



Town Council Meeting Minutes

Thursday March 12, 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 Woods, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

A special meeting of the Town Council will be conducted on Thursday, March 26th at 7:00 p.m. at the James Masticola Upper Elementary School All Purpose Room. The agenda will include an informational session with Kinder Morgan.

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

Voting Day is Tuesday, April 14th between the hours of 7:00 a.m. and 7:00 p.m. at the James Masticola Upper Elementary School All Purpose Room.

After much deliberation, the Parks & Recreation Department has decided to postpone this year's Annual Easter Egg Hunt, initially scheduled for Saturday, March 28th, **until Saturday, April 18th**. The event will run from 10:00-11:30 a.m. Please contact the Parks & Recreation Department at 882-1046 or visit our website at www.merrimackparksandrec.org for specific details.

Post cards were sent out to all residents and businesses regarding the Special Town Council meeting with Kinder Morgan, and will be delivered in the mail within the next couple of days.

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

• Informational Reports and Updates

Chairman Harrington stated the Town has developed and posted to its website, a step-by-step set of instructions for accessing and registering on the Federal Energy Regulatory Commission's (FERC) website.

The Town Council has submitted a letter to FERC requesting a scoping meeting be conducted in the Town of Merrimack. Residents are encouraged to submit individual requests for a scoping meeting in Merrimack.

- **Action Items**

- Continue to press Kinder Morgan for public meeting in Merrimack – **Meeting Scheduled for 3/26/15 (8:00–10:00 p.m.)**

The meeting will be part of the Town Council meeting, which begins at 7:00 p.m. The Council will recess at approximately 7:45 p.m. At 8:00 p.m., an informational presentation will be provided by representatives of Kinder Morgan. The presentation, which will be followed by a public comment period, will be moderated by the Town Moderator, Lynn Christensen, and will conclude at 10:00 p.m. at which time the Council will reconvene its meeting.

Division Directors/Department Heads have been asked to put to writing any questions they wish to bring forward during the public comment portion of the presentation. Those will be the first questions posed. The Town Council will then bring forward any questions its members may have. Following that, residents of Merrimack will be afforded the opportunity to pose questions. If time remains, non-residents will be given the opportunity.

- Request the Council to take no action regarding request from Kinder Morgan to survey Town-owned parcels until Merrimack public meeting – **Completed**
- Place NED Pipeline Update on Future Council Agendas - **Completed**
- Update list of properties that directly abut proposed pipeline route with a list of properties that fall into pipeline hazard zone - **Completed**
- Consider consultant to:
 - Research property value effects of recent pipeline installations – **Engaged Avitar**

Assistant Town Manager/Finance Director Micali spoke of the draft provided of the Statement of Work to be completed by Avitar in relation to assessing impacts on property values within communities that recently endured pipeline installations. He asked if members had any comments/concerns.

Town Manager Cabanel clarified for the viewing audience; Avitar is the Town's contracted Assessor. A request has been made of Avitar to look at interstate natural gas transmission pipelines throughout the country to see if value change has occurred on properties as a result. The intent is to gain factual information.

Councilor Boyd noted the first bulleted item, which reads: "Please look at interstate natural gas transmission pipelines and the assessed value for the last 10 years. If there is not enough data to form a clear and concise opinion then you may expand your search for up to 20 years." and questioned the focus, e.g., looking at surrounding communities, comparable data of other communities of the United States that were impacted and meet the same demographic requirement as Merrimack. Assistant Town Manager/Finance Director Micali responded he is unaware of the number of pipelines that have been installed over the course of the past 10

years. Although he is of the belief there should be enough to allow for a concise opinion to be reached, he did not want to limit the scope. In response to the question of the area of focus, he stated it to be the entirety of the United States.

The consensus of the Council was to submit the Scope of Work, as written, to Avitar.

- Evaluate impacts on sewer line – **Engaged Wright Pierce**
- Support Conservation Commission's efforts to update data for environmental impacts on HHNP and Gilmore Woods Memorial Forest - **Ongoing**
- Support Merrimack Village District's efforts to protect Wellhead Protection Zone and Aquifer Protection Zone - **Ongoing**
- Request Kinder Morgan list of abutters notified of project and requests for permission to survey

Town Manager Cabanel stated she spoke with Patty Quinn from Percheron Field Services, LLC who stated she could not provide an abutter list. As a follow-up, the Town Manager sent an e-mail request to Ms. Quinn's supervisor who also stated the information cannot be provided. The Town Manager has confirmed the information cannot be shared as FERC does not allow for its release.

Councilor Rothhaus commented the intent had been to compare lists to ensure Kinder Morgan's information is accurate. Merrimack residents residing in the proposed path have indicated a lack of notification. Town Manager Cabanel remarked it was brought to her attention there are two instances of neighborhood groups communally owning property. She spoke to Ms. Quinn, and made her aware of the need to contact the residents of Scott Drive and Whittier Place. Ms. Quinn stated she is aware of those parcels, and is trying to gather the proper information.

Vice Chairman Mahon commented when reading the lengthy memo from Tennessee Gas, it seemed to allow for the release of lot numbers. He suggested requesting information on lot numbers could be another direction to take. Town Manager Cabanel stated she would follow up.

- Work with property owners to develop a list of who has been notified of the project and requests for surveys.
- Maintain contacts at FERC and NH Congressional Delegation – **Ongoing (NH delegation attends Managers' meetings)**
- Consult with Public Service of New Hampshire (PSNH) regarding where they are in the process with Kinder Morgan and the Public Utilities Commission (PUC) – **No response**

- Consult and share information with large companies (Anheuser Busch/InBev, Elbit Systems, Premium Outlets, Fidelity, PanAm Railways, PSNH, Pennichuck, etc.) – **Meeting held 2/26/15: Will be ongoing**
- Section 106 of the National Historic Preservation Act of 1966 (NHPA) – **Pending formal application**

Chairman Harrington opened the floor for public comment.

Debra Huffman, 60 Amherst Road

Requested Avitar be instructed to include comparable communities in its research.

Ms. Huffman spoke of the responsibility that goes along with being Town leaders, and the importance for statements made by members of the Council to be factual given the weight the citizenry places on members' remarks.

Ms. Huffman stated people still believe the proposed route is for the pipeline to be under the power lines, which is simply not true. She spoke of posing that question to a representative of Kinder Morgan during the meeting conducted in Milford. The response she received was zero feet of the proposed pipeline would be located under the PSNH power lines. It is intended to be located in an entirely separate easement; hopefully adjacent to the PSNH power lines.

Ms. Huffman requested the Council be clear that voicing an opinion against the Kinder Morgan proposed pipeline does not indicate you are against natural gas. During the course of the past year there have been numerous public statements made regarding the need for additional gas. Since that time there have been 6 proposals made to bring additional natural gas into New England. Kinder Morgan is one of those, and happens to be the worst because it is the only 1 of the 6 that would require digging a new trench across the State. Other proposals call for the use of existing pipeline footprints.

Amanda Yonkin, 57 Naticook Road

Stated a desire to clarify denying permission is not the same as not participating. Stakeholders who have chosen to deny permission to survey can still file to be an intervener once Kinder Morgan submits its application. Many Merrimack residents as well as several other New Hampshire and Massachusetts Towns who have legal representation have denied permission to survey, and are participating in the process.

She stated, during the last meeting of the Council, Councilor Dwyer commented he felt bad for the Town of Milford because they had denied permission to survey allowing their emotions to get in the way. She stated it was mistakenly implied that by not allowing the survey the Town of Milford would be left out of the process. She stated her opinion it is not fair to the citizens deciding whether or not to allow a survey to be given the impression by not allowing for the survey they would be left out of the process. She requested it be clarified for the public that not allowing a survey does not exclude an individual from participating in the FERC process.

Ms. Yonkin requested clarification with a statement that appears on the first page of the draft minutes from the February 26th meeting wherein the following statement is attributed to Chairman Harrington: "Scoping meetings are not a requirement....". She asked if the statement was intended to indicate scoping meetings, in general, are not a requirement. Chairman Harrington stated her understanding it is not automatic to have scoping meetings. FERC is not required to have scoping meetings was her understanding. The Council was told they probably will because of the complexity of the project, etc. However, the statement is accurate; they are not a requirement. She added the sense is they will, and the Council's push is to have one in Merrimack.

With regard to the request that clarification be provided that by not allowing a survey you are not excluding yourself from participation in the FERC process, Chairman Harrington stated there has been misunderstanding related to what the Town is doing and how that impacts individuals. Speaking for herself alone, she stated her impression that there was no inhibition to intervener status it just put us in good stead for it. But the main reason was it makes it clear right now those things within our property, environmentally or not, things that need to be known. As an example, if a request to survey is denied it could result in Kinder Morgan being unaware of the existence of a well, etc., which could impact the route. Chairman Harrington stated there to be pros and cons associated with becoming involved early on in the process, the example being one of the pros. Chairman Harrington stated that to be her memory of the discussion.

Ms. Yonkin remarked there is the need to appreciate other people who also have other legal opinions, are going the other way; looking at the fact Kinder Morgan looks at the percentage of people that have allowed surveys, and that does count as something. Chairman Harrington responded that is one of the cons. Ms. Yonkin requested the pros and cons be shared with the public.

Councilor Dwyer remarked if someone denies a survey, it is technically correct to say they might have a voice two years later. However, the conclusion he has reached from information provided by legal counsel and other documents is that opinion may not carry as much weight as that of the individual who did participate. That is what he believes to be the difference. He commented he stands by what he said; you are much better off legally to state your opposition to the project but that you will participate in the process. Although an individual can express his/her opinion at that later date, that opinion will carry less weight. That is the information the Council has been provided with.

Chairman Harrington stated that is the type of information the Council has been provided. She stated her understanding there are counter legal opinions.

Michele Watson, 21 Whittier Road

Spoke of an e-mail sent to the Council with a list of questions. There remains one outstanding question; impact studies from each of the Town Departments. She questioned if that has been addressed.

Town Manager Cabanel stated the Town does not have the information necessary for certain types of studies. As an example, if the Town wanted to know can the Fire Department handle X, Y, Z, we don't know what the X,Y,Z is, how far the valves are, where it shuts off, who shuts it off, etc. She

spoke of a meeting scheduled for the following day with Town departments, e.g., Fire, Police, MVD, etc. to ask those kinds of specific questions so that they can then go back and analyze their capabilities.

Ms. Watson stated her pleasure with additional information being posted to the Town's website. However, she noted it is necessary to click on the link for Tennessee Gas Pipeline Company - Kinder Morgan Information to see the announcement for the March 26th meeting. She questioned if that information could be moved up to the homepage. She also suggested including a definition of what a scoping meeting entails and its significance.

Comments From the Press and Public

Steve Tomasso, 146 Baboosic Lake Road

Stated he has been before the Council on a few occasions over the past several months to discuss a noise issue; specifically roosters. He has requested the Council develop or modify an existing ordinance. Having not heard any discussion of this for the past few months, he questioned the status.

Councilor Dwyer noted the Council voted to "not adopt a noise ordinance for the Town of Merrimack". Although not the answer Mr. Tomasso desired, the issue was contemplated by the Council, and a decision reached. Councilor Rothhaus commented the vote was taken after the Council received guidance from legal counsel. The difficulties many already believed existed were explained by counsel, e.g., enforceability, etc. Legal counsel also noted only 1 community in the entire State has adopted such an ordinance.

Mr. Tomasso stated he has been informed that his neighbor is already planning on getting his next flock of roosters. What he is now being told is he will experience the same issues again this summer with no means of rectifying the situation. He commented one of the recommendations from the Council was to sell his house. The cost of selling the house, fees, etc. is thousands of dollars he cannot afford. One of the recommendations from the Council was to initiate a lawsuit, which again would cost thousands of dollars and time lost from work, which he cannot afford.

Councilor Rothhaus stated he understands the situation, and had questioned and been informed there have been difficulties in the past, which lead him to believe it is a neighborly dispute, which is impossible for the Council to settle for a specific instance when what would be put forward in an ordinance would have to cover the entire Town. He stated it to be extremely difficult, if not impossible, to put an appropriate ordinance together. He did not recollect anyone suggesting Mr. Tomasso move, but he did remember offering up the possibility of a civil matter. He commented that is sadly possibly the only recourse he might have.

Mr. Tomasso reiterated he has been told his neighbors will be getting another flock of roosters, which start crowing at 5:15 a.m., and questioned how Councilors would feel if he were to call each one of them at that time of the day so that they can see the kind of aggravation that some people have. He stated there are elderly couples residing in Town who have issues with roosters and are afraid to appear before the Council for fear of repercussions. He reiterated when the roosters start crowing at 5:15 a.m. he will call each and every one of the Councilors.

Assistant Town Manager/Finance Director Micali, speaking to the Kinder Morgan postcard, stated, as of midnight, information contained in the postcard regarding the March 26th meeting will be posted on all three of the Town's local channels and will continue until the meeting is held.

Kristie Bradshaw, 54 Whittier Road

Stated Ms. Yonkin spoke of a concern the Council is giving a misconception to residents about the survey situation. She understands the logic despite the fact it does not feel good to allow them on our land. However, she believes the greater concern to be that, as of this time, the Council has not taken a formal stand for or against the pipeline project. She stated that to be very confusing to the citizenry.

She has heard we don't have enough information, we are waiting to hear from Kinder Morgan at the public meeting. She questioned if the Council will take a position for or against the proposed project once the public meeting is conducted.

Chairman Harrington responded she would not want to state any guarantees. She is looking for additional information, which may be received that night; however, she would not want to promise something she cannot guarantee. Regardless of any position taken, the Town/Council will remain active participants until the process has completed.

Councilor Koenig stated Chairman Harrington just answered the question as the Chairman of the Town Council when the question was asked about what the Council's position is. His personal position, as one member of the Council, is to oppose the pipeline. But, at the same time he echoes the remarks of the Chairman; he has no plan to stick his head in the sand by telling them to go away, don't talk to me, I'm not interested. What he wants to do is gather all of the information he possibly can and ensure they have all of the information they can possibly gather about the condition of Merrimack, of the area they want to go through, and the impacts that would have. Simply saying I don't want it, and not talking to them anymore will not resolve anything and will not move FERC. He reiterated, as one Councilor, he is opposed to the project. The Town/Council will do what it can to ensure FERC gets all of the information they need to reach an education decision as to whether or not it is appropriate to go through Merrimack.

Ms. Bradshaw stated her appreciation of the response. She stated her belief residents are concerned with the direction this is going in. She stated appreciation the Council will work with the system it has been given to go through this process. However, she is confused about what is hoped to be the end result. Councilor Dwyer responded "That it doesn't come through."

Ms. Bradshaw stated this project is not right for Merrimack, and she believes the residents of Merrimack want to hear that is how the Council feels too, and that the Council will do what it can to make that a reality.

Vice Chairman Mahon echoed his colleagues' sentiments regarding the issue adding, as presently proposed, it is unacceptable. He remarked the more the Town can demonstrate that this pipeline does not comply with the National Environmental Policy Act the stronger the case for blocking the project. This community has the greatest quantity of concern from border to border in 4.5 miles than in most of the other towns combined. There are aquifer issues, well issues, sensitive environmental issues, etc.

that feed into that National Environmental Policy Act. The current proposed route is unacceptable. The Conservation Commission has retained a consultant to prepare an Environmental Impact Study. That will not be completed until the July/August timeframe. Up to a point we have a say, up to a point we can try to influence the outcome, but in the end, the way it is structured, the decision is made at the Federal level.

The Council cannot simply state we are going to stop it, because it cannot say that. Why the Council is taking the stance it is, is to ensure every aspect of the area is known by FERC so that they can make a more informed decision of whether or not to issue the certificate.

Ms. Bradshaw stated her concern is that we are showing certain areas of Merrimack that are not okay to go through, and may be leaving the door open to say Merrimack is still accepting of a pipeline coming through Town if it avoids these specific concerns.

Councilor Woods responded that is the conundrum; nobody asked Kinder Morgan to show up with a 36" pipeline through Merrimack. They are here, and as Councilor Mahon has stated, the process is what it is. He does not see much immediate benefit to the Town of Merrimack through the use of any of the gas from the pipeline; however, can see a lot of reasons to oppose disrupting the conservation area. The Merrimack Village District (MVD) has sent a letter to FERC opposing the pipeline in terms of the disruption it may cause to our wells and the wellhead protection area. Councilor Woods stated that is where he senses the process is at this moment. To take a NO vote at this point in time is a rather easy thing to do. He is not sure it would have any real benefit or would be accepted by all of the members of the community. He commented there are businesses that have goals and aims that perhaps are counter to a direct no.

He stated his appreciation for the request. Although not wishing to speak for the Council, he commented there may come a time when at least a qualified no is deemed the right position. However, he does not believe that time is now.

Councilor Dwyer remarked there is a time and a place for the Council to act that way. Just like other concerned parties/individuals, Councilors have been doing their homework. Up to this point, it has not been the time for the Council to take a solid position. That date is fast approaching. March 26th will be a big night. Whether that is the night such a vote is taken or shortly thereafter, he is of the belief that action is coming very soon.

Wendy Thomas, 10 Wildcat Falls

Stated last Friday a gas leak occurred in Merrimack. It was in the area near the liquor store. Dobson Way was shut down, and a neighborhood evacuated. The leak was detected by people smelling the gas. Having spoken with the Fire Chief, she learned it was a 1" pipe that was involved. She reminded those watching that the Kinder Morgan pipeline project calls for a 36" pipe filled with odorless gas.

Recognitions, Resignations and Retirements - None

Appointments

1. Annual Review with the Highway Safety Committee

Submitted by Highway Safety Committee Chairman Mark Doyle

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

Mark Doyle, Chairman, Highway Safety Committee, identified members of the Committee. He noted the Committee conducted three meetings last year; May 8th, June 8th, and October 28th. Sadly, the Committee recognized the passing of one of its lifelong members, Norm Peppin. Three members of the Committee were re-appointed in May. The newest member, who took over Mr. Peppin's vacated seat, was introduced to the membership during the October meeting. Committee meeting minutes should be all updated.

Some of the issues covered included the Chapel Lane parking issue where folks were using the Wheeler Chapel for meetings at night, and parking issues arose around the fence line behind the church. Fire Chief, Michael Currier looked at the matter and realized it was an issue that would be best handled by the folks at the church. The Committee has worked closely with representatives of the church, and sent a letter suggesting they address the issue by placing cones in the area during times of meetings, etc. That has worked out well. The Committee continues to monitor the situation.

The Committee has concern on Wilson Hill Road, in the area of a dangerous S curve that inclines going west and declines coming eastbound. A serious accident occurred there last year. One of the residents in the area asked the Committee to either make suggestions relative to road improvements or signage or a combination of both. That issue is ongoing, and will be addressed at the Committee's March 20th meeting. The resident will be invited to the meeting to discuss his concerns.

The Committee addressed Town-wide handicapped access issues. The Committee was advised by the State Committee on Accessibility that several locations in Town were not adhering to the requirements for accessibility. Those locations were notified in writing, and the Community Development and Fire Departments were asked to contact those businesses and locations to ensure signage is appropriate and accessibility issues addressed. That has taken place. The Committee continues to monitor that.

There was an issue with the Madeline Bennett Drive and Merrimack Middle School driveway intersection, the status of which is unclear. The Committee had the opportunity to speak with the developer and his engineer in May. Chief Doyle had a meeting with members of the School District prior to the Committee's June 9th meeting, and invited representatives of the School District to the meeting to hear the proposal from the developer and his engineer, which included a stop sign arrangement provided by the Planning Board to be brought to the Committee to gain a recommendation from a safety perspective. The Committee was able to speak at length about that, and a favorable recommendation was issued. Since then there have been some iterations of the design. Councilor Koenig stated the issue has been resolved.

A signage request was made at the Merrimack Christian Academy off of Boston Post Road. The initial request came in for a traffic light. They have quite a bit of student enrollment (approx. 300), and they wanted to know if there was something that needed to be done. It was determined a traffic light would

not be necessary, and that instead signage would be posted indicating motorists are approaching a school. There may be a school zone issue to be addressed. Kyle Fox, Deputy Director, Public Works Department, will work with the Academy to determine whether the area needs to be qualified as a school zone, which would be based on enrollment, traffic counts, etc. The issue will be discussed at the Committee's March 20th meeting.

A member of the Committee suggested the removal of the no turn on red sign at the end of the off-ramp northbound at Exit 12 onto Bedford Road. Its placement was awkward and almost blocked by the post in the middle that said you can't make a left hand turn. It had been put up many years ago shortly after the bridge was constructed, and believed to have been placed at the request of the Committee. The Committee conducted research to determine whether there is a need to continue to have the sign. There have been no accidents in the area. The New Hampshire Department of Transportation (NHDOT) was contacted, and advised line of sight is not a concern from a traffic safety perspective as they are all within certain acceptable parameters. The sign has been removed. The area has been monitored, and no issues noted.

The pending issue before the Committee is related to the Exit 13 northbound off-ramp onto Raymond Wieczorek Drive or down off onto Daniel Webster Highway. The Committee has been working closely with representatives of NHDOT regarding signage changes, which they have done. However, it appears there remains an issue. With northbound traffic coming off the highway and southbound and/or westbound traffic coming off of Raymond Wieczorek Drive, which curls all the way around it and then dumps onto the D.W. Highway, there is a large line of sight problem there. As it comes in and they merge, if you need to go to the right to go south onto D.W. Highway you have to literally cut across two lanes of traffic that are coming off the northbound side. It is almost impossible unless you are actually watching over your right shoulder beyond that berm that obstructs that line of sight. There have not been any major problems out there yet; however, chronic complaints continue. The NHDOT has changed signs at the request of the Committee and has been very good about communicating with the Committee.

Chief Doyle stated he has spoken with Dennis Lambert who is the coordinator in the area, and he has said the Committee could move forward with discussions of installing rumble strips along that section of the off-ramp (as you come off of exit 13 northbound). That is an issue that will be brought up at the Committee meeting on the 20th. Should the Committee decide to move forward with the rumble strip(s), a memo would be generated to Dennis Lambert at NHDOT to ask them to look into the matter.

Councilor Dwyer questioned if the State has acknowledged the area is a danger. Chief Doyle responded they have not. He added that is a question best posed of the NHDOT as he is unaware of how they determine whether an area is dangerous or not. Councilor Rothhaus noted the NHDOT did do the sign changes, and had suggested they might be getting rid of the earth that is up against the fork. He suggested the only fix to be a yield sign on the northbound exit ramp.

Chief Doyle reminded the viewing audience, if having any concerns, citizens can contact any of the Committee members or him directly at the Police Department.

Councilor Boyd questioned the argument against having rumble strips on both sides. Chief Doyle responded he does not believe there would be an argument at all. That would be something the

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Committee would look into during its March 20th meeting. The Committee will make a recommendation to the NHDOT, and find out, from their engineering perspective, whether there would be concerns.

Vice Chairman Mahon commented the State is in the design phase of widening the highway up to that area. There may be an opportunity to try and do something as part of that project.

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Town Manager Cabanel informed the Council she received a telephone call from Mr. Chris Waszczuk, Administrator for the NH Bureau of Turnpikes. The Conservation Commission had questioned the ability to purchase a 56-acre parcel located near the Merrill's Marauders Bridge. At the time of the request, the Bureau's response was negative. The next request was for an easement along the Souhegan River. Mr. Waszczuk informed her the answer would again be no. However, in widening the Turnpike they will be disturbing wetlands. Therefore, they will be looking for wetland mitigation land. Toward that end, sometime in the summer of 2016 they would anticipate either turning that whole parcel over to the Town under the guidance of the Conservation Commission as wetlands mitigation land. Vice Chairman Mahon noted the Legislature has intervened in these kinds of things before.

The Planning staff is currently working with Anheuser Busch on a building expansion on the Merrimack Facility. Anticipated is the submission of a site plan to construct 3 additions to the facility (approximately 55,000 square feet total) for warehousing, packaging, and brewing operations in the coming weeks.

The Planning Board conditionally approved a site plan for Boomer McLoud, a car audio retail/installation facility, to be located on Executive Park Drive. The facility will likely begin construction in the spring, and will be approximately 7,500 square feet, located across from the former Merrimack Hotel.

The new ConvenientMD Urgent Care facility on Dobson Way (near Exit 11) will hold a grand opening on March 31st. The facility will be open and start operations on April 1st.

The Chestnut Hill cluster subdivision project (Old Blood Road near Middle School) continues to be reviewed by the Planning Board. The project will next be on the Planning Board's agenda on April 21st.

Manchester Street Bridge construction will be completed by the end of July 2015. McGaw Bridge design is complete pending review by NH Department of Historical Resources. Bean Road Bridge is in the preliminary design phase.

Sunset Shores Sewerage project construction bids are in and being reviewed. Construction should start this spring with completion of the project by the end of 2015.

Wastewater Phase II and Compost Facility improvements are currently under construction with completion of the project by the end of 2015.

Town Manager Cabanel stated the budget is currently \$28,000 overspent in overtime in the Public Works Department, and the salt shed is about 15% full. It is believed there remains sufficient sand and salt to make it through the remainder of the winter.

Town Manager Cabanel stated the Town was recently notified of a successful grant application for the trail projects. Anticipated is a \$550,000± grant from the Transportation Alternatives Program. The grant requires a 20% match. The grant will help advance the trail project that is proposed to go under the Chamberlain Bridge and forward over some wetlands where a pedestrian bridge may be constructed. Deputy Director Fox will bring a request for grant acceptance before the Council in the near future.

Consent Agenda - None

Old Business

1. Update on JMUES Security When Used as a Polling Site

Submitted by Finance Director Paul T. Micali

The Town Council to receive an update on the concerns involved in using the James Mastricola Upper Elementary School as a polling site for the upcoming April 14th Town Election.

Assistant Town Manager/Finance Director Micali informed the Council he attended the School Board meeting on March 2nd for an update on the plans for the polling site to be at the James Mastricola Upper Elementary School All Purpose Room. At the September 29, 2014 joint meeting of the Town Council and the School Board, a vote was taken to “establish a working group to identify the potential for alternate voting sites and possible solutions for addressing security and ADA compliance issues relative to the entrance for the polling location at the James Mastricola Upper Elementary School. Any proposed alternative voting locations should be verified by the Town Moderator as meeting all necessary criteria. Members of the working group shall include Superintendent Chiafery, Town Manager Cabanel, representatives from the Fire and Police Departments, and the Finance Director in whatever capacity is deemed necessary.”

The working group reviewed numerous sites on campus for distance of parking lots, ease of access, and handicapped accessibility. The conclusion reached was that parking on one of the sites was not sufficient for an election and parking on another was too far of a distance. When considering the All Purpose Room, the group reviewed alternatives within the room; entering from what is called the bowl Smith Gym entryway, entering off of School Street (typically an exit), and considered the possibility of blowing out a wall on the back end of a small closet that sits to the right of the stage. It was determined adjustments to the closet area would result in a floor that would not be flush (step-up).

The group considered leaving the polling place at the school for one more election, and how to improve upon the last instance relative to security issues identified by the School Board. Principal McGill suggested the school utilize a new drop-off and pick-up procedure/location where students would enter/exit where the old Principal's Office was near the Smith Gym and the Library. An announcement would be made for walking students.

The group discussed the issue of the doors being ajar. Lynn Christensen, Town Moderator, was in attendance. The group determined the doors would be left closed unless someone is entering/exiting the polls. If temperature becomes an issue, school fans will be utilized.

The group discussed lunches. Past practice has been for election workers to receive a pass allowing them to enjoy a hot lunch through the school. There was concern with election workers walking through the halls. The Town provides dinner for election workers. To also provide lunch would be a little added burden on the Town Manager's staff; however, can be done. As the Town pays the expense associated with election workers eating at the school, there would be no additional cost.

Student safety was an area of concern. There are three policemen on duty at the polls. One is stationed near the Principal's Office, one near the entryway into the All Purpose Room, and one outside of the building. There is crowd control for those holding signs at the polls to keep them separate from voters entering the building. Barricades were discussed as a means of funneling voters walking into the new elementary school. The new entryway has three doors. The intent would be to barricade the two doors on the left with barricades going down toward School Street so that people would have to walk in to vote there. The door to the far right would remain open for parents dropping off students or picking a student up at school. Once inside of the new entryway you encounter another set of doors and the Principal's Office to the right. The door in that area will be shut and locked. The door can only be opened from inside of the Principal's Office.

The group discussed utilizing an additional Police Officer as a floater. That officer would accompany individual(s) needing to walk around the school, e.g., someone from the kitchen staff needing to get to the gym or the elementary school lunchroom (left of the Smith gym). The gate on that side will be locked (right after the restrooms). If needed, that can be open. There will be an officer there to ensure nobody has access to the middle school from that location. Principal McGill will contact Chief Doyle and his staff to determine level of need (3 or 4 officers). Chief Doyle will also speak with Moderator Christensen with regard to the number of officers needed for the day.

The School Board was accepting of the plan, would like to see it in place one more time, and to have the opportunity for all parties to gather after the election to discuss how the process worked.

The one remaining concern is access to the School Nurse. The Nurse's office is literally between the All Purpose Room and that locked door. It was suggested the officer assigned to be the floater or an individual from the Principal's Office could accompany student(s) to the Nurse's Office.

The group discussed the handicapped ramp. Tom Tousseau, Facilities Director, has mentioned the need for further investigation to determine the best approach should it be determined necessary.

2. April 14th Election Advertising

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

To consider the increased use of promotional signage to advertise for the April 14th Election in an attempt to encourage more residents to vote as discussed during the May 16, 2014 Town Council Goal Setting Session.

Assistant Town Manager/Finance Director Micali remarked one of the items discussed during the Goal Setting Session was how to achieve increased voter turnout. The usage of electronic signage was recommended. The cost to rent three (3) electronic signs is \$508/week. If utilizing the signs over a two-week period, the approximate cost for three signs would be \$3,000. There is also a \$212/sign pickup and delivery charge. It was suggested the Town could arrange to pick up and return the signs to avoid that charge.

Signs could be placed at Bedford Road and D.W. Highway, Amherst Road and Continental Boulevard (Burger King area), and D.W. Highway and Greeley Street (near Common Man). The signs would be flipped to face the opposite direction for the second week.

Councilor Boyd questioned whether the Police Department would be asked to utilize their sign board to advertise for the election, and was informed all sign boards that are Town owned will be out, which includes the electronic sign located near Watson Park, the Police Station, Library, Fire Station, Transfer Station, MYA, and the cable station.

Councilor Rothhaus remarked goal setting sessions are always exciting and you get caught up in the moment; however, now he has to put on the brakes. The cost is something he struggles with. Councilor Dwyer questioned if he would be supportive of renting the signs for a one-week period. Councilor Rothhaus stated he would. Chairman Harrington stated she would be supportive of a one-week rental. Councilor Woods questioned the concentration at Amherst and Continental and then 500 feet, at the bottom of the hill at Greeley and Route 3. Councilor Koenig spoke of the large amount of traffic in those areas and the fact traffic is heading in different directions.

Town Manager Cabanel remarked poor voter turnout is an issue that has been discussed since she came on board. The Town has never really made a concentrated effort to improve that. The proposed approach would provide the opportunity to see if such advertising would be effective. The message board signs are far and away the best visible signs. She informed the Council she has instructed the Public Works Department to incorporate the purchase of at least one electronic sign with each bridge project.

Councilor Boyd questioned the placement of an electronic sign at Greeley Street and D.W. Highway as opposed to closer to the Turnpike. The response was the area from Greeley Street to Amherst Road is State owned property. Councilor Boyd questioned if there would be objection to placing a sign on Amherst Road to be visible to all traffic going up Amherst Road, accessing Turkey Hill Road, etc. Assistant Town Manager/Finance Director Micali responded placement could be anywhere providing it is on Town owned property.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to authorize the Town Manager and/or her proxy to sign the appropriate documentation for three (3) electronic signs

Approved: April 9, 2015

Posted: April 10, 2015

for one (1) week rental not to exceed a cost of Two Thousand Dollars (\$2,000). MOTION CARRIED 7-0-0

New Business - None

Minutes

February 26, 2015

The following amendments were offered:

Page 4, Line 49; amend the sentence to read: “The process is not designed for local governing bodies to participate.”

MOTION made by Councilor Mahon and seconded by Councilor Woods to approve the minutes of the February 26, 2015 Town Council Meeting as amended. MOTION CARRIED 7-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd recognized the Merrimack Tomahawks Boys Hockey Team, which will be participating in the semi-finals over the weekend. He commended Head Coach Matt Davis and his team for a great season. He commented behind every good team is a good goal tender. The Tomahawks have one in senior goalie Matt Brewster who leads Division II hockey with the best goals against average at 1.24. He wished the team luck as they move forward.

Councilor Boyd remarked, in addition to the gas leak that occurred the prior Friday, was a car fire and an electrical odor/fire, all happening simultaneously. The Fire Department not only rose to the challenge, but exceeded it. He expressed his gratitude and appreciation of the department.

Councilor Dwyer thanked all candidates who have stepped forward to run for public office, and spoke of his appreciation for those who made the commitment to run.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Mahon to adjourn the meeting. MOTION CARRIED 7-0-0

The March 12, 2015 special meeting of the Town Council was adjourned at 8:37 p.m.

Submitted by Dawn MacMillan