagues consider the idea, and noted she may bring such a request  
4 forward at the next meeting. Chairman Harrington suggested such a request could be facilitated if it  
5 were accompanied by a draft letter for consideration by the Council.  
6

7 ● **Action Items**  
8

- 9 - Continue to press Kinder Morgan for a Public Meeting in Merrimack - **Meeting held 3/26/15**
- 10 - Place an action item on Feb 12th agenda requesting the council to take no action regarding request  
11 from Kinder Morgan to survey town-owned parcels until Merrimack Public Meeting - **Completed**
- 12 - Place NED Pipeline Update on future council agendas - **Completed 2/12/15**
- 13 - Update list of properties that directly about proposed pipeline route with a list of properties that fall  
14 into pipeline hazard zone - **Completed**
- 15 - Consider consultant to:
  - 16 - Research communities' property value effects of recent pipeline installations - **Engaged Avitar**
  - 17 - Evaluate impacts on the sewer line - **Engaged Wright Pierce**
  - 18 **Reviewed first draft. Final Report should be provided by 6-5-15.**
- 19 - Support Conservation Commission's efforts to update data for environmental impacts on HHNP and  
20 Gilmore Woods - **Ongoing**
- 21 - Support Merrimack Village District's efforts to protect Wellhead Protection Zone and Aquifer  
22 Protection Zone - **Ongoing**
- 23 - Request Kinder Morgan list of abutters notified of project and requests for permission to survey – **At**  
24 **the 4/28/15 meeting, Town Manager Cabanel asked Jim Hartman, Kinder Morgan Principal**  
25 **Land Specialist, for map and lot numbers of affected land owners and was denied the request.**
- 26 - Work with property owners to develop a list of who has been notified of the project and requests for  
27 surveys - **Completed**
- 28 - Maintain contacts at FERC and NH Congressional delegation - **Ongoing** (NH delegation attends  
29 Managers meetings)
- 30 - Consult with PSNH (Eversource) regarding where they are in the process with Kinder Morgan and  
31 Public Utilities Commission - **No response - No contract between parties (4/23/15)**
- 32 - Consult and share information with large companies (A-B/InBev, Elbit, Premium Outlets, Fidelity,  
33 PanAm, PSNH, Pennichuck, etc.) - **Meeting held 2/26/15; will be ongoing**
- 34 - Section 106 of the National Historic Preservation Act of 1966 (NHPA) - **Pending formal**  
35 **application**
- 36 - Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal  
37 Delegation
  - 38 - Letter to Governor - **Letter sent 4/14/15**
  - 39 - Letter to Congressional Delegation - **Letter sent 4/14/15**
  - 40 - Letter to Local Reps - **Letter sent 4/14/15**
  - 41 - Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan –  
42 **Ongoing (between the Town's legal counsel and Kinder Morgan's legal counsel)**

43  
44 **Comments From the Press and Public**  
45

46 Debra Huffman, 60 Amherst Road  
47

48 Questioned the status of the Survey Access Agreement. Chairman Harrington stated her understanding  
49 the Town's legal counsel is still negotiating with legal counsel for Kinder Morgan.

1 Town Manager Cabanel stated she is uncertain if the two have been able to connect. As a result, she is  
2 unaware of whether or not there is opposition to the last response.

3  
4 Ms. Huffman remarked on how far the Town and community have come and how knowledgeable the  
5 parties have become since this discussion first began. She commented it was heartwarming to read the  
6 letter from the Town of Amherst.

7  
8 She commented those who have taken the time to give careful consideration to the issue, review the  
9 available data, and weed through the hype have come to understand what the reality is about this.  
10 Television ads suggest it will lower our electric bills. Everyone now knows that is not true. She stated a  
11 willingness to share knowledge gained with any residents or groups who seek additional or clarifying  
12 information on the subject. She stressed there is no longer any reason for anyone to believe this  
13 proposed project is about their electric bill, and reiterated it really isn't, and now we know that and can  
14 back that up.

15  
16 **Recognitions, Resignations and Retirements** - None

17  
18 **Appointments**

19  
20 **1. Annual Review with the Agricultural Commission**

21 *Submitted by Agricultural Commission Chairman Bob McCabe*

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

26  
27 Mr. Bob McCabe, Chairman, Agricultural Commission, stated the Community Garden is up and running  
28 and almost 100% filled. Product from one of the plots is donated to the Nashua pantries. Something  
29 else new this year is a Veterans' food plot for Veterans in need. Two or three of the Veterans have  
30 asked if the Council would consider approving the placement of a flag pole in the community garden on  
31 a seasonal basis. If approved, the flag pole would be put up in the spring and taken down in the fall.  
32 The Veterans would take care of it, and could arrange for lighting if necessary (solar).

33  
34 The Farmer's Market opens Wednesday, June 17, 2015. The market is being expanded this year. In  
35 total there are 28 vendors, 5 of which are awaiting paperwork. The Market is located at 526 D.W.  
36 Highway.

37  
38 The Commission lost a member who moved out of Town, and gained a new member. There remain 3  
39 Full and 3 Alternate open positions. Three of the current members have expressed the desire to continue  
40 to serve after their terms expire, and await consideration by the Council.

41  
42 With the completion of the Master Plan and the designation of farms, an up-to-date farm list has been  
43 developed (21 large farms in Merrimack). No accurate information is available for small farms and  
44 gardens as they are not easily identifiable.

45  
46 During each monthly meeting the Commission reviews courses available through the UNH Cooperative  
47 Extension. The courses are open to the public, and the Commission encourages participation. Through  
48 attendance, they gain information on new insect and quarantine problems in the County and State.



1 Mr. McCabe stated 4H projects are encouraged. Funding is available for 4H students in need through  
2 the Commission and the UNH Cooperative Extension. This year the Commission co-sponsored a young  
3 woman who is doing horse judging in Durham. She successfully completed that series, and later this fall  
4 is on her way to Kentucky for a national judging event.

5  
6 The Commission is currently working with a Girl Scout seeking to achieve her Gold Award Badge,  
7 which involves an 80-hour program. It is believed the Scout can be helpful to the Farmer's Market. She  
8 is up-to-date with social media, will interview the vendors regarding products, food safety, recipes, and  
9 quality of food. She is a Junior at the High School, and will be present for a good many of the markets  
10 this summer.

11  
12 With help from the Finance Department, the Commission reviewed a SNAP Grant. Although it was  
13 ultimately turned down, the assistance provided went a long way in the understanding of the language  
14 and concerns. Mr. McCabe remarked there are grants available. The Commission simply has not yet  
15 identified the right one.

16  
17 Mr. McCabe questioned if there is a Tree Warden in Town. Chairman Harrington stated her belief there  
18 is not. Mr. McCabe informed the Council he has been a licensed Arborist for over 40 years, and as a  
19 contributor to this process, he is available to the Council if needed. He remarked an Arborist would  
20 view a situation differently than a Forester, but could provide an honest evaluation.

21  
22 Councilor Boyd noted there is already a flag pole at Wasserman Park. Mr. McCabe stated the request  
23 would be for a second flag pole. He noted the existing pole is not always utilized. Councilor Dwyer  
24 questioned if those interested in installing a new flag pole would be interested in utilizing the existing  
25 pole. Mr. McCabe responded the individuals take pride in their garden plot, and have suggested putting  
26 a flag pole in the area of the garden.

27  
28 Vice Chairman Mahon noted Town properties are under the jurisdiction of the Town Manager, by  
29 Charter. Something such as this, which he would see as a minor embellishing of the property, should go  
30 through the Town Manager as the overseer of the Town properties.

31  
32 When asked, Mr. McCabe stated the garden is almost full. Every year there is spoilage. The  
33 Commission has requested gardeners consider donations to a food pantry with very little success. This  
34 year a few of the gardeners took it upon themselves to request a designated 10' x 10' plot to grow food  
35 just for the pantry. Then a few Veterans requested a plot for the Veterans' pantry. As there was room,  
36 two plots were provided, and are being worked.

37  
38 Councilor Koenig stated his appreciation for the donations to the food pantries, and noted there are a few  
39 food pantries in Merrimack as well. Mr. McCabe stated the primary person who makes the donations  
40 has a route that changes every week or so. He noted donations made to Veterans who are homebound.

41  
42 **Public Hearing** - None

43  
44 **Legislative Updates from State Representatives** – None

1 **Town Manager's Report**

2 The Annual Summer Concert Series will open for the season on Wednesday, June 17<sup>th</sup>. Concerts are  
3 held on Wednesdays throughout the summer from 6:00 - 8:00 p.m. at Abbie Griffin Park:

- 4
- 5 June 17<sup>th</sup> **Studio Two** (Beatles tribute band)
- 6 June 24<sup>th</sup> **Toe Jam Puppet Band** (Children's entertainment)
- 7 Friday, July 3<sup>rd</sup> **Merrimack Concert Association** (Independence Day concert)
- 8 July 8<sup>th</sup> **Haley & the Cranks** (80's Girl band)
- 9 July 15<sup>th</sup> **Crab Shack Band** (Motown/R&B hits, pop classics, classic rock favorites)
- 10 July 22<sup>nd</sup> **The Reminisants** (One of Boston's best oldies bands)
- 11 July 29<sup>th</sup> **Boxty** (Irish folk favorites & original music)
- 12 August 5<sup>th</sup> **Annie & The Natural Wonder Band** (Fun-filled, interactive songs and dances about the  
13 wonders of nature for the whole family to enjoy)

14

15 The Merrimack Youth Association (MYA) has delivered their June 30, 2014 Audit report. Paul Micali,  
16 Finance Director/Assistant Town Manager is in the process of reviewing the information, and will bring  
17 it to the Council shortly.

18

19 **Consent Agenda** - None

20

21 **Old Business** - None

22

23 **New Business**

24

25 **1. Committee Appointments**

26 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

27 The Town Council to consider appointing the following recommended individuals to Town  
28 committees, pursuant to Charter Article 4-8:

- 29
- 30 **Lon S. Woods** – Heritage Commission (*Full*)
- 31 **Fran L'Heureux** – Zoning Board of Adjustment (*Full*)

32

33 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to appoint Lon S. Woods  
34 as a Full member of the Heritage Commission for a three-year term, and to reappoint Fran  
35 L'Heureux as a Full member of the Zoning Board of Adjustment for a three-year term, pursuant  
36 to Charter Article 4-8. MOTION CARRIED 7-0-0**

37

38 Councilor Boyd thanked Mr. Woods and Ms. L'Heureux for their willingness to serve.

39

40 *Oath of Office administered to Lon Woods by Chairman Harrington.*

41

42 **2. Donation Acceptance for the Merrimack Police Department**

43 *Submitted by Captain Dudash*

44 Town Council to consider the acceptance and expenditure of a check in the amount of \$1,073.22  
45 from Merrimack Crimeline, Inc. to the Merrimack Police Department for the K-9 Program (Gunny),  
46 pursuant to Charter Article 8-15 and RSA 31:95-b.

47

1 Captain Michael Dudash, Merrimack Police Department, stated for the past few years the Merrimack  
2 Crimeline has put on an annual magic show during which funds are raised. A check is presented during  
3 the Police Department's Open House. This year the check/donation was in the amount of \$1,073.22.  
4 He requested the Council accept the donation, which would go towards defraying costs of the K-9  
5 Program such as insurance, medical, and food. The Merrimack Crimeline has helped raise over \$20,000  
6 in total.

7  
8 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend a**  
9 **check in the amount of One Thousand Seventy Three Dollars and Twenty Two Center (\$1,073.22)**  
10 **from Merrimack Crimeline, Inc. to the Merrimack Police Department for the K-9 Program**  
11 **(Gunny), pursuant to Charter Article 8-15 and RSA 31:95-b, and furthermore that the Town**  
12 **Manager and/or her proxy be authorized to sign any and all documents necessary to perfect the**  
13 **transaction**

14  
15 ON THE QUESTION

16  
17 Councilor Boyd thanked the Merrimack Crimeline for all of the hard work they do, and for the  
18 commitment they give to the community in supporting the K-9 Program.

19 **MOTION CARRIED 7-0-0**

20  
21 **3. Donation Acceptance for the Parks & Recreation Department**

22 *Submitted by Parks and Recreation Director Matthew Casparius*

23 Town Council to consider the acceptance and expenditure of a donation of \$195.00 from the  
24 Merrimack Sno-Buds to the Naticook Day Camp Scholarship Fund and a donation of \$3,900.00  
25 from the Rotary Club of Merrimack to be used towards the replenishment of playground safety  
26 surfacing for Kids Kove (funds left over from when the playground was initially built), pursuant to  
27 Charter Article 8-15 and RSA 31:95-b.

28  
29 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept and expend a**  
30 **donation in the amount of One Hundred Ninety Five Dollars (\$195.00) from the Merrimack Sno-**  
31 **Buds to the Naticook Day Camp Scholarship Fund and a donation of Three Thousand Nine**  
32 **Hundred Dollars (\$3,900.00) from the Rotary Club of Merrimack to be used towards the**  
33 **replenishment of playground safety surfacing for Kids Kove, pursuant to Charter Article 8-15 and**  
34 **RSA 31:95-b.**

35  
36 ON THE QUESTION

37  
38 Councilor Boyd thanked the Sno-Buds, and noted their annual contributions to the Day Camp  
39 Scholarship Fund. He thanked the Rotary Club for its continued work and support of everything that is  
40 Merrimack. **MOTION CARRIED 7-0-0**

41  
42 **4. Adoption of NH Heartsafe Community Initiative (Tabled at the May 28, 2015 Town Council**  
43 **Meeting)**

44 *Submitted by Fire Chief Michael Currier*

45 The Town Council to consider the adoption of the New Hampshire Heartsafe Community Initiative,  
46 which will strengthen the chain of survival for victims of cardiac arrest by focusing on training  
47 members of the community in Cardio Pulmonary Resuscitation (CPR) and Automatic External  
48 Defibrillation (AED) use.

1 Michael Currier, Chief, Fire Rescue, stated Jeremy Penerian, Master Firefighter/Paramedic, has spent  
2 over a year trying to fulfill the requirements of this program with the State, and has done a fantastic job.  
3 Being sought is a letter from the Council stating support for the New Hampshire Heartsafe Initiative,  
4 and for the Council to authorize the Town Manager to sign all documents pertaining to said program.  
5

6 Master Firefighter Penerian stated the desire to become a New Hampshire Heartsafe Community, which  
7 is a designation given by the State for reaching goals in CPR and AED training, AED placement  
8 throughout the Town, and ALS response level. The CPR/AED training is more on the end of the people  
9 of the Town; getting them trained and certified on how to perform CPR and how to utilize AED devices.  
10 While researching the requirements of AED placement he discovered the Town has exceeded what is  
11 required. The ALS response levels falls on the department; paramedic level care with a minimum of  
12 advanced level EMT on the ambulance, having police vehicles equipped with AEDs, etc.  
13

14 The reason for being a Heartsafe Community is to strengthen the chain of survival. The American Heart  
15 Association identifies the first link in the chain as community members. Having that first link  
16 strengthened to be able to react in an event such as a cardiac event improves survival rates. That is the  
17 largest component of the program. To become a Heartsafe Community the department has to offer a  
18 minimum of 20 classes per year. That has already been addressed by the Professional Firefighters of  
19 Merrimack who have funded the training of 6 people in CPR to be trainers.  
20

21 The requirement for placement of AEDs around Town has already been exceeded. There is a  
22 requirement for AEDs to be located in each school and to have a cardiac response plan in place. That  
23 has been addressed. In addition, the department has been approached by teachers who are interested in  
24 being trained. The department has been able to train Police Officers and Library personnel at a reduced  
25 cost because it was done as a community involvement event. The MYA has also approached the  
26 department seeking classes. Training has been well received by the Town.  
27

28 Advanced ALS care is provided by the Department. A continuous evaluation process is required to  
29 ensure the initiative is working, and to identify any areas for improvement.  
30 The following statistics from the American Heart Association (few years old) were cited: approximately  
31 383,000 out-of-hospital cardiac arrests with an 8% survival rate, when CPR and AEDs are used on the  
32 first line by those community members, it can double or triple survival rate of people in cardiac arrest,  
33 only 32% of cardiac arrest victims receive CPR and only 2% an AED.  
34

35 Master Firefighter Penerian stated there to be a Lieutenant and a Captain in the department who are  
36 instructors in CPR as well as 4 Firefighters and 2 of the daytime attendants that have all become  
37 instructors and put work towards this program. When asked, Master Firefighter Penerian stated anyone  
38 interested can contact him or visit the website, [www.merrimackcpr.org](http://www.merrimackcpr.org) for information on classes or to  
39 request additional information.  
40

41 When asked if the statistics cited were nationwide, Master Firefighter Penerian responded the initiative  
42 began in Seattle many years ago, and a lot of the information on the number of cardiac arrest victims is  
43 from there. Most of the information cited was found on the American Heart Association website.  
44

45 Chief Currier commented one of the education components when companies acquire AEDs is  
46 understanding the devices have to be inspected, tested, and recertified to ensure they remain in operating  
47 condition. When asked about cost, Master Firefighter Penerian spoke of a grant available through the  
48 New Hampshire Fire Academy, which provides the devices at a reduced rate. There are two different  
49 types that typically cost over \$1,000, but can be acquired for \$600-\$700.



1 Councilor Koenig questioned if there are any ongoing cost factors associated with the Town's  
2 involvement. Master Firefighter Penerian stated all costs have been addressed by the Professional  
3 Firefighters of Merrimack. They funded the cost for all of the instructors to attend the classes, find the  
4 sites, and have instructors at local hospitals where, as part of being involved with those facilities, they  
5 can obtain equipment at no cost. Many of the classes take place in the basement of the Library. There is  
6 no cost to the Town.

7  
8 Councilor Rothhaus stated his support. He spoke of a situation years prior where a Paramedic training  
9 personnel in CPR became an issue relative to the Fair Labor Standards Act (FLSA). As a result, the  
10 Paramedic had to be paid overtime. It was noted there is no relation to the Department of Labor as it is  
11 funded by the Firefighters Association. Chairman Harrington commented the fact the Firefighters  
12 Union is doing this community service is commendable.

13  
14 Councilor Boyd questioned if the Town is fully equipped with AEDs. Master Firefighter Penerian stated  
15 there are approximately 30 around Town and perhaps more as the High School purchased a few  
16 additional within the last year. He stated his belief the high school has three and there is one in every  
17 school building. All patrol cars are equipped as are all ambulances and fire trucks. Anheuser Busch has  
18 a few, Fidelity has a ton, etc. When asked about interest by local companies, he stated Nashua Corp.  
19 contacted them, and a class was put on for them.

20  
21 Chairman Harrington questioned additional types of outreach that could be considered to make the  
22 public aware of the opportunity for training. Master Firefighter Penerian noted they have reached out to  
23 the Chamber of Commerce on a few occasions, and they have been very receptive to the program.  
24 Town Manager Cabanel stated he could be connected with the Community Development Office to be  
25 put in touch with some of the larger businesses around Town.

26  
27 Councilor Boyd questioned if the firefighters who have been trained on the AEDs are also responsible  
28 for going out into the community to test devices. Master Firefighter Penerian responded part of the  
29 program is the passing along of the knowledge to the community on how to maintain their AEDs. The  
30 intent is to work with the businesses that have the devices on how to maintain them, getting them on a  
31 schedule to check them every month to ensure pads are in date, etc.

32  
33 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to adopt the New**  
34 **Hampshire Heartsafe Community Initiative, which will strengthen the chain of survival for**  
35 **victims of cardiac arrest by focusing on training members of the community in Cardio Pulmonary**  
36 **Resuscitation (CPR) and Automatic External Defibrillation (AED) use, and furthermore that the**  
37 **Town Manager and/or her proxy be authorized to sign any letters or documents that may be**  
38 **necessary to reflect the Town of Merrimack's commitment to being a Heartsafe Community.**

39 **MOTION CARRIED 7-0-0**

40  
41 **5. Transportation Alternatives Program (TAP) Grant Award Letter of Support**

42 *Submitted by Town Council Vice Chair Tom Mahon*

43 The Town Council to consider writing a letter to the Governor and Executive Council requesting  
44 their support and stating the importance of the Merrimack TAP grant award.

45  
46 Vice Chairman Mahon informed the Council of a call he received from Nelson Disco. Mr. Disco was  
47 distressed by information reported that the TAP Grant had been tabled by the Executive Council due to a  
48 desire for additional information. Upon further research, it was discovered the grant hadn't even been



1 presented. It was another issue, related to a transportation grant award to the NRPC in Merrimack that  
2 had been presented and tabled.

3  
4 It had appeared the TAP Grant was originally scheduled to appear on the Executive Council's May  
5 agenda. It was pulled by the Department of Transportation because the Project Manager, when he was  
6 reviewing what would be submitted as part of it, felt it had not been prepared properly. It did not appear  
7 on the Executive Council's June agenda. The agenda for July has not yet been published.

8  
9 Vice Chairman Mahon suggested it would be helpful to forward a letter to the Executive Council and  
10 Governor requesting they support the acceptance of the funds. The following draft was prepared for  
11 consideration:

12  
13 *"On January 22, 2015, the Town of Merrimack was notified by NH DOT that Merrimack's*  
14 *application for \$436,000 in 14/15 TAP funds was approved. The project for which the funds will*  
15 *be used, along with the Town's 20% match of \$109,000, will construct approximately 2,500*  
16 *linear feet of non-motorized multi-use path that will connect Watson Park to the pedestrian*  
17 *crossing of the Souhegan River that was installed adjacent to the F.E. Turnpike Merrill's*  
18 *Marauders Bridge.*

19  
20 *The new path will connect the Town Center area to the residential and recreational areas*  
21 *including Wildcat Falls Conservation Area and Merrimack High School. The Federal funds are*  
22 *critical to the timely success of the project. Without the funding it will likely be many years*  
23 *before the Town could accomplish all of the goals of this project."*

24  
25 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus that the Town Council**  
26 **forward the letter to the Governor and Executive Council requesting their support and stating the**  
27 **importance of the Merrimack TAP grant award**

28  
29 **ON THE QUESTION**

30  
31 Councilor Dwyer questioned why the letter is believed necessary. Vice Chairman Mahon stated the  
32 request for the letter came from him, and is simply intended as a courtesy. He commented it is typical  
33 for the question to be asked of where the community stands on an issue.

34 **MOTION CARRIED 7-0-0**

35  
36 **Minutes**

37 Approve the minutes from the May 28, 2015 Town Council meeting.

38  
39 *The following amendments were offered:*

40 Vice Chairman Mahon's Addendum was not and should be attached to the minutes  
41 Page 13, Line 27; replace "Kilowatt" with "Kilowatt"

42  
43 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of**  
44 **the May 28, 2015 Town Council meeting as amended**

45 **MOTION CARRIED 6-0-1**

46 *Councilor Vaillancourt Abstained*

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

1 **Comments from the Public** – None

2  
3 **Comments from the Council**

4  
5 Councilor Dwyer commented, in the spirit of healthy debate with regard to the Kinder Morgan  
6 discussion, and with respect to Ms. Hoffman and her group, he feels it his obligation to always show two  
7 sides of a story. When the comments come in a random straight line of there is no proof or there will be  
8 no lowering of electric rates he is forced to state facts that support another side of that story.

9  
10 As has been in newsprint on many occasions, New Hampshire is paying 109% more than the average  
11 across America. To say we don't have an electrical problem or an energy pricing problem in New  
12 England is disingenuous to the rest of the facts of the story. As coal plants are closing; by Federal  
13 regulations they are not being supported by wind or solar, they are being supported by natural gas.

14  
15 With regard to the statement the Marcellus Shale field in PA will be drilled, the Federal Government  
16 wants that. They didn't discover it just to let it lay dormant. The National Energy Policy Development  
17 Group wants to take that field and get gas out of it. They don't want to take it to Texas they want to take  
18 it to New England. These are just facts.

19  
20 He commented those who are elected to serve on Town Councils have little or no impact on energy  
21 policy in the United States. There are a lot of groups out there that are working hard, but they are  
22 making general statements.

23  
24 Councilor Dwyer noted there are over 10,000 jobs in Merrimack, and if you were to poll any of the  
25 CEOs of those companies they are not happy with their electric bills. There is a reason why those  
26 companies have not come out against the pipeline. There is a reason why the Governors in New  
27 England have not come out against the pipeline. As he has said before Congressmen and Senators are  
28 not coming out against the pipeline.

29  
30 He commented we can all have personal reasons why we don't want it to come through our Town. The  
31 simple very common sense reason is at least give me a spicket and let me get access to it. It is a  
32 pressurized line, etc., and is not made to go that way; just made to go 80 miles in one direction. That  
33 being said, he can wrap his brain around saying that is maybe good for the country, but I would like to  
34 see a change.

35  
36 It is a very complex issue, and he can understand groups being against it, but just to say that our  
37 companies in New Hampshire do not appreciate the electric rate situation or even homeowners, is not  
38 telling the whole story. Councilor Dwyer reiterated when an opportunity exists to debate an issue and  
39 show another side on any issue, he will take the opportunity.

40  
41 Chairman Harrington commented on the Town of Amherst's letter to the FERC, which details  
42 information on the State's generation of power versus its consumption. It noted, in 2012, New  
43 Hampshire had one of the highest ratios of power generation versus consumption in the country. The  
44 letter also stated all of the New England States, with the exception of Massachusetts, export excess  
45 electricity. Massachusetts is the one not producing enough to meet its needs. She questioned why New  
46 Hampshire would be paying such a high cost when power generation exceeds need. Councilor Boyd  
47 suggested that explains why the FERC has been clamoring Kinder Morgan to go back and look at the  
48 routes through Massachusetts. Councilor Dwyer remarked the counter argument is, but the 80 miles of a

1 power corridor is just too good for them to pass up. That is the debate, and why, in addition to a host of  
2 other reasons, they are here.

3  
4 Councilor Vaillancourt agreed the issue is complex. Why our electrical rates are the way they are is  
5 very complex. She stated her personal belief the NED Pipeline and any gas that goes through it will not  
6 lower her electric rates. She stated, as a Council, there is the need to be careful and state factual  
7 information. She stated Councilor Dwyer was speaking on behalf of Governors and businesses in Town  
8 who he says have not taken a formal position one way or the other, and she does not believe that is a fair  
9 statement. She cautioned and stated those individuals/entities need to speak for themselves.

10  
11 Councilor Vaillancourt cautioned Town Council members to make sure to preface remarks with “my  
12 opinion”, and not to speak on behalf of others. When making an opinion she looks at both sides of the  
13 argument, but also gathers facts. She tries to separate the hype and emotion from factual information.  
14 She stated agreement there are two sides to every story. However, she believes there is a lot of  
15 misinformation in the advertisement and support of this project.

16  
17 Vice Chairman Mahon reminded Councilors the Town Council meeting is not the venue or forum that  
18 the Business Industry Association or the Nashua or Manchester Chambers are going to use to support  
19 their position. The same is true of some of the businesses in Town. They are going to go through their  
20 trade groups or their Chambers. During public comment periods at Council meetings is the most  
21 convenient venue the other side has. Speaking in this venue provides the opportunity to have their  
22 opinions heard over the local cable network and to be picked up by local media sources. That is part of  
23 the reason why we are only seeing what you would consider one picture of many.

24  
25 Councilor Vaillancourt remarked those who are coming before the Council to speak are those we are  
26 elected to represent. We are their voice, and we, as a body, do have influence on other State elected  
27 officials. Councilor Dwyer responded that is where he respectfully disagrees; we have very little power,  
28 and he is afraid too many citizens think the Council can make a difference with regard to this issue.  
29 Councilor Vaillancourt stated her opinion, as was stated earlier, 6 months into this people have a very  
30 realistic opinion about what the Council can do. Councilor Dwyer responded he has a different feeling  
31 about that. Councilor Vaillancourt stated she believes the citizenry coming before the Council is  
32 appropriate. If the citizenry requests the Council issue a letter or make a statement to the Federal  
33 Government or our State Delegation that is all appropriate.

34  
35 Chairman Harrington remarked, from what she is hearing, initially there was a misunderstanding around  
36 the authority of the Council in this instance, of which there is none. But the Council does have opinions  
37 and those can be expressed.

38  
39 Councilor Rothhaus questioned if a permit is required for an individual/entity to work within the Town’s  
40 Right-of-Way. Vice Chairman Mahon stated it is. Councilor Rothhaus spoke of having received  
41 numerous phone calls over the plus signs (used for aerial photography) seen all over the Town Right-of-  
42 Ways, and a few that appear to be on private property. He questioned if the State could be notified of  
43 the requirement to communicate with the Town. Receiving information of such requests would allow  
44 Councilors to respond to constituent inquiries.

45  
46 Councilor Boyd informed the Council the Economic Development Citizen Advisory Committee  
47 (EDCAC) met the previous day, and arrived at a decision to reduce the number of meetings for the  
48 upcoming year. Meetings will be scheduled on a quarterly basis. A lot of concern was expressed about  
49 the original scope of the Committee’s work and what its nebulous function currently is. Currently there



1 are two projects before the Committee; evaluate template Development Guide for Community  
2 Development and New Market Tax Credits. There is work to be done; however, it is believed the tasks  
3 placed upon the committee can be addressed with quarterly meetings.  
4

5 As a consequence of the decision to meet quarterly, the current Chairman, Susan Lee, will seek re-  
6 appointment when her term expires. That was a key factor in the decision to change the number of  
7 meetings. Councilor Boyd spoke of the important role Ms. Lee plays on the committee.  
8

9 Councilor Boyd stated June 6th was the 71<sup>st</sup> anniversary of D-Day. That Saturday he ran into Elaine  
10 Gibson and her Father George McKenna. Mr. McKenna is a proud WWII Veteran. Although not a part  
11 of the D-Day invasion, he parachuted into France and fought in the Battle of the Bulge. He expressed  
12 the desire to recognize Mr. McKenna for the service he gave to our country.  
13

14 Councilor Vaillancourt spoke of an update provided by Tim Tenhave, Chairman, Conservation  
15 Commission, regarding the Environmental Impact Study for the Horse Hill Nature Preserve (HHNP) and  
16 Gilmore Hill Memorial Forest. Approximately half of the allocated funds have been expended to date.  
17 There is a god deal of work to be done in the end of May/beginning of June timeframe with regard to  
18 documenting vernal pools, etc. A good many vernal pools have been seen. Some endangered species  
19 have been identified as well as species of toad that were not expected in the area. There are quite a few  
20 habitats along the Right-of-Way where the pipeline is proposed.  
21

22 The consultant, Jeff Littleton, is looking at the possibility of bringing an expert in to analyze data  
23 regarding a particular species of bat that has been seen. He will be looking to identify the cost, and  
24 determine if the Commission is agreeable to moving forward.  
25

26 Councilor Vaillancourt thanked the Merrimack Police Department for the huge presence in the Law  
27 Enforcement Special Olympics Torch Run that took place last week. Merrimack was proudly  
28 represented. She spoke of the impressive job the department does every year in supporting that effort.  
29

30 Councilor Koenig thanked the Police Department for their participation during the games. He  
31 commented Merrimack had quite a few officers in attendance including the Chief, Denise Roy, and  
32 Officer Murray. He remarked his son and wife appreciated seeing them out there.

33 Councilor Dwyer spoke of having been a founding member of the EDCAC, and remarked he has  
34 continually voiced a concern if you do not give assignments to that committee, there is no reason for  
35 them to be. He suggested the Council consider that during its Retreat.  
36

37 Town Manager Cabanel remarked a lot of the information that comes in with regard to new businesses  
38 that are considering moving into Town is confidential. She noted, at the next meeting, a request will be  
39 brought forward for an Economic Revitalization Zone for Anheuser Busch to support their expansion  
40 project.  
41

## 42 Adjourn

43  
44 **MOTION made by Vice Chair Mahon and seconded by Councilor Boyd to adjourn the meeting.**

45 **MOTION CARRIED 7-0-0**

46  
47 *The June 11, 2015 meeting of the Town Council was adjourned at 8:23 p.m.*

48  
49 Submitted by Dawn MacMillan