

Approved: September 11, 2014

Posted: September 12, 2014



Town Council Meeting Minutes

Thursday, July 17, 2014, 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, Town Manager Eileen Cabanel, and Finance Director Paul Micali. Councilor Rothhaus was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

The Town Council has amended its meeting schedule for the month of August. Regular meetings of the Town Council will be held on Thursday August 21, 2014, September 11, 2014, and September 25, 2014 at 7:00 p.m. in the Matthew Thornton Room.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Town Committee Member

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

The Town Council will present a certificate to the following individual for service to the Town of Merrimack:

- Marc Casseres, Economic Development Citizens Advisory Committee

As Mr. Casseres was not in attendance, Chairman Harrington noted he will be provided with a certificate in recognition and appreciation of his service to the Town of Merrimack as a member of the Economic Development Citizens Advisory Committee.

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Eagle Scout Benjamin Parker has completed constructing an observation deck overlooking a beaver pond in Grater Woods, which was approved at the April 17th Town Council meeting. Building Official Fred Kelley stated that it is soundly constructed and is positioned well, so as to not encumber the trail, and add a respite spot for folks to bird watch or rest and enjoy the view.

The Library would like to thank their Seismograph Benefactors who attended Tuesday's Ribbon Cutting Event with Dr. Alan Kafka, Director of the Weston Observatory.

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The next Household Hazardous Waste Collection will be held at the Nashua Public Works Garage, at 9 Stadium Drive, in Nashua on Saturday August 2, 2014 from 8:00 a.m. to noon. There is a \$10 fee per vehicle and this covers 10 gallons or 20 pounds of material. Additional information is available on the front page link of the Merrimack Town website or by calling the Merrimack Transfer Station at 424-2604.

The annual line striping of the Town's main roads will start in the next two weeks, weather dependent.

On July 1, 2014, the Wastewater Treatment Facility staff achieved a record 5 years of no lost time due to accidents. Staff celebrated this accomplishment with a special luncheon held yesterday at the Wastewater Treatment Facility. Congratulations.

Consent Agenda - None

Old Business – None

New Business

1. Deliberation to Fill the Town Council Vacancy

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

The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council until the April 2015 election, pursuant to Charter Article 4-5.

Chairman Harrington stated candidates would be introduced alphabetically. Each candidate would be provided two minutes to introduce him/herself to the public and say a few words.

Chairman Harrington noted interviews have already taken place, and the Council has agreed to the following procedure:

- At the conclusion of introductions, the Chair will open the floor for discussion.
- At the conclusion of discussion, a roll call vote will be conducted.
- The candidate receiving a majority of votes (3) will be declared the appointed candidate.
- In the event votes end in 2-2-1, another roll call vote will be conducted for those candidates.
- Once a decision has been made, the appointed candidate will be sworn in and seated for the remainder of the meeting.

Bob L'Heureux

During the past 46 some odd years in Merrimack he has served on the School Board, as a Selectman, State Representative for 20 years, and associated directly/indirectly with every Town agency, e.g., Highway Department, Police Department, ambulance personnel, etc. He stated his background to be extensive as far as the overall operation of the Town and knowledge of the function(s) of each department.

He commented the reason he applied for the position is because it is a one time, short-term position that has to be filled. He stated it is not his intent to run for the position in April. He only desires to be

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available to the Council and the Town to help during this 10-month period. He spoke of his knowledge, experience, and willingness to serve in this capacity.

Lenette Peterson

Remarked five years ago she made the decision not to sit back and let others call the shots. As a virtual unknown in Merrimack she made the decision to run for State Representative. She had to get her name out and convince people to vote for her. At that point, she had never served on a board or council and lacked experience; however, she did not lack the drive.

She served Merrimack for four years to the best of her ability serving on the demanding Judiciary Committee and two years as the Clerk of the Judiciary Committee. Ms. Peterson noted in her four years as a State Representative she has never voted to raise a tax or a fee.

She stated she is a hard working individual, and a fast learner. Her work ethic is not something she takes lightly. She gives 110% no matter the task. It is her character and integrity that is on the line, and she does not compromise. She remarked she does not claim to know the ins and outs of Merrimack nor does she totally understand all that the budget entails, but she will not compromise Merrimack residents, their tax dollars, or their quality of life. She stated her belief she is the best candidate for the position, and asked for the vote of the Council and the opportunity to prove that they made the right decision.

Lon Woods

Has been a resident of Merrimack for 45 years. He and his wife have raised two children in the community, and have remained enthusiastic about it as a place to live. He spoke of his desire to fill the vacant seat on the Town Council from the well spring of membership on committees and commission he has had the privilege of serving on. He remarked through terms on the School Board, the Municipal Budget Committee, the Charter Commission, and the Merrimack Village District he has demonstrated a commitment to the continued wellbeing of the Town. He offers a proven track record of effectiveness, and a continuing interest in working to assure that Merrimack continues to grow as the vibrant community he believes it to be.

Chairman Harrington thanked all of the candidates noting they have all provided services to the Town of Merrimack in different capacities, and have demonstrated a commitment to the Town and its citizenry.

Councilor Koenig commented on having very good candidates and only one position to fill. He stated his appreciation for the applicants coming forward for consideration, and remarked any one of them could do a good job. He stated he would be promoting Lon Woods for the position. Councilor Koenig remarked Mr. Woods has served the community extremely well, has a great manner and ability to communicate with people at a level that meets whatever the expectations/requirements are. He stated his belief Mr. Woods would complement the Council; has the history and Charter experience the Council has always drawn on as well as the ability to understand and analyze issues to come to a solid explanation of his thoughts and direction.

Councilor Dwyer stated his support for Lenette Peterson. As was stated previously the main point of his decision being her participation in the recent election. He spoke of her receiving nearly 1,000

votes, which was within 100 votes of the candidates who prevailed. Councilor Dwyer remarked over the past couple of years the Council has been seeking volunteers in Town to step forward to serve on the different boards, committees, etc., and have expressed a desire for new blood. He stated Ms. Peterson represents that new blood.

He spoke of the quality of candidates before the Council for consideration, and how fortunate the community is to have such individuals willing to volunteer their time and effort. Councilor Boyd echoed the remarks made around the quality of candidates. He commented, with all due respect, you could utilize Councilor Koenig's comments regarding Mr. Woods to describe Mr. L'Heureux's service to the Town. He remarked in evaluating the candidates over the past few days, what struck him was Mr. L'Heureux's statement he would serve through April and no longer. He stated his view of the individual succeeding Councilor Yakuboff as a caretaker's position, and noted his desire for the individual to pick up where Councilor Yakuboff was, help the Council get to April, and allow the voters to vet a candidate to complete the term.

Vice Chairman Mahon expressed his gratitude to those who stepped forward to be considered for the position.

A Voice Roll Call vote was taken, which resulted as follows:

Councilor Boyd:	Bob L'Heureux
Councilor Dwyer:	Lenette Peterson
Councilor Harrington:	Lon Woods
Councilor Koenig:	Lon Woods
Councilor Mahon:	Lon Woods

MOTION made by Councilor Boyd and seconded by Councilor Mahon that the vote be made unanimous in the name of Lon Woods. MOTION CARRIED 5-0-0

Oath of Office administered by Chairman Harrington to Lon Woods. Councilor Woods took his seat with the Town Council.

2. Exit 12 Northbound Off and Southbound On Ramp Toll Plaza Removal

Submitted by NH DOT – Bureau of Turnpikes Assistant Administrator David Smith

Senate Bill 367 (2014 Session) requires the elimination of the Exit 12 ramp tolls on the F.E.

Everett Turnpike. The elimination of the ramp tolls will be addressed in a two-phase operation.

First phase will discontinue toll collection operations on July 18, 2014. Second phase of the project consists of the removal of the toll plaza structures and shutdown of the building facilities/tunnel.

Mr. Christopher Waszczuk, Administrator, Bureau of Turnpikes, New Hampshire Department of Transportation (NHDOT), stated Senate Bill 367 was passed by the Legislature and signed by the Governor. The Bill in essence removed the Exit 12 tolls. House Bill 2014 (Ten-Year Plan) has not yet been signed; however, includes the project to remove the toll plaza.

Mr. David Smith, Assistant Administrator, Bureau of Turnpikes, NHDOT, spoke of the discontinuance of toll operations and the toll plaza removal at Exit 12 in Merrimack.

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A two-phase operation has been implemented to discontinue the tolls at Exit 12. Signs have been placed on the ramp informing motorists tolls will be discontinued on July 18th at 9:00 p.m. What will be seen beginning mid-day on the 18th is removal of signage along the F.E. Everett Turnpike, closure of one of the lanes during the day to remove some of the toll collection equipment and the plaza itself, and later on in the evening a shifting of traffic to lane 1, which is the far right lane (widest of the three).

After traffic is pushed through lane 1, the toll collection equipment in lanes 2 and 3 will be removed. What will remain for approximately a 2-month period will be tubular delineators; yellow on the left side of the traffic off the ramp to direct traffic through that right side lane. That will remain until the plazas themselves can be removed.

A contract has been put out to bid for the removal of the plazas (due August 7, 2014); northbound off-ramp and southbound on-ramp and decommissioning of the building. With regard to the canopy, the roof will come down and the supports and islands will be removed. The concrete pads will be rehabilitated. The open areas utilized to access the toll areas from a tunnel below as well as the stairway used to access up from the tunnel will be filled in with concrete. The concrete pads will be paved over.

The building will be discontinued. In doing so, they envision a two-phase traffic control operation. Traffic would remain in its current layout on the right side while work is conducted on the left side (behind concrete barriers). Once the median side plazas (lanes 2 and 3) are removed, traffic will be pushed to the median side and the remainder of the facilities will be removed.

There won't be much effort seen as far as construction operations on the buildings themselves. They will be shut down, secure, will have video surveillance, and a gate will be installed at the parking lot. Lights will be kept on in the parking lot. Targeted project completion date is December 12, 2014.

Vice Chairman Mahon thanked Messrs. Waszczuk and Smith for the briefing they provided a few days earlier and their presentation. He recognized Mr. L'Heureux acknowledging as a State Representative he was an instigator of the process back in the '90s. He took a lead on this and did a lot of the initial work that was done in trying to bring something like this to fruition. Vice Chairman Mahon spoke of his gratitude for the project taking place, and providing residents with a clear picture of what will take place in the area. Chairman Harrington expressed gratitude for the efforts of Senator Bragdon.

Councilor Koenig commented on the length of time for the removal of the plazas. He stated his understanding the project has to be put out to bid. Bids aren't due back until the first week of August after which there is a period of time during which the Bureau of Turnpikes has for review. It appears the 17th of September is the earliest the bids can be before the Executive Council and Governor for approval.

Mr. Smith noted a preconstruction meeting would be conducted and would include participation by emergency services personnel. The goal of that meeting is to brief the Town relative to the start of construction, provide a firm date on when it will occur, and how it will progress. That type of meeting typically occurs at a job trailer.

Bob L'Heureux

Congratulated the Council and remarked they placed an excellent candidate into office. He congratulated Mr. Woods on his appointment.

Mr. L'Heureux questioned why the two structures would be maintained if discontinuing the plaza. Mr. Smith responded, in essence, the buildings are functional. When asked what function they would serve, he remarked they could be used for office space, etc. He spoke of a project for widening the F.E. Everett Turnpike, which is in the new Ten-Year Plan, and the possibility of utilizing a structure as a construction trailer. When asked if two structures would be needed, Mr. Waszczuk commented there would be an additional cost associated with the removal. Mr. L'Heureux spoke of two structures left remaining, which would be under security, etc., and the fact there will be a cost associated with maintaining the buildings. That cost will be derived from tolls. He suggested one of the structures be removed.

Mr. Waszczuk stated that would be taken under advisement, and noted what was presented was not the final configuration of the ramps. The ramps will ultimately need to be realigned to a typical width (narrowed). He remarked that will probably be done as part of the overall F.E. Everett widening project, which is currently slated in the Ten-Year Plan for 2022. At that time, they may assess the two building situation and may remove one or both if it is believed worthwhile.

Councilor Dwyer commented over a year ago some of the costs discussed were in the area of \$1.2 or \$1.3 million. He stated his belief the reason the total cost for the project is estimated now in the area of \$568,000 is because the buildings will remain. The price increased with discussions of removal of the site, deconstructing the associated parking lots, etc.

Mr. Smith stated that to be correct and remarked they took a minimalistic approach to the discontinuance and removal of the facilities. Mr. Waszczuk noted the original cost was identified as \$1.6 million for both locations. It was to realign curbing, drainage, etc., and remove the excess pavement. That was felt to be too steep of a cost for this project at this time. The intent of the Legislators was for this reduced scope of work approach. The final product will be addressed as part of the overall F.E. Everett widening project in the future. Vice Chairman Mahon commented this is a reduction in revenue for the turnpike system of over \$600,000 per year. That played a role in deciding how much would be expended on realigning the lanes and exits.

3. Clarification of the Appointment Policy for Boards, Committees and Commissions

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

The Town Council to discuss and clarify the current Appointment Policy for Boards, Committees and Commissions specifically concerning the interview process for membership on the Conservation Commission, Planning Board and Zoning Board of Adjustment.

Chairman Harrington noted a question came up recently around interviews for re-appointments and confusion that resulted relative to the land use committees and the Conservation Commission, e.g., whether, under the present policy, they are not required to conduct interviews; that the Appointment Committee would be able to make the decision whether or not the particular individual needs to be interviewed. She stated she has been informed that was not the intent when the policy was written.

Chairman Harrington suggested the policy be amended, under Section III A to read as follows:

1. Appointment interviews are conducted in a public meeting in accord with this policy and RSA 91-A. Any resident interested in serving on a Committee for the first time must be interviewed by the Appointment Committee for that Committee.
2. Appointment interviews will be conducted for all members of the Merrimack Conservation Commission, Planning Board and Zoning Board of Adjustment.
3. For the remaining committees, at the discretion of the Appointment Committee, full members seeking re-appointment, or alternate members seeking re-appointment as an alternate or appointment as full members may not be required to interview. However, if multiple candidates present themselves and exceed the number of positions available, then, the Town Council may conduct interviews to identify the best applicant(s) for the position.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to amend as stated ON THE QUESTION

Councilor Dwyer suggested an explanation be provided for the viewing audience. Vice Chairman Mahon explained the Conservation Commission, Planning Board, and Zoning Board of Adjustment are termed quasi-judicial as they have authority, by Statute, to deal with certain issues and by the fact, once appointed, the Council has very little say or control over how they operate as long as they stay within the confines of their charge under State Statute. Because of the impact their actions have on residents and property owners, it is believed important for applicants to those positions be interviewed.

MOTION CARRIED 6-0-0

4. Request for Trust Expenditure for Milfoil Control at Naticook Lake

Submitted by Community Development Assistant Planner Donna Pohli

To ask the Town Council to accept and authorize the expenditure of up to \$5,400 for milfoil control via Diver Assisted Suction Harvesting at Naticook Lake and to ask that it be expended from the Milfoil Expendable Trust Fund.

Timothy Thompson, Director, Community Development, spoke of coming before the Council at its March 27, 2014 meeting along with Donna Pohli, Assistant Planner, Community Development, and Amy Smagula, Limnologist/Exotic Species Program Coordinator, NHDES, to go through the process of gaining approval for the State grants for Milfoil control on both Horseshoe Pond and Naticook Lake. As part of that process, sufficient funds for all of the associated work was not available in the Naticook Lake Fund for the fiscal year that just completed.

Following the adoption and support of the voters in April of the Milfoil Trust Fund, monies are now available from that to apply to the diver assisted harvesting on Naticook Lake. The request before the Council was to authorize the expenditure from the Milfoil Trust Fund for that work.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to accept and authorize the expenditure of up to \$5,400 for Diver Assisted Suction Harvesting to take place this summer at Naticook Lake from the Milfoil Expendable Trust Fund, and furthermore authorize the Town Manager or her designee to execute any documents which may be necessary for these contracts with AB Aquatics, Inc.

ON THE QUESTION

Councilor Dwyer commented he does not believe a public meeting has been conducted since the 4th of July when the boat ramp was temporarily closed. He requested Director Thompson notify the public of what occurred and provide the Council and viewing audience with an update.

Director Thompson responded the residents that are part of the Naticook Lake Association had discovered additional Milfoil blooms within the lake and notified the Town and the New Hampshire Department of Environmental Services (NHDES). As a result the Finance Director, acting in the absence of the Town Manager, authorized the closure of the boat ramp to minimize any exasperation as a result of boats entering, chopping up the Milfoil, and creating new blooms. The divers have been out to perform the work of suction harvesting. From all accounts they were very successful and were able to get all of the areas marked out by those who have been very diligent and extraordinarily helpful to the Town in doing the monitoring of the lake.

Councilor Dwyer noted the Milfoil was discovered in the vicinity of the boat launch itself, which is why the launch was closed. The infestation had re-occurred in the worst possible spot. The boat launch has been re-opened.

MOTION CARRIED 6-0-0

5. Consideration of Proposed Zoning Ordinance Amendments [First Reading]

Submitted by Community Development Director Tim Thompson

The Town Council to consider the Planning Board's proposed recommended amendments to the Zoning Ordinance (Sections 1.03, 2.02.3 & 2.02.4(B)) regarding Self-Storage Facilities, pursuant to RSA 675:2 and Charter Article 5. If approved, this will be moved to a public hearing at the August 21, 2014 Council meeting.

Director Thompson informed the Council last December, through an action of the Zoning Board of Adjustment (ZBA), the property now known as Vault Motor Storage, previously the Zyla's property, was granted an Appeal of Administrative Decision, which overturned the former Zoning Administrator's decision that self-storage facilities were classified as warehouse uses under a zoning ordinance, and, therefore, only permitted in the Industrial District.

As a result of that decision, the ZBA has essentially reclassified self-storage facilities as personal service uses, which are permitted in the Commercial District, but not in the Industrial District. Given the fact there are several existing self-storage facilities already located in the Industrial District, this decision has effectively rendered all of those facilities now non-conforming in relation to zoning.

The Planning Board directed him and his staff to examine the Zoning Ordinance to try to address the situation. What the Board and staff have recommended are amendments to three sections of the Zoning Ordinance. The first, Section 1.03, would be the addition of a definition of a self-storage facility to create that as a specific use within the Ordinance. That also then requires renumbering the remainder of the definitions in that section, in Section 2.02.3, adding a new sub-section, which would allow for self-storage facilities in the Commercial II District by Conditional Use Permit, which allows the Planning Board an extra level of scrutiny to those types of uses within the Commercial District as typically a self-storage facility is not the highest and best use you could use in a Commercial District, and in Section 2.02.4(B), to insert self-storage facilities as a permitted use in the Industrial District.

By the amendments the issue of the existing facilities being non-conforming ends, which could have been problematic if they ever wanted to refinance their properties or expand in any way, and also sets up a mechanism that the Planning Board can utilize in the future should there be a request for Commercial District. In doing so, those Conditional Use criteria are very specific; for a self-storage facility to be located in the Commercial District there are several criteria including architectural design and things of that nature to ensure they are compatible with the Commercial District standards rather than being an industrial building just lopped into a Commercial District.

Councilor Boyd questioned whether the definition of personal service use is utilized by other municipalities within the State, and why personal service use as opposed to simply identifying it as self-storage. Mr. Thompson responded, in the ZBA's deliberation on the Appeal of Administrative Decision, they had to identify a use that was in the Ordinance to classify self-storage as because the argument the petitioner was making was that it is not an industrial warehouse use it is more akin to a personal service. That was the case they made to the ZBA. The ZBA, in their decision, agreed with that, and then by doing so has essentially classified these self-storage facilities as personal service uses.

He commented there were two applications before the ZBA that same evening; one for a use variance to allow the industrial use for the self-storage facility. That was the second item on the agenda; however, the ZBA determined to overturn the Administrative Decision so the other case was moot. The Variance was never acted upon. He stated he is not aware of any other community that classifies self-storage facilities as personal services uses.

Councilor Boyd commented we are trend setting with personal service. Director Thompson responded, right now, with this being posted as a proposed ordinance we are subject to this requirement until the Council makes a decision, but up until that time, yes we were considering these personal service facilities since December.

Councilor Koenig questioned whether it was suggested the Council could choose not to accept the proposed changes and undo the action of the ZBA? Director Thompson responded if the Council did not accept the changes, they would be left with the status quo; would continue to consider these to be personal service uses, and they would no longer be permitted in the Industrial District, which would leave the existing facilities as non-conforming uses.

Councilor Koenig remarked we quite frequently consider that more of an industrial type use. Those in there we don't want to discourage. Director Thompson stated agreement. Councilor Koenig commented it behooves the Council to accept the changes. Director Thompson stated his wholehearted recommendation the Council move forward with the changes to correct what he believes to be an unfortunate decision that he does not know the ZBA really understood the impact of the decision at the time.

Councilor Dwyer stated a concern with re-writing the playbook after the fact. He added the individual bought/leased the property without the proper business zoning. Councilor Koenig stated the individual applied to the ZBA for a Variance, which was approved. In doing so, it created this issue where existing structures are now non-conforming.

Director Thompson clarified it was not a Variance that was granted; they appealed the former Administrator's determination that these were classified as a warehouse, and in doing so they have

reclassified them as personal service uses. This essentially puts us back to where we were before the ZBA made this decision; that being that self-storage facilities are permitted by right in the Industrial District, and we are actually expanding where self-storage facilities would be permitted by allowing them, by Conditional Use Permit, in the Commercial District as well.

Councilor Dwyer stated he does not like the uniqueness we find ourselves in that we have now parceled new wording to make something fit, and questioned what is to prevent the owner from using it as a warehouse. Director Thompson stated the decision would have no impact on the Vault Motor Storage site because they are in existence and would be essentially permitted by the approval they received from the ZBA and the Site Plan approval by the Planning Board after the ZBA decision.

Chairman Harrington noted, prior to the decision they would not have been able to, without a Variance. The discussion at the ZBA was relative to finding a way of allowing them to have it. The unintended consequence is now impacting other businesses in Town.

Councilor Koenig commented what is important to understand is that this whole impact effectively increases the amount of space that is available for self-storage facilities. But, what this is doing is putting a little bit more in the way of restrictions on what they can put into a commercial area. These types of facilities can go into a commercial area if a Conditional Use Permit is granted, which requires appearing before the Planning Board, which has been very hesitant to just hand out Conditional Use Permits. An applicant would have to make a case for such a permit. The Planning Board would have the opportunity to look at the aesthetics, finances, and all other impacts it could have on abutters, etc. That piece is being added and was not in place previously.

Councilor Dwyer requested an example of something that would be undesired in a commercial area. Director Thompson remarked a lot of it comes down to aesthetics and screening because a lot of the commercial areas abut both residential districts and other lighter commercial districts. The Planning Board's direction to him was that we don't want to see industrial style buildings located along high-value commercial areas of Town that would typically be used by commercial office, retail, etc. What he took from the discussion with the Planning Board was if we want to have highly valuable commercial land utilized by what is typically not a tremendous tax-generating use, there needs to be an extra level of scrutiny before we allow those in those districts.

Councilor Boyd questioned the impact of someone taking a mobile pod and placing it on their property, regardless of zoning. Director Thompson responded an individual landowner who rents or purchases a mobile storage unit would not be impacted by the Ordinance whatsoever. That is not the intent of a self-storage facility, and the definition of self-storage facility is written in such a way that those would not be included under it.

Councilor Woods commented "personal use" seems rather broad. He questioned what would prevent another applicant from trying to expand that language. Director Thompson stated the addition of a definition of a self-storage facility essentially eliminates that ZBA decision that these are personal service use. We now have a specific definition of a self-storage facility, which would cover this instead of what was previously considered a warehouse or under the ZBA's interpretation being considered personal service. The personal service use, should the Ordinance be amended, would no longer apply to self-storage facilities. Self-storage facilities would stand on its own with its own definition.

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MOTION made by Councilor Mahon and seconded by Councilor Boyd to move the Consideration of Proposed Zoning Ordinance Amendments to a Public Hearing. MOTION CARRIED 6-0-0

Minutes

Approve the minutes from the June 26, 2014 Town Council meeting.

The following amendments were offered:

Page 16, Line 8; replace the words "Councilor Boyd" with "Councilor Rothhaus"

Page 16, Line 40; replace the words "Councilor Body" with "Councilor Boyd"

MOTION made by Councilor Mahon and seconded by Councilor Dwyer to approve the minutes of the Town Council meeting conducted on June 26, 2014 as amended. MOTION CARRIED 5-0-1

Councilor Woods Abstained

Comments from the Press - None

Comments from the Public

Roger Gettel, 1 Veterans Park Drive

Stated the visit by the divers last Wednesday was very productive. The effort was a little overdue, greatly needed, and arrived just in time. The Diver Assisted Suction Harvesting, a/k/a/ DASH operations were able to get to all of the marked Milfoil locations, AB Aquatics, Inc. did an excellent job, and as of last Wednesday afternoon all of the known Milfoil locations had been cleared. He commented he would not say that it won't be back. New locations have already started to be marked. He thanked the Council for the approval of the funds, and noted volunteers will be working diligently to find the plants so DASH operations can be productive and their time utilized most effectively when they are on the lake.

He stated his opinion, it is important that DASH operations begin earlier next year. He stated his understanding State matching funding work on a calendar year/seasonal basis whereas the Town fiscal year runs July through June. He questioned if there were unused diver funding from the current fiscal cycle for this season, and assuming there is new State grant funding for the 2015 season, could the funds be carried over to allow for DASH operations to take place prior to July 1st.

When asked, Director Thompson stated his recollection the voters had approved a \$25,000 transfer to the fund. Town Manager Cabanel stated that would carry over. She explained the reason a fiscal year situation had come about was the \$25,000 could not be transferred into the fund until July 1st. Providing funds remain, future expenditure requests could be made of the Council at any time.

Mr. Gettel commented the key to keeping the situation controlled is removal of the plants before they reach the point where they are highly susceptible to disturbance. Constant attention will be required year after year. Chairman Harrington commended the volunteers for their efforts.

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Comments from the Council

Councilor Boyd welcomed Councilor Woods. He echoed the remarks made by the Town Manager regarding the quality of the Eagle Scout project recently completed at Grater Woods. He thanked Scout Parker and his volunteers.

Vice Chairman Mahon remarked the funding the State has for Milfoil will run out next year. The next budget cycle begins in January, and those funds are an easy target for funding of other projects. He suggested the need to remain in touch with the State Representatives and follow the Legislative calendar and committee hearing schedules. The budget process has begun; however, the actual legislative action won't take place until after the Legislature is convened in January.

Chairman Harrington suggested contact with Merrimack Representatives who should be able to keep interested individuals up to date on actions, timelines, etc. Town Manager Cabanel commented on reading something in newsprint about the Legislature attaching a certain amount to boating licenses to be set aside for Milfoil. She offered to look into it.

Councilor Koenig welcomed Councilor Woods and thanked Mr. L'Heureux and Ms. Peterson for coming forward and participating in the process.

**MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting.
MOTION CARRIED 6-0-0**

The July 17, 2014 meeting of the Town Council was adjourned at 8:14 p.m.

Submitted by Dawn MacMillan