



Town Council Meeting Minutes

Thursday November 5, 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

Eagle Scout Candidate Jacob Parker led in the Pledge of Allegiance.

Announcements

Town Offices and Transfer Station will be closed on Wednesday, November 11th in observance of Veterans Day.

Regular meetings of the Town Council will be conducted on Thursday, November 19th, December 3rd, and December 17th at 7:00 p.m. in the Matthew Thornton Room.

Town Manager Cabanel noted Rick Seymour, Director of Public Works, would officially retire at the conclusion of the following workday. Director Seymour has worked for the Town for the past 7 years, is looking forward to retirement, and will be greatly missed.

Tax bills have been mailed this week with a due date of December 3rd.

The Skateboard Park on O'Gara Drive will be closing for the season on Friday, November 13th so that maintenance can be performed and the facility readied for the winter. Councilor Rothhaus questioned how the skateboard park functioned this year, and was informed there was one incident, which was addressed. Beyond that, it worked out well.

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

● Informational Reports and Updates

Chairman Harrington informed the viewing audience of having attended a meeting held in Temple on November 2nd, which related to their discussion of a compressor station. Four representatives from the State were in attendance; 3 from the New Hampshire Department of Environmental Services (NHDES) and 1 from the Site Evaluation Commission (SEC). The purpose was to explain the process by which the State will evaluate the application for the compressor station.

The meeting began with a short presentation by a citizen group regarding research conducted at a plant in Minisink, NY. Air quality issues were specifically brought up. The group had a good deal of data, which was presented to the NHDES in terms of what they were hoping to achieve with regard to criteria.

The pre-application has not been received. Once submitted to NHDES, a Docket will be opened, which will have an associated 30-day comment period. After that time, they will begin reviewing the application in light of Federal and State guidelines. Whether or not a permit will be approved is

1 required to be determined within 365 days. Over the course of that period, there will likely be
2 intermittent times when the SEC and/or NHDES will ask further questions of Kinder Morgan.

3
4 Town Manager Cabanel stated she contacted legal counsel when asked to seek a response to the question
5 the NHDES was unable to answer regarding whether the FERC law supersedes NHDES and/or SEC
6 requirements, and whether or not those processes even have to be undertaken. Legal counsel responded
7 the matter is very complicated. However, if the Town were to push to have that written into the Order
8 by the FERC, then it may be included. Counsel suggested the Town make written request of the FERC
9 that Kinder Morgan be required to go through the State, including that of NHDES and the New
10 Hampshire Department of Transportation (NHDT) and the SEC process as part of their approval
11 process. Kinder Morgan has stated verbally that they would go through the processes.

12
13 Chairman Harrington noted there were also questions raised regarding the Environmental Protection
14 Agency (EPA); does the FERC have precedence over the EPA. That question was not answered
15 succinctly. Councilor Koenig remarked the FERC does have control. Listening to what the Town
16 Manager and legal counsel has stated, unless the FERC says they have to do it, they don't have to do it.
17 Chairman Harrington clarified the question was with regard to the decisions they make and the criteria.
18 Not whether they should or not, but what is done with the information, e.g., if the NHDES made an
19 unfavorable decision based on a particular factor, could the FERC override the decision. Town Manager
20 Cabanel responded the answer is basically Kinder Morgan can because once they have the certificate, if
21 it doesn't say they have to then they don't.

22
23 Chairman Harrington commented it has been suggested the Council may wish to consider conducting a
24 similar meeting in Town. Her personal opinion is there would not be much value gained as what
25 occurred during the Temple meeting was simply an explanation of the process.

26
27 Vice Chairman Mahon cautioned having them go through the process is not the same as accepting the
28 outcome of the process. While they may be required to go through the State process, the FERC does not
29 have to accept the outcome of the State process. Councilor Dwyer questioned why they would not be
30 required to accept the outcome. Vice Chairman Mahon remarked it is pure speculation, but they may
31 see it as an impingement upon their authority and their ability to operate the way they feel the law
32 allows them to. He commented when the initial briefing was provided by Attorney Iacopino in Milford
33 regarding the SEC, he stated they could come in, probably will, but the FERC is not bound by the
34 decisions. They can tell them to go through the process, but don't have to accept the findings of the
35 SEC or a State agency. Town Manager Cabanel stated her impression if it is included in the Certificate
36 that they must be bound by it that would apply.

37
38 Councilor Vaillancourt questioned if having a similar meeting regarding the metering station is
39 something the Council should consider or not. Some may believe that meeting to be an opportunity to
40 discuss specifics about the impacts of a metering station, which would possibly be premature at this
41 point. The Council has stated all along that the FERC can do whatever they want. At the same time,
42 there is the need to continue to participate in the process, and if we should be asking for something then
43 we should follow through with that. She questioned when in the process such a request to the FERC
44 should be made, e.g., before or after Kinder Morgan files the application. Town Manager Cabanel
45 stated she could seek clarification from legal counsel, and could get counsel working on that if given
46 that direction. Councilor Vaillancourt stated her support of that and of requesting they be required to
47 follow local Ordinances pertaining to blasting, construction, etc.

1 Chairman Harrington noted the question was raised regarding location regulations/Ordinances. The
2 NHDES responded that is one of the standards. The SEC is described as the State planning board and a
3 lot of their criteria and standards have been revised recently because of Federal standards, and, therefore,
4 they respond to that. There is a fair amount of consistency among the State and local criteria and
5 standards. It was stated the belief is they would respond to local criteria. Councilor Vaillancourt noted
6 the Conservation Commission has addressed blasting specifically in their written communication to the
7 FERC. She stated her support of making the request.

8
9 Chairman Harrington noted the Town Council received a letter from AECOM, which is the company
10 hired by Kinder Morgan to evaluate environmental issues related to routes. They requested a response
11 to the route change in terms of its environmental impacts. However, the map provided was old. They
12 were contacted and informed, if an accurate map were provided, a response could be considered. Vice
13 Chairman Mahon noted the map does not include Continental Boulevard or Whittier Place, it has the
14 original alignment of Naticook Road joining Route 101A, etc. Town Manager Cabanel remarked in
15 addition, it identifies the route going through Fidelity and the Outlet Mall.

16
17 Councilor Vaillancourt remarked, at the last meeting, the Council discussed the fact that the Merrimack
18 Village District (MVD) had received a communication from Kinder Morgan requesting a meeting, and
19 questioned if that has been scheduled. Town Manager Cabanel responded she was informed by Ron
20 Miner, Chief Executive Officer that it was going to be a public meeting, that a date had not been set, and
21 that he would notify her when a meeting date is determined.

22
23 ● **Action Items**

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

- 1 - Section 106 of the National Historic Preservation Act of 1966 (NHPA) - **Pending formal**
 2 **application**
 3 - Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal
 4 Delegation
 5 - Letter to Governor - **Letter sent 4/14/15**
 6 - Letter to Congressional Delegation - **Letter sent 4/14/15**
 7 - Letter to Local Reps - **Letter sent 4/14/15**
 8 - Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan –
 9 **Ongoing (between the Town’s legal counsel and Kinder Morgan’s legal counsel). The**
 10 **agreement is being “actively worked”. Two issues remain; the confidentiality piece and access**
 11 **to adjoining properties (10-22-15).**
 12 - Town Council Letter to the FERC re: Town and TGP Survey Access Agreement Negotiations -
 13 **eFiled 9/4/15.**
 14 - Town Council Letter to the FERC re: Amherst Alternative Route 1 Impacts to the Town of
 15 Merrimack - **eFiled 9/4/15.**
 16 - NH Municipal Pipeline Coalition Letter Re: Oversight of FERC and Approval of Gas Pipelines
 17 **(9/14/15)**
 18 - Letter to FERC re: Additional Scoping Comments from the Town of Merrimack specific to a Meter
 19 Station sited in Town - **eFiled 9/30/15**
 20 - Letter to FERC re: Response Request from TGP and Request for Additional Extension of Scoping
 21 Period - **eFiled 10/16/15**
 22 - Town Council Workshop with Kinder Morgan representatives - **held 10/8/15**
 23 - Notice received indicating Kinder Morgan’s intent to file a formal application with the FERC on
 24 November 20th. Once received the FERC has 10 business days to act on it. If they act on it within
 25 those ten days, that starts the clock running on the 21-day filing period for intervener status. The
 26 Town’s legal counsel has been preparing the Town’s request to be designated as interveners.
 27 - The Merrimack Village District (MVD) received a formal request from Kinder Morgan to attend one
 28 of their meetings. That public meeting date has not yet been set.

29
 30 **Comments From the Press and Public**

31
 32 Gina Rosati, 15 Dunbarton Drive

33
 34 Spoke of a meeting scheduled for Thursday, November 12th at 6:00 p.m. at the Field House at Franklin
 35 Pierce University in Rindge, NH. The meeting, titled “It’s Not (Just) About the Pipeline: Natural Gas
 36 and the Future of Clean Energy in NH and the World” will feature a panel discussion conducted by
 37 Curtis Cole, Director of Business Development, Kinder Morgan, Clay Mitchell, Revolution Energy,
 38 Inc.; Lecturer, UNH, and David Solomon, Energy Columnist, NH Union Leader.

39
 40 Ms. Rosati commented apparently Continental Boulevard was originally supposed to go further in where
 41 there is a swamp. That could not happen because of a peat bog in the area. She suggested there might
 42 be an interest in looking into that based on her understanding peat bogs and pipelines don’t really mix.
 43 ***There being no objection, the council went out of the regular order of business to take up Item #s 2***
 44 ***and 3 under New Business.***

45
 46 **2. Eagle Scout Project at Wasserman Park Approval Request**

47 *Submitted by Life Scout Jacob Parker*

48 Life Scout Jacob Parker is proposing to build an archery range shooting platform in Wasserman Park
 49 for the benefit of the Parks and Recreation Department and Naticook Day Camp.

1
2 Life Scout Jacob Parker informed the Council of his desire to construct an archery range shooting
3 platform in Wasserman Park. The platform would be an 8' x 24' deck constructed on an incline. The
4 maximum height is approx. 13' from the ground. The platform would be constructed utilizing pressure
5 treated lumber.

6
7 The 4 x 4 posts would be placed 30" into the ground on top of a cement block, which is on top of 1' of
8 crushed stone. The joists underneath the deck would be spaced 12" on center. There is decking on top
9 of that. With regard to the roof there are 16" on center rafters crossed by 2 x 4s that are 12" on center,
10 which are then covered by Ondura roofing (asphalt). It has a 3 in 12 incline, which is recommended for
11 heavy snow areas, as well as the 12" on center 2 x 4s that go across. The maximum height from the
12 deck is about 8' and the back is about 6'. There is a bench in the back as well as built-in PVC quivers to
13 hold arrows. Approx. 4 archers could shoot simultaneously from the platform.

14
15 Chairman Harrington questioned fundraising efforts, and was informed Life Scout Parker intends to hold
16 a soup & salad fundraiser on Friday, November 13th from 6:00 - 8:00 p.m. at 110 Concord Street in
17 Nashua. Tickets can be purchased at the door or online through Eventbrite (www.eventbrite.com). The
18 event will be placed in the Merrimack Patch. Total project cost is estimated at \$1,400.

19
20 Vice Chairman Mahon questioned where within Wasserman Park the platform would be located, and
21 was informed it would be at the current archery range, which is near the exit. Councilor Dwyer
22 commented Life Scout Parker appeared before the Parks & Recreation Committee a few weeks prior and
23 provided a presentation. The recommendation from the Committee was for approval of the proposed
24 project. Councilor Dwyer remarked the project was very well thought out, and the Committee and the
25 Parks & Recreation Director, Matt Casparius, are very excited about the project. Councilor Dwyer
26 spoke of the quality and volume of scouting projects the Town benefits from.

27
28 Councilor Boyd commented it appears as though the platform will be constructed into a slope. Life
29 Scout Jacobs explained there is an approx. 15-20" incline drop from one side to the other. The
30 foundation follows the slope. All beams will be 30" into the ground with the same base layer.

31
32 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus that the Town Council**
33 **approve the proposed construction of an archery range shooting platform in Wasserman Park for**
34 **the benefit of the Parks and Recreation Department and Naticook Day Camp, and that the Town**
35 **Manager, if necessary, be authorized to sign any and all documents necessary to assist Life Scout**
36 **Parker with the project. MOTION CARRIED 7-0-0**

37
38 **3. 2016 Town-wide Reevaluation**

39 *Submitted by Avitar Associates President Loren Martin*

40 The Town Council to receive information related to the 2016 Town-wide revaluation as required by
41 law under RSA 21-J:11 and to also authorize the withdrawal from the Capital Reserve Fund, not to
42 exceed \$75,000.

43
44 Loren Martin, President, Avitar Associates, noted what would be conducted is not a revaluation but an
45 update of values, which is required, per State law, to be conducted every five years. A revaluation has
46 two components, and by definition, would be a full measure and list of all properties complete with a
47 full update of values bringing everything to market value in that last year. Based only on size, almost
48 11,000 parcels, to try to do a revaluation in one year would be pretty burdensome for most anyone.
49 Over the past five years, Avitar staff has been measuring and listing properties to ensure the data is as

1 accurate as possible. That is a cyclical process that has been ongoing for many years. Town Manager
2 Cabanel noted the cost of a full revaluation would be between \$350,000 and \$400,000. Ms. Martin
3 stated the cost is associated with the amount of staff that would be needed to conduct that work and get
4 it completed in a timely manner so that values could be finalized and turned back to the Town in order to
5 get the tax rate set in 2016.

6
7 Ms. Martin noted there is no requirement to measure and list the properties. The requirement is to value
8 anew once every five years. However, once every five years, the State of New Hampshire Department
9 of Revenue (DOR) does come in for an assessment review process. Part of their review is to verify the
10 accuracy of the data.

11
12 When the DOR was last looking at that preliminary information (five years ago), there were issues with
13 the data. Avitar worked diligently to ensure they are continually out visiting properties so that they have
14 an accurate database so that values will be fair and proportionate. She reiterated Avitar has maintained
15 that cyclical process to go out and continually visit properties throughout the Town and to try to even
16 out costs so that the Town doesn't have those big revaluation costs once every five or ten years, which is
17 what the Town used to do. Vice Chairman Mahon commented it was once every 20 years that
18 revaluations were conducted. Ms. Martin spoke of having reviewed historical information, and noted a
19 large and difficult revaluation that was conducted in 1989. Others were conducted in 1995 and 2000.
20 From there, statistical analysis was being performed on an annual basis to try to meet that same need.

21
22 Chairman Harrington stated her understanding what was being done was a yearly update to maintain the
23 data so that when it comes time for the revaluation all of the data is available. Ms. Martin stated that to
24 be accurate, and commented that has become, for the most part, the model statewide.

25
26 The goal is to bring values to 100% of market value. Ms. Martin commented the process was a bit more
27 onerous when last undertaken as it included a conversion of values, disproportionalities throughout
28 Town that had to be rectified, etc. That type of change is not anticipated in this update. The ratio study
29 for the Town was completed, and indicated, effective 2015, assessments are at 94% of market value.
30 That means we are seeing appreciation in the real estate market in Merrimack for the first time in quite a
31 few years.

32
33 Much of the same processes as were undertaken during the last update would be utilized for the current
34 update. That includes listing and measuring all sale properties, creating a new CAMA model and new
35 tables. They would implement the new values and perform a full town-wide field review, which
36 consists of three individuals driving parcel by parcel reviewing all of the data to ensure it is as accurate
37 as possible.

38
39 Ms. Martin stated her expectation values will change. From what she is seeing in sales, it appears to be
40 a more uniform change. That does mean with what we are seeing with a ratio of 94% for 2015, if we
41 continue to see appreciation for 2016, we will be seeing values going up.

42
43 Councilor Dwyer commented it has been mentioned there are over 200 homes for sale in Merrimack at
44 this time. This is an ideal year to get that data. If we see 200 homes and what they resold for it will be
45 an interesting number of what is real and apparently fair. Ms. Martin remarked the ratio study is taken 6
46 months prior to and 6 months after April 1st, so that time isn't skewing the results. There were just shy
47 of 500 qualified sales in that year. When the market was more depressed we were down to 200-250
48 qualified sales. To get just shy of 500 qualified sales is a huge improvement, and they are being seen all
49 over Town. That dispersion is looked at because if it were all occurring in South Merrimack and

1 nothing in North it could lead to disparity. That is not what is being seen. In addition, there are fewer
2 foreclosures and bank sales.

3
4 Once the process is completed, preliminary notices of values will be sent out to all taxpayers. They will
5 be provided the opportunity to call and set up an informal hearing. Final notices of value are then sent
6 and everything is turned over to the Town with a complete Uniform Standards of Professional Appraisal
7 Practice (USPAP) report ready to send tax bills.

8
9 Councilor Vaillancourt stated her understanding what had occurred back in 2011 was that properties had
10 not been properly valued for quite a while, and when they were properly valued their tax bills went up
11 substantially even though the tax rate didn't increase substantially. What she was hearing was that
12 because the work is being done every year and the fact we have more homes for sale with successful
13 sales, that situation is not expected to happen again. She understands a few might be in that situation,
14 but the number would not be similar to the number of residents impacted in 2011.

15
16 Ms. Martin responded in 2011 Avitar came in and analyzed all of those sales. She cannot say that they
17 weren't properly valued before. The market changes and it doesn't affect all properties similarly. While
18 the rest of Town, by in large, were seeing decreases in property values, they were not seeing that in the
19 sales on waterfront. That does not mean they were necessarily valued wrong before because the update
20 was done a number of years prior to that. They are analyzing the sales, tracking the neighborhoods, and
21 they are not seeing any real big changes to one specific area, property type, etc.

22
23 Ms. Martin added, we are five years out and while indications for this equalization period indicate that
24 we are at about 94% of market value, the Coefficient of Dispersion (COD), which is basically taking all
25 of your sales and lumping them next to a target, show that it is pretty equally dispersed amongst all
26 classes of property that have sold. The COD is about a 7 right now. Industry standards for a town like
27 Merrimack would be something less than 10. It means everyone is pretty tightly compacted around that
28 target.

29
30 Councilor Boyd questioned the percentage of homeowners that allowed the inspector to enter their home
31 and conduct the internal inspection back in 2011. Ms. Martin responded, because it was done over a
32 number of years, it is not an easy question to answer. It is getting less and less frequent for that to
33 happen. The inspector who does the inspections does a cold call first. If necessary, he leaves a door tag,
34 which includes contact information. She stated her guess would be in the 30% range.

35
36 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to authorize the**
37 **withdrawal of an amount not to exceed Seventy Five Thousand Dollars (\$75,000) from the**
38 **Revaluation Capital Reserve Fund. MOTION CARRIED 7-0-0**

39
40 *The Council returned to the regular order of business.*

41
42 **Recognitions, Resignations and Retirements**

43
44 **1. Town Committee Member Resignation**

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

46 *The Town Council to consider the acceptance of the resignation received from Merrimack*
47 *Conservation Commission member Kristi Margaritis Bradshaw.*

1 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to accept the resignation**
2 **received from Merrimack Conservation Commission member Kristi Margaritis Bradshaw.**

3 **MOTION CARRIED 7-0-0**

4
5 **Appointments**

6
7 **1. Annual Review with the Town Center Committee**

8 *Submitted by Town Center Committee Chairman Nelson Disco*

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

13
14 Nelson Disco, Chairman, Town Center Committee, stated the Town Center Committee operates as an
15 AdHoc Committee created by the Council in 2009 to implement the Merrimack Town Center Pedestrian
16 and Trail Master Plan, which was developed under an iTRaC program in conjunction with the Nashua
17 Regional Planning Commission (NRPC). It was a separate committee that formed the Master Plan. The
18 map of the Master Plan was displayed, and depicted the sidewalks and trails within the Town Center.
19 The Town Center was defined in an earlier Master Plan, and consists of the area east of the F.E. Everett
20 Turnpike, North of Frasier Square, and South of Front Street along Route 3. That is the area of interest
21 and concern/jurisdiction.

22
23 The Committee is tasked to work with Town officials to create a safe and inviting Town Center. The
24 Town Center Pedestrian & Trail Master Plan made some recommendations (from the iTRaC plan),
25 which were summarized on a chart displayed and within the agenda [packet](#) (can be viewed [here](#)).

26
27 With regard to sidewalks, the Committee discussed connecting the Courthouse with Route 3 through
28 Abbie Griffin Park. The sidewalk along Watson Park was done in 2010. The sidewalk on the west side
29 of the D.W. Highway from the Library to the Post Office is more or less on hold pending work that
30 needs to be done with the Baboosic Lake Bridge and the Wire Road Intersection.

31
32 The recommendations also included a sidewalk on the East side of the D.W. Highway from Twin Bridge
33 to Baboosic Lake Road and one on the west side of O'Gara Drive. The south side of Woodbury Street is
34 another area of concern. This area is used by many walkers coming from the school down to the Town
35 Center. Currently those individuals have to walk in the road. The recommendation included filling in
36 gaps in this area where sidewalks are needed.

37
38 The recommendation included three trail sections. One of the trails is from Watson Park to the west side
39 of the D.W. Highway, which goes through the old sluiceway, and then further connecting the Souhegan
40 River Trail all the way up to the F.E. Everette Turnpike and the footbridge that goes across the
41 Souhegan River. Also, for the future, is the Watson Park to Twin Bridge Park through the land along
42 the Merrimack River, which is privately owned and likely will not be done until such time as
43 development occurs in that area.

44
45 Mr. Disco identified the Committee membership, and noted the Committee has been assisted for the past
46 3 years by Ms. Lelia Mellen as an advisor from the National Park Service. Her term is completed this
47 fall, as she is limited to a three-year assistance program for each community.

1 Major projects the Committee has focused on this past year include the Souhegan River Trail, public
2 outreach, and Safe Routes to School. The Souhegan River Trail is a hiking trail that extends from
3 Watson Park to Wildcat Falls along the north side of the Souhegan River, using the old mill Sluiceway
4 under Route 3. It includes the connection all the way to the footbridge over the Souhegan River at the
5 F.E. Everett Turnpike.

6
7 A Transportation Alternative Program (TAP) grant in the amount of \$436,000 was awarded to
8 Merrimack for this project. Town funds in the amount of \$109,000, which were originally planned for
9 safety improvements to the Route 3 sidewalk at Chamberlain Bridge, were able to be used as matching
10 funds.

11
12 This is a Federal project being administered through the NHDOT and Merrimack PWD. The Committee
13 is currently in the process of negotiating a contract with Quantum Consultants for the design and
14 construction of the trail. The detail design and the required Public Hearings will be conducted during
15 2016. Construction is expected to complete in 2017.

16
17 Mr. Disco noted the TAP Grant was very competitive as there was \$5 million available for \$30 million
18 in projects. The Town was successful mainly because it was able to leverage the safety work that was
19 already planned.

20
21 The Committee has been working on a sign at the footbridge that goes over the Souhegan River that
22 would identify and elaborate Merrill's Marauders Bridge. The sign would honor Brigadier General
23 Frank Merrill who led a group of soldiers in the Burma Campaign of World War II. He returned to New
24 Hampshire to become the head of the PWD, and as such was responsible for the design of that bridge. A
25 \$1,000 grant was received from the National Park Service to put up the sign. Joe Herlihey, Lettering
26 Design Company, is working with the Committee to make a sign that would be clamped onto the bridge
27 rail outside of the fence.

28
29 During the past year the Committee received a favorable letter from the NHDOT regarding a land
30 easement. The Committee had requested, through the Conservation Commission, an easement, of a
31 piece of NHDOT owned land between the F.E. Everett Turnpike and Wildcat Falls. There are trails
32 going through there now. The NHDOT has indicated that, in the future, they may be interested in
33 donating that land to the Town. Meanwhile they want to hold onto it because they may need some
34 wetland mitigation for the widening of the F.E. Everett Turnpike.

35
36 A trail map of the Souhegan River Trail was created by the Committee and generated by the NRPC.
37 The map has been used to inform the public of what exists and what will be in place when the trail is
38 completed. Public outreach activities have included manning a booth at several public events where
39 maps were handed out to the public.

40
41 The Committee received an offer of two stone benches from Dave Brooks, owner of David L. Brooks
42 Memorials & Granite Products. The stone benches will be placed along the trail (1,500 lbs. each).

43
44 Mr. Disco commented Safe Routes to School was the result of a study survey conducted in 2013. There
45 was a good deal of public support to develop a Safe Routes to School program in Merrimack. This
46 involves the O'Gara Drive sidewalk and the James Masticola Upper Elementary School/School Street
47 side sidewalks. These have been put into the Capital Improvement Program (CIP) by the School District
48 for FY18 and FY19.

1 In 2016, the Committee plans to continue to implement the Souhegan River Trail, conduct public
2 hearings and acquire design input on the trail as the process continues, will continue public outreach
3 wherever possible, will pursue alternate funding opportunities as they become available, and continue to
4 seek school safety improvements.

5
6 The Committee requests the Council establish a capital reserve fund for sidewalks as was recommended
7 by the 2013 Master Plan, continue to support the Committee through assistance provided by the PWD
8 and the Town Manager, and help recruit membership (1 open position).

9
10 Peter Flood, Vice Chairman, Town Center Committee, commented many of the people who have
11 approached Committee members during outreach events are people who have recently moved into
12 Town.

13
14 Councilor Dwyer thanked the Committee for participating in the community events and providing
15 information on the efforts of the Committee. Councilor Rothhaus commented on being astounded when
16 learning of the amount of money received through the grant.

17
18 Councilor Vaillancourt spoke of what was gained by the Town providing matching funds for a project.
19 She remarked these Town committees are tasked with these types of projects, and that kind of assistance
20 has to be provided. She spoke of some of the spots along the route mentioned that are in dire need of
21 walkability, and noted specifically the area on the east side of Route 3 by Twin Bridge to Baboosic Lake
22 Road, which is in need of a sidewalk.

23
24 Councilor Dwyer commented, as budget season rolls around, he would not be opposed to allocating
25 funding for sidewalks in limited particular spots to compliment the trail when needed.

27 **2. Overview of Services – Nashua Regional Planning Commission (NRPC)**

28 *Submitted by NRPC Executive Director Tim Roache*

29 An introduction and overview of NRPC services.

30
31 Tim Roache, Executive Director, NRPC, stated his desire was to introduce himself as the Executive
32 Director, provide the Council an opportunity to meet Jennifer Czysz, Assistant Director, and talk about
33 what he believes the NRPC can bring to Merrimack and the region.

34
35 The NRPC can be used as a resource for the communities, a forum to share information and exchange
36 ideas, and a voice for the larger issues that cross municipal boundaries.

37
38 The Town takes advantage of some of the things the NRPC offers. The Household Hazardous Waste
39 program is one of the events the Town participates in. Mr. Roache commented he is pleased they can
40 assist and make that happen for the region, and noted the program has kept tens of thousands of pounds
41 of hazardous materials out of landfills and transfer stations, which would be very expensive for
42 Merrimack to take on by itself. The residents in the Town get to participate in 6 collection days.

43
44 The NRPC is able to help update Hazard Mitigation Plans, which makes the Town eligible for FEMA
45 dollars and pre-hazard mitigation dollars.

46
47 The Electricity Aggregation Program is something he knows Merrimack takes care of itself. However,
48 the Town is welcome to jump in on the NRPC's aggregation at any time. The communities that are

1 participating are saving significant dollars; in some cases up to 3 times the membership dues of the
2 NRPC. That is all included in the cost of the dues.

3
4 Mr. Roache commented he is always looking for ideas where they could bring 2-3 communities together
5 for regional purchases, etc. The idea of a group purchase for propane has been kicked around. Such
6 programs are sort of outside of the traditional planning programs the NRPC has traditionally offered.
7 The desire is to bring value to all of the 13 communities. There is a lot of value in planning, but these
8 other services are there.

9
10 Mr. Roache reiterated the remarks made by Mr. Disco regarding the role the NRPC was able to play in
11 assisting Deputy Director Fox in the application process for the TAP grant. The NRPC was able to be of
12 assistance when the open road toll project was proposed to move down into the Merrimack area.

13
14 The NRPC is working with the NHDOT and UNH "T Squared" to pilot a road surface management
15 system project to do an assessment of road conditions to help local public work departments decide
16 which roads need to be paved first and develop a cost effective approach to road paving. It is being
17 piloted with the Town of Brookline. It is hoped, once that pilot has completed in the spring, it can be
18 rolled out to other communities. Councilor Dwyer commented that is already being done in Town.

19
20 PIS Services are used by the Town. Live maps, which is the web-based piece, is an area where they try
21 to keep the pipeline information up to date.

22
23 The NRPC is doing tax mapping for a lot of Towns. There is typically a fee to get on board, but updates
24 after that are included as part of the dues (no charge for regular updates).

25
26 The NRPC is working on a school enrollment projection model to assist school districts with population
27 projections in determining the number of students that can be anticipated entering Kindergarten, etc.

28
29 Land use is another large program. Mr. Roache spoke of the regional planning work the NRPC has done
30 over the last few years under Granite State Future.

31
32 Ms. Czysz provided handouts; executive summary from the NRPC's regional plan and a small handout
33 on collective resources that were developed during the statewide collaborative process they worked on
34 with the 8 other regional planning commissions in New Hampshire. Having recently completed the
35 comprehensive regional plan, they have at their fingertips more raw data, tabulated data, and public
36 input than they have ever had at any one point. Ms. Czysz commented it was the most comprehensive
37 update they have done to date of a regional plan, and it is structured in a way that it directly correlates
38 with how municipalities would develop a master plan. The data and input pieces can be pulled straight
39 from the regional plan, and provide up-to-date information for the local planning processes.

40
41 That then translates to a variety of different smaller projects communities might be working on. Just
42 knowing those resources are readily available to provide that cost effective support to the planning staff
43 and Planning Board is helpful.

44
45 Ms. Czysz commented, as part of the statewide process, one of the pieces that was created was an online
46 metrics or planning gateway. Because they had all 9 regional planning commissions working
47 simultaneously they were able to divvy up a lot of the data collection and to go a bit further with what
48 was pulled together. All of the common metrics that are the nuts and bolts of the data items that would
49 be pulled for any planning project, they tabulated for every municipality in the State of New Hampshire.

1 All of the Excel files are online and easily and quickly downloaded. They also were able to transpose
2 the data into a GIS platform.

3
4 Mr. Roache commented having that data readily available should reduce the amount of time staff or
5 consultants need to generate information. He is hopeful individuals look to this product before
6 expending additional dollars to recreate something that is already available.

7
8 Mr. Roache remarked he sees the NRPC as a forum for conversations about regional issues that cross
9 boundaries. The proposed pipeline is a good example of that, and the Turnpike another. Another
10 example is the issue with open road tolling where the NRPC could be a voice. In the transportation
11 planning process, the NRPC had 13 communities come together and say no we don't think this is a good
12 idea. When 13 communities come together it gets more attention.

13
14 Vice Chairman Mahon complimented the NRPC on the work being done to assist those communities
15 who don't have the fortune of a robust staff such as Merrimack, particularly when it comes to dealing
16 with situations such as that of the proposed pipeline. He commented, having attended some of the
17 public meetings, it is evident there are towns that are out of sync with towns on this side of the
18 Souhegan River. The resource the NRPC provides to those communities has helped them keep their
19 heads above water through this whole process. It has been valuable for the entire region to have that
20 happen.

21
22 Vice Chairman Mahon questioned if the NRPC truly wished to become involved in projecting
23 enrollments. Mr. Roache stated the NRPC is working with the City of Nashua and their schools to try
24 and pilot the program. When asked if they have spoken with the New Hampshire School Board
25 Association (NHSBA), Ms. Czynski responded they have been working directly with the Nashua School
26 Department. Vice Chairman Mahon noted the NHSBA does that on a regular basis. He has served on
27 three school space needs committees in Town. They started compiling those figures back in 1977 and
28 would compare projections to actuals. The NHSBA's figures were closest to actuals. NESDEC's were
29 out of whack.

30
31 Vice Chairman Mahon questioned if the Governor's Advisory Commission on Intermodal
32 Transportation (GACIT) Public Hearing has been conducted, and was informed it was held on October
33 13th in the Matthew Thornton Room.

34
35 Town Manager Cabanel expressed her sincere gratitude for all of the work the NRPC has done for the
36 Town relative to the proposed pipeline project; maps that have been provided, etc. She commented all
37 she has to do is pick up the phone, and assistance is provided. She spoke of the amount and quality of
38 documentation that has been provided.

39
40 Town Manager Cabanel noted the Town's FY17 budget includes funding (third installment) for a GIS
41 update inclusive of a flyover. She is unclear how the information obtained could be incorporated into
42 NRPC's system. Mr. Roache commented on how much it would be appreciated if information is able to
43 be shared. He commented the maps that were handed out include GPS information. An intern walked
44 the trails all summer long to obtain that information, which can be shared with the Town.

45
46 Councilor Dwyer commented, as an individual who has questioned the dues and involvement over the
47 years, he appreciates the work that has been done with regard to the proposed pipeline. He commented
48 being perhaps 3rd or 4th of the stronger towns in the 13 communities financially, the cost of dues is not as

1 hurtful as it is for smaller towns. He remarked he is looking at the group perhaps with a more regional
2 perspective than he has in the past.

3
4 Councilor Vaillancourt commented, although the Council is familiar with the services the NRPC
5 provides, that may not be the case for the citizenry at large. Informing the public of the services the
6 NRPC provides and that which the Town utilizes is worthwhile.

7
8 Councilor Boyd commented he too has been critical in the past with regard to dues. However, he does
9 not believe he has ever lost sight of the transportation piece, which he has discovered throughout the
10 years is probably the value the NRPC brings to the Town of Merrimack. He remarked he will be
11 considering how the Town can best leverage the services of the NRPC.

12
13 Mr. Roache remarked the NRPC has its transportation, land use, and environmental programs, and is
14 discussing trying to develop an economic development program. He commented as long as he has been
15 in regional planning he believes that to be the one thing that brings value to boards and communities;
16 that type of service and being able to provide economic development planning services. That
17 conversation has just started internally.

18
19 Councilor Boyd commented he would certainly be open-minded if the NRPC were to identify a benefit
20 that would be worthy of bringing before the Council for consideration.

21
22 Councilor Koenig commented Mr. Roache talked about the transportation efforts with the F.E. Everett
23 Turnpike, etc. However, the NRPC is working regionally on issues such as understanding how 101A
24 needs to be addressed. That is a sore spot for traffic and other issues. It is critical to Merrimack, but
25 Merrimack is such a small piece of it, were we to try to address that with the NHDOT ourselves we
26 would get nowhere. If working with the regional planning commission, multiple towns can get involved
27 and a better impact would result. He stated appreciation for the efforts put forth and the NRPC's ability
28 to unite towns and look at regional impact as opposed to border to border type impacts.

29
30 Councilor Dwyer spoke of Route 3 commenting on how bad travel is on that road. He questioned if
31 there is a light at the end of the tunnel for that section of Town (between Nashua and the Bedford toll
32 booth). Mr. Roache commented there has been mention of how that situation has worsened over the
33 past few years. The NRPC has a congestion management process, which is required under Federal
34 regulations. They basically do travel time runs. Information such as how long it should take to get from
35 point A to point B if it is free flowing with the signals is known. They actually have people driving it
36 during congested periods, and to the extent they can, they use consolidated data and determine what the
37 congestion level is. That is the first step if there is ever going to be an improvement whether it is signal
38 or capacity improvements. If those improvements can be done, it can get better. The first step of
39 documenting the problem has to be taken, and they are well into that process. Then it is the matter of
40 finding the funds to make improvements.

41
42 Town Manager Cabanel commented the widening of the Turnpike will make that more attractive to
43 people. Vice Chairman Mahon commented the lane drops is probably one of the reasons for the traffic
44 on Route 3. Councilor Dwyer remarked it seems as though the widening is several years away. Mr.
45 Roache noted during the ten-year plan hearings the timetable presented by the NHDOT indicated the
46 time period for the widening from Merrimack to Bedford, under the current toll structure, is 2022-2024.
47 However, they also presented another slide that talked about a new toll structure (28% increase), which
48 did not include the exit ramp tolls in Merrimack. That moved the widening up to 2019-2021. When

1 asked, Mr. Roache commented, assuming the toll increase, he could see the more preferable schedule
2 being realistic. If there is no toll increase, he can see the other schedule being realistic.

3
4 *There being no objection, the Council went out of the regular order of business to take up Item #1*
5 *under New Business.*

6
7 **1. Donation Acceptance for the Merrimack Police Department**

8 *Submitted by Captain Dudash*

9 Town Council to consider the acceptance of a donation in the amount of \$2,500 from Digital Federal
10 Credit Union to the Merrimack Police Department to off-set expenses for the PACT program,
11 pursuant to RSA 31:95-b and Charter Article 8-15.

12
13 Captain Dudash, Merrimack Police Department, stated for the past three years he has come before the
14 Council for approval to accept donations from the Digital Federal Credit Union (DCU). In the past few
15 years, the donation was in the amount of \$2,000. This year they have brought forward a donation of
16 \$2,500. The donation is earmarked for the PACT program, which is kind of a hybrid DARE program.
17 The donation would help offset expenses such as materials and awards for the children.

18
19 Councilor Koenig questioned if the past donations were applied to the same program. Captain Dudash
20 stated they were. Councilor Koenig questioned what would occur if the donation was not received.
21 Captain Dudash stated fundraising efforts continue. The donation would cover nearly all expenses for
22 the year.

23
24 Councilor Rothhaus questioned whether it is a corporate donation or if the funds are raised in some
25 fashion. Captain Dudash responded the funds come directly from their P.R. Division out of Maynard,
26 MA. It is from the corporate headquarters.

27
28 Councilor Vaillancourt thanked the credit union, and commented this is a great opportunity to highlight
29 the continued collaboration between the Police Department, the Town, and the School District. She
30 noted Merrimack Safeguard has been talked about often, and one of the provisions for the grant for the
31 School Resource Officer at the Middle School is that different sectors of the community participate.
32 Local businesses are representative of one of the sectors. This is a perfect example to highlight that
33 community involvement with our Town.

34
35 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept a donation in**
36 **the amount of Two Thousand Five Hundred Dollars (\$2,500) from Digital Federal Credit Union to**
37 **the Merrimack Police Department to offset expenses for the PACT program, pursuant to RSA**
38 **31:95-b and Charter Article 8-15. Furthermore that the Town Manager and/or her proxy be**
39 **authorized to sign any and all documents necessary to accept the donation, and furthermore that**
40 **we ask the Town Manager or Police Chief to write a letter of thanks to the Digital Federal Credit**
41 **Union for their continued support and collaboration of programs that impact the families of the**
42 **Town of Merrimack. MOTION CARRIED 7-0-0**

43
44 *The Council returned to the regular order of business.*

45
46 **Public Hearing - None**

47
48 **Legislative Updates from State Representatives - None**

1 **Town Manager's Report**
2

3 The 23rd Annual Town of Merrimack Halloween Party co-hosted by the Parks & Recreation Department
4 & Police Department was held on Friday, October 23rd. We are pleased to report that we had an
5 estimated 800 people in attendance for the event, and would like to thank all of the organizations
6 involved to make the event such a success. Pictures from the event are on our website at
7 www.merrimackparksandrec.org.
8

9 The next Household Hazardous Waste collection will be held this Saturday, November 7th at the Nashua
10 Public Works garage at 9 Stadium Drive from 8:00 a.m. to Noon. For a list of acceptable materials
11 please check out the Merrimack Solid Waste Division site on the Town web. There is a fee of \$10,
12 which covers 10 gallons or 20 pounds of materials.
13

14 The Sunset Shores project, which includes a sewer extension, water extension, gas lines and drainage, is
15 nearing completion. Continental Paving has paved the final coat of pavement on the roads, and final
16 paving of driveways and pump station pads was scheduled for today.
17

18 **Consent Agenda** - None
19

20 **Old Business**
21

22 **1. Legal Fees Associated with Kinder Morgan [Follow-up from September 10, 2015 Town
23 Council
24 Meeting]**

25 *Submitted by Town Councilor Dan Dwyer*

26 The Town Council to review the total cost of legal fees paid to date in association with the proposed
27 Kinder Morgan pipeline project.
28

29 Councilor Dwyer stated as of September, the Town has expended approx. \$54,700 on legal fees
30 associated with the proposed pipeline project.
31

32 Councilor Rothhaus commented on expense associated with staff time, etc. He noted the consulting cost
33 for the Conservation Commission is \$36,655. Councilor Dwyer noted those costs have been expended
34 out of the Conservation Fund. Councilor Vaillancourt stated the proposed pipeline was a driving factor
35 in the timing of the completion of the Environmental Impact Studies; however, all conservation property
36 in Town was studied not only those properties that would be impacted by the pipeline.
37

38 Councilor Dwyer requested the Assistant Town Manager/Finance Director provide an update of
39 expenses incurred during the last meeting in December.
40

41 **2. MYA Update**

42 *Submitted by Finance Director/Assistant Town Manager Paul T. Micali*

43 The Town Council to receive an update from the Finance Director relative to the audit.
44

45 Assistant Town Manager/Finance Director Paul Micali informed the Council Mr. Thornton, President,
46 Merrimack Youth Association (MYA) was unable to be in attendance for personal reasons. However,
47 he did provide an email, which was read into the record:
48

49 *"Paul, Below is a message from our Auditors:*

1
2 *The Auditor States: Once we receive the final QuickBook file from lacrosse, this is in the works,*
3 *we will be able to finish compiling the items on the items needed list. This list will include*
4 *questions and requests for invoices, deposits, etc. Once we receive the requested items, it*
5 *typically takes about 2 weeks for us to pull the work papers and financial statements together*
6 *and have them go through multiple levels of review. During these two weeks, additional*
7 *questions may be asked or additional items requested. That being said, and factoring in*
8 *Thanksgiving, as of right now we are looking at the end of November for draft financial*
9 *statements to you.”*

10
11 Assistant Town Manager/Finance Director Micali stated the reason he brought the matter forward is
12 because the contract with the MYA includes language indicating the Council is to receive financial
13 statements by October 31st. It does not appear as though the Council will receive the information until
14 mid-December, most likely in January. Information is needed from the Town, which he is compiling.
15 However, he has not yet received a request for the information. He remarked there remains a lot more
16 work to be done on the audit than just getting information and looking it over.

17
18 Town Manager Cabanel questioned if they would be missing a payment. Assistant Town
19 Manager/Finance Director Micali stated the next payment would be in January. According to the
20 contract payments are made the first Friday of each quarter.

21 Vice Chairman Mahon stated the other issue is the notice to the MYA of non-compliance.

22
23 **MOTION made by Councilor Mahon and seconded by Councilor Koenig to forward a Notice of**
24 **Non-Compliance to the MYA.**

25
26 **ON THE QUESTION**

27
28 Chairman Harrington stated her belief this would be the third letter the MYA will have received.
29 Councilor Dwyer stated the motion is in line with the rules that have been put in place. He stated his
30 confidence, although late, the audit will come through.

31 **MOTION CARRIED 7-0-0**

32
33 **New Business**

34
35 **4. Property Tax Insert**

36 *Submitted by Finance Director/Assistant Town Manager Paul T. Micali*

37 The Town Council to consider including an insert with future property tax bills that provides an
38 explanation of the breakdown of the property taxes.

39
40 Assistant Town Manager/Finance Director Paul Micali stated the Town Clerk/Tax Collector came to
41 him last week and questioned if there was a desire to include an insert with the property tax bills
42 providing an explanation of the breakdown of the property taxes. A copy of an insert utilized by the
43 Town of Canaan was provided as an example.

44
45 Assistant Town Manager/Finance Director Paul Micali commented this has been discussed several times
46 during Retreats. Because of time constraints, the insert was not able to be included in the most recent
47 property tax bills. He provided a copy of a draft insert that included the public announcement that is
48 used when the tax rate is set and the graph depicting how the monies are allocated; County, Town, and
49 School. The bottom of the insert states the Town Council is in control of the municipal portion of the

1 tax rate (currently \$5.49). The insert provides contact information for assessing questions, tax payment
2 questions, etc. Should the Council choose to include such an insert, it would be included with the
3 December, 2016 property tax bills.
4

5 Councilor Dwyer stated he is pleased with the draft insert for its simplicity and its educational value. He
6 questioned the additional cost associated with including the insert, and was informed postage would not
7 be impacted, and a bursting machine would be used to fold. The cost is in the printing of 10,500 inserts,
8 which is estimated to be approx. \$70-\$80.
9

10 Councilor Rothhaus stated, in general, he likes the idea. However, with regard to the paragraph at the
11 bottom, he would rather have it spoken to as if it were a document coming from all entities instead of the
12 Council. Councilor Dwyer disagreed commented it is our function just like the Police and Fire
13 Departments; the tax department is kind of like our baileywick. Chairman Harrington suggested what
14 was being looked for was more of a generic statement saying something such as if you have questions
15 about any of the components of this tax bill, please refer to the municipal, school, or county, etc.
16 Councilor Rothhaus was agreeable to such a generalized statement. Chairman Harrington commented if
17 the desire is to assist taxpayers by providing information on where to make inquiries, then we should be
18 consistent and say for the County here is a phone number, for the municipality, etc. Councilors Dwyer
19 and Rothhaus stated agreement.
20

21 Assistant Town Manager/Finance Director Paul Micali suggested the Council could wordsmith the insert
22 during its next Retreat, and clarified his question was whether the Council approves of the concept.
23

24 Councilor Vaillancourt questioned what the problem is that is trying to be solved. She remarked she
25 gets the impression the Town receives a lot of calls it is not equipped to answer. Vice Chairman Mahon
26 remarked it is not necessarily the calls, it is the attitude at the other end of the call when speaking with
27 someone in the Tax Collector's Office or the Town Clerk's Office who is at the bottom end of the totem
28 pole, and trying to answer questions or assist an irate taxpayer who feels they are being overcharged, etc.
29 Councilor Vaillancourt remarked we deal with irate taxpayers all of the time. She stated the example
30 provided from Canaan is offensive. Noting her experience as Chairman of the School Board, she
31 remarked since stepping down, their budget process and outcomes have given her a great deal of
32 heartburn over the last few years. However, it would appear to her, having sat at both tables, that this is
33 a finger pointing exercise. She is of the belief the wording provided at the bottom of the draft is
34 inflammatory. If the intent of the Council is to move forward with such an insert, she would prefer more
35 generic wording such as what was recommended by Councilor Rothhaus.
36

37 Councilor Dwyer stated agreement, and commented the Canaan draft is an advertisement propaganda
38 piece, someone trying to send a message. That is not the desire of the Council. Councilor Vaillancourt
39 questioned the motives. Councilor Dwyer stated he did not see a problem; it is just about education.
40 Councilor Vaillancourt remarked if we are unhappy because someone has to deal with some disgruntled
41 people when the tax bill goes out, okay, but is that really enough of a problem to do something that
42 could possibly create ill will.
43

44 Councilor Boyd suggested the paragraph at the bottom could read for questions on the municipal portion
45 call the Town Manager at this number, questions on the school portion call this number, question on the
46 County portion call this number, questions on how to pay your tax bill call Diane Trippett. He requested
47 the insert state the rate is \$24.72 per \$1,000 of house value. That would allow taxpayers to do the
48 arithmetic. Not only would they be looking at the tax value, but they would also be able to make
49 comparisons as it relates to the upcoming valuation process. He added, he personally thinks this is a

1 good idea as not many people go to Town meeting or pick up a copy of the Town Report, and actually
2 look through the detail. If we provide the service of including it in the letter that goes out with their tax
3 bill we are providing, at minimum, a brief explanation as to how we arrived at this particular figure. At
4 least tax payers would know where to go to get their questions answered.

5
6 Councilor Rothhaus remarked the way the budget comes out it might be \$25 million one year and \$32
7 million the next. When people see that a lot of people go into panic mode thinking spending went up
8 30%. The newspaper did that when it reported a 10% increase, and the Council was sitting back
9 thinking what meeting were you at. For him this piece points out the actual increase. He believes
10 providing that information is important for the Town because of the way the budget is portrayed.

11
12 Councilor Rothhaus commented that perspective was helpful as were the comments regarding the
13 Annual Report. If that is how the insert is worded and the true intent that is helpful. If the insert is
14 included in the December property tax bills it is a good explanation, but by the time you get to the
15 Annual Meeting in March it could be completely gone from people's thoughts. She reiterated the need
16 to be careful and do a fine job with the wording to avoid unintended consequences.

17
18 Chairman Harrington stated she would not want anyone in Town to think they don't have an influence
19 when they come to the microphone during budget season or through letters sent. Councilor Vaillancourt
20 stated she had not intended to imply that. It is simply that you hear people complain all the time, and
21 her response is run for office to have that voice. She spoke of the importance of taxpayers speaking
22 before the Town Council, Budget Committee, School Board, etc. during their budget deliberations.

23
24 ***The general consensus was support of including an insert with changes to the wording.***

25
26 Assistant Town Manager/Finance Director Paul Micali stated he would place the item on the agenda for
27 the Retreat and on an October, 2016 meeting agenda.

28 29 **5. Joint Town Council / School Board Meeting**

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

31 Discussion about the proposed joint meeting and potential topics.

32
33 Chairman Harrington stated there has been a request to initiate a discussion about the School Resource
34 Officer (SRO). Four years remain in the grant. However, the grant language indicates a requirement to
35 demonstrate planning for the continuance of the position at the end of the grant. The language
36 specifically speaks to such planning occurring in year seven (next year). That requirement initiated
37 discussion of conducting a joint meeting between the School Board and the Town Council.

38
39 Chairman Harrington stated another subject she would like to be included on the agenda is related to the
40 tennis courts. The Town is in the process of obtaining clarifications from the New Hampshire
41 Department of Resources and Economic Development (DRED). Councilor Dwyer commented there
42 will now be sufficient information available to be able to make a real policy decision. A date and time
43 for the joint meeting has not yet been scheduled.

44
45 Councilor Dwyer questioned if the Council could engage in a discussion of the SRO, and provide the
46 Town Manager with advice to be shared with the Superintendent so that the issue could be worked out
47 without the need for a joint meeting.

1 Chairman Harrington stated a desire to include additional items on an agenda for a joint meeting. There
2 are questions she would like answers to prior to a discussion of the SRO. She stated her opinion
3 whatever determination the Council comes to, after being provided with the information necessary to
4 reach a decision, should take place in front of the School Board. Councilor Vaillancourt stated her
5 opinion it is a position that is important to the community and worthy of a joint meeting between the two
6 bodies. She agreed any deliberations should be done publicly and with both bodies face to face.
7

8 Councilor Vaillancourt suggested the proposed pipeline could be an agenda item. She remarked
9 although there may be nothing for the two entities to discuss jointly, she is of the belief the school
10 district is far behind where they should be regarding information. She is unsure if there is any formal
11 discussion that would benefit the entire Town regarding the pipeline and the process.
12

13 Councilor Koenig commented a review of the meeting minutes from the last joint meeting indicates a
14 good deal of discussion took place around polling places and security at schools for polling places. He
15 is unsure if anything has come of that. He would want to touch on the subject. Assistant Town
16 Manager/Finance Director Paul Micali stated he and the Superintendent did follow-up after the last
17 Town election, and did not identify any issues that require addressing. With a Presidential Primary
18 coming up there might be some tweaking that needs to occur. The high school will be utilized for that
19 election and schools will be closed. Councilor Boyd questioned if it would be appropriate to invite the
20 Town Moderator and the Town Clerk/Tax Collector to participate in that discussion.
21

22 Councilor Dwyer stated his position, which has not changed in the five years he has sat on the Council,
23 that the Town is responsible for the Police Department. If, in the future, the Federal Government stops
24 providing the grant funding for that officer, he would support the recommendation of the Police Chief.
25 If the Police Chief requires an additional office, and if it his management decision to place that officer at
26 the school, he would support that. Chairman Harrington remarked she does not disagree. However, the
27 Council needs to be able to make budgetary decisions. If a consensus is reached that supports that
28 position, it can be documented in paperwork required in the grant process. Councilor Boyd questioned
29 the Council obligating a future Council. Councilor Vaillancourt stated that decision does not have to be
30 made right now. She noted the officer is a Juvenile Officer in addition to an SRO. The position of
31 Juvenile Officer is a function within the Town not the School. But there are other programs and
32 initiatives that the Federal Grant pays for, and that are required by the Federal Grant. It is her belief the
33 School District may be responsible and willing to support some of those initiatives. If they are required
34 to continue, that would be something that would be appropriate for them to put in their budget. It is not
35 just the position and the salary. There are other programs/functions that are being funding with these
36 grant dollars as required by the grant.
37

38 Chairman Harrington stated her understanding what brought up the topic is the requirement for a
39 discussion given part of the grant is to be able to ensure the sustainability of the position. Part of that
40 discussion has to do with who will cover the cost. Councilor Vaillancourt responded there is something
41 very specific about year 7. It is not the entire amount that the Town has to budget for. Chairman
42 Harrington stated she would need clarification in advance of a joint meeting.
43

44 Councilor Vaillancourt stated it is complicated and has a lot of moving pieces. The School District is
45 well versed with monies that come in and go out and what the requirements are. All of those questions
46 could be answered. She stated, from having participated in Merrimack Safeguard for years and having
47 watched the School Board meeting where they discussed this, she is aware they talked specifically about
48 a portion of money going toward their budget for year 7, but it was not the entire salary.
49

1 Assistant Town Manager/Finance Director Paul Micali stated they were starting to budget a percentage.
2 If they were going to fund 49%, they were going to fund it over several years; 10%, 10%, 10%, 10% so
3 that it is not a big hit. Councilor Vaillancourt questioned how that could be done when they cannot
4 retain funds. It was explained they would not retain the funds. Assistant Town Manager/Finance
5 Director Paul Micali explained he would request \$110,000 for an SRO from the School. They pay him.
6 It comes from wherever. Next year when they put it in their budget he would request \$110,000 for the
7 SRO. They pay the \$110,000; \$11,000 comes from their budget, \$99,000 comes from the Federal
8 Government. They use that other money from the Federal Government to offset other expenses that are
9 part of the Operation Safe Commute. He explained further the Police Chief is very versed in this as well
10 as an individual on the school side. He suggested if the Council would like a presentation provided on
11 the planning process from years 7-10 he is confident the individuals would be happy to come to a future
12 Council meeting to provide one.

13
14 Town Manager Cabanel commented where discussing a \$100 million collective budget, a maximum of
15 \$70,000, and how it will be split between the School District and the Town, which is really the same
16 thing; it is all the same tax bill. Getting into percentages and long presentations, to her is a total waste of
17 time. Councilor Dwyer stated agreement.

18
19 Chairman Harrington stated the Superintendent has indicated she would like it stated that the School
20 District would fund 49% of the position and the Town would fund 51%. Councilor Vaillancourt
21 remarked that was the Superintendent speaking not what the School Board was indicating. Chairman
22 Harrington stated the School Board will have to make a decision. Councilor Vaillancourt reiterated a
23 decision should be made jointly. She remarked if there are questions about the grant and the process,
24 having a presentation prior to the meeting would make the joint meeting go more smoothly.

25
26 Chairman Harrington questioned the will of the Council. Councilor Dwyer remarked the grant is in
27 place for a few more years. When the time comes that the grant is gone then it is the management of the
28 Town, with the Police Chief. The Police Chief, in cooperation with the Superintendent and the Town
29 Manager, will make a management decision with regard to where Officers will be stationed. He
30 reiterated he believes it is completely under the management of the Police Department.

31
32 Chairman Harrington stated it to have been her misunderstanding that there was a reasonable sense of
33 commitment that the School Board would need from the Council, and remarked it sounds as if that is not
34 accurate. Town Manager Cabanel stated her opinion the important issue is that the boards get together
35 and talk about the importance of an SRO and keeping the position in service regardless of the grant.

36
37 Chairman Vaillancourt stated her belief the position of a Police Officer belongs with the Police Chief
38 and that it is part of the Police Department budget. She spoke of discussions in prior years regarding the
39 budgeting of positions such as a crossing guard. If there is a question about who should pay for this
40 Police Officer when the grant runs out then we should have a discussion and we should have it now.

41
42 Councilor Boyd stated agreement; the SRO is a Police Officer. When the grant ends the position
43 specifically reports to his chain of command directly up to the Chief of Police. It will be the
44 responsibility of the Chief to deploy his/her officers as he/she sees fit. Ultimately it is the Town's
45 decision as to whether or not to pay for the position, and if he is on the Council in 2020 when that comes
46 up he will support it.

47
48 Vice Chairman Mahon questioned if he was hearing that the Town is required to retain that position
49 after the grant ends. Councilor Vaillancourt stated that is not the case. Vice Chairman Mahon remarked

1 all we are talking about is what will happen between now and when the grant ends. Councilor
2 Vaillancourt stated if the Town does not start making commitments next year, continuing years of the
3 grant could be lost. Vice Chairman Mahon stated the money belongs in the Police Department plain and
4 simple. It is cleaner, there is accountability, and it may be a requirement for the officer to be certified,
5 etc.

6
7 Town Manager Cabanel commented she believes that feeling is throughout the State; that School Boards
8 and Towns are squabbling back and forth about how these positions will be funded. The reason is
9 because there were periods of time where everybody's budgets were being crunched. The Police Chief
10 would say, for instance, I have been tasked to reduce \$150,000 from my budget, and I have to deal with
11 my own critical mission, and that is not one of them, so I'm not going to let go one of my officers and
12 pay for this one. None of that is going on right now. The economy has improved, relationships are
13 better, etc. Those types of discussions are no longer being heard around the State. Councilor Dwyer
14 added the Police Department's critical mission has changed when it comes to schools. It is a different
15 topic today.

16 17 **6. EDCAC Role for the Upcoming Year**

18 *Submitted by Councilors Dan Dwyer and Bill Boyd*

19 To task the Economic Development Citizen Advisory Committee with an assignment for the
20 upcoming year.

21
22 Councilor Dwyer remarked the Economic Development Citizen Advisory Committee (EDCAC) has
23 done a lot of good things over the years. Some years were off years because they were not given
24 direction/tasks. It is important to remember they are a task oriented group. In accordance with their
25 Charter, unless the Council gives them an assignment they really don't have the authority to do
26 anything. The EDCAC has worked well with Tim Thompson, Director, Economic Development
27 Department and the department.

28
29 Councilor Dwyer suggested the EDCAC be tasked with identifying the growth of the top 25 businesses
30 in Merrimack (or the top 10 and then round it off with the rest of the businesses in Town). They could
31 produce a document that would be valuable to the Council as a means of becoming more familiar with
32 the businesses in Town. The information could include addresses, phone numbers, the number of
33 employees, what the company does, etc.

34
35 Councilor Dwyer spoke of the value of volunteers, and suggested if the Council cannot identify worthy
36 tasks perhaps the lifespan of the EDCAC has come and consideration should be given to disbanding it.
37 There are valuable volunteers who have donated their time to the EDCAC who could perhaps be asked
38 to consider joining the Planning Board or any of the other Boards, Commissions, and Committees in
39 Town that are in need of volunteers.

40
41 Councilor Boyd stated the EDCAC is currently working with the Community Development Department
42 on the development guide. That is primarily where their focus has been. Director Thompson has
43 indicated to him that Jillian Harris, Planning & Zoning Administrator will be working with the EDCAC
44 on that development guide. They do have one particular focus currently. He had emailed the
45 Chairwoman of the EDCAC explaining the genesis of Councilor Dwyer's idea, and his belief it has
46 merit to put in the pipeline. He has not had the opportunity to follow up with her on that.

47
48 Chairman Harrington questioned the status of the development guide. Councilor Vaillancourt stated the
49 impression she has is they are not close to completion. Councilor Boyd stated they are not. Councilor

1 Vaillancourt stated she does not want to create projects just to give them busy work. A good point is
2 made with the notion if the committee were to be disbanded there may be volunteers available to fill
3 other roles. She stated her opinion there is more conversation to be had before a decision is made. If
4 there are any projects coming down the road she would think Director Thompson would be able to
5 identify areas where the committee's expertise could be utilized. If there are no projects on the radar
6 that are believed would be a valuable use of their time, perhaps the Council should have the discussion
7 with the committee members about their feelings around disbanding and dispersing to other committees.

8
9 Councilor Dwyer remarked just the suggestion that the Council allow Director Thompson leeway to
10 assign tasks is helpful. Chairman Harrington suggested the Council first learn the status of the
11 development guide. The committee went from monthly meetings to quarterly meetings. Dropping
12 down to a committee that meets on a quarterly basis reduces the ability to generate paper on a monthly
13 basis. The fact that the development guide has been tasked to the EDCAC sort of fits the quarterly
14 schedule because it allows the members the opportunity to work offline on their own time with their
15 particular task so that when they meet, the committee work is a valuable 90 minutes to 2 hours' worth of
16 substantive work on the task they have been given.

17
18 Councilor Boyd commented he looks at the EDCAC as a think tank. From a Council perspective he
19 thinks they should be treated as such, and allowing them to utilize their time appropriately so that when
20 they present to the Council it is complete, thoughtful, and worthy of consideration.

21
22 Councilor Boyd stated his preference to have a conversation with the committee when it meets in
23 January, and then circle back and revisit the issue. He would like the leadership team on the committee
24 to participate in the Council discussion.

25
26 Town Manager Cabanel commented another approach would be to ask Director Thompson to attend an
27 EDCAC meeting and talk with the committee; see what they are doing, where they are at, whether the
28 Director or committee members have an idea for future tasks, etc. After that, Director Thompson could
29 report back to the Council. When asked, Councilor Boyd stated agreement with that approach.

30 31 Minutes

32
33 Approve the minutes from the Special Town Council meeting of October 8, 2015 and the regular Town
34 Council meeting of October 22, 2015.

35 36 October 8, 2015

37
38 *The following amendments were offered:*

39
40 Page 1, Line 33; replace "or" with "nor"

41 Page 2, Line 10; replace "The" with "They"

42 Page 2, Line 15; add "River" after "Merrimack"

43 Page 6, Line 36; remove "Councilor Koenig stated that to be the wellhead protection area. "

44 Page 9, Line 7; replace "homeowners" with "homeowner"

45 Page 15, Line 11; add "to Dig Safe" after "811 call"

46 Page 15, Lines 18 and 24; replace "Amstel" with "Ansdell"

47
48 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of**
49 **the October 8, 2015 Special Town Council meeting as amended. MOTION CARRIED 7-0-0**

1
2 October 22, 2015

3
4 *The following amendments were offered:*

5
6 Page 23, Line 16; replace “intent” with “intend”

7 Page 23, Line 20; insert “it was specifically discussed at the Town Council Retreat.” before “because”

8
9 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the minutes of**
10 **the October 22, 2015 Town Council meeting as amended. MOTION CARRIED 6-0-1**

11 *Councilor Harrington Abstained*

12
13 **Comments from the Press** - None

14
15 **Comments from the Public** - None

16
17 **Comments from the Council**

18
19 Councilor Vaillancourt noted the Conservation Commission did not meet on the 9th. The Commission
20 will meet again on the 16th of November. With regard to the proposed pipeline, the Commission does
21 intend on discussing filing for intervener status on the 9th. Although she is of the belief the Commission
22 will follow suit that has not been formally discussed.

23
24 Councilor Boyd stated Brandon Snell’s 5th annual Heroes Blood Drive will be conducted on November
25 11th from 2:00 – 8:00 p.m. at the St. James United Methodist Church. He encouraged community
26 members to support Brandon in his annual cause to raise blood levels in the community.

27
28 Councilor Boyd stated the Rotary will conduct their annual Turkey Trot on Thanksgiving morning at
29 8:00 a.m. at the Merrimack High School. For additional information go to merrimack5k.com.

30
31 **Adjourn**

32
33 **MOTION made by Councilor Dwyer and seconded by Councilor Boyd to adjourn the meeting.**
34 **MOTION CARRIED 7-0-0**

35
36 *The November 5, 2015 meeting of the Town Council was adjourned at 10:06 p.m.*

37
38
39
40 Submitted by Dawn MacMillan

