



## **Town Council Meeting Minutes**



Thursday September 24, 2015, at 7:00 PM, in the Matthew Thornton Room

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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 Koenig, Councilor Rothhaus, Councilor Vaillancourt, and Assistant Town Manager/Finance Director Paul Micali. Councilor Dwyer and Town Manager Cabanel were excused.

### **Pledge of Allegiance**

Chairman Harrington led in the Pledge of Allegiance.

### **Announcements**

The 3<sup>rd</sup> Annual Merrimack Rocks event will be held on Saturday, September 26<sup>th</sup> at the Pavilion at Watson Park beginning at 4:00 p.m. and concluding with a fireworks show at 8:00 p.m. Merrimack Rocks is an evening of live music, attractions, fireworks, and a tribute to celebrate Merrimack and Merrimack citizens past and present.

Regular meetings of the Town Council will be conducted on Thursday, October 8<sup>th</sup> and October 22<sup>nd</sup> at 7:00 p.m. in the Matthew Thornton Room.

The Merrimack Police Department Drug Take Back day is Saturday, September 26<sup>th</sup> from 10:00 a.m. - 2:00 p.m. at the Police Station. Anonymously drop off unwanted and unused prescription medications to be properly disposed of right in the lobby.

The Fire Department wants to remind everyone that, as part of the observance of Fire Prevention Week, they will conduct their annual Open House on Wednesday, October 7<sup>th</sup> from 4:00 - 8:00 p.m. at Merrimack's Central Fire Station located at 432 D.W. Highway. The Open House is the Department's way of showing citizens who they are and what they do, as well as demonstrating their emergency capabilities, equipment, apparatus, station, and personnel. This has become an event enjoyed by many Merrimack families, typically attended by 400-500. Parking is available at Watson Park or the CVS parking lot. For further details, please contact the Town Manager's Office at 603-424-7075.

### **Comments from the Press and Public** - None

### **Recognitions, Resignations and Retirements**

#### **1. Recognition of the Retirement of Town Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present a recognition award to Joseph R. Goodridge in recognition of his retirement from the Merrimack Police Department, October 1, 2015, with more than 17 years of full-time service.

Councilor Rothhaus remarked it was 17 years ago when he had the opportunity and privilege to swear Sergeant Goodridge in as an Officer with the Department. He had started 4-5 years earlier as a Special.

Mark Doyle, Chief, Merrimack Police Department, spoke of Sergeant Goodridge's 23 years of exemplary service. He became a certified part-time Police Officer back in 1993, in 1998 he was sworn in as a full-time Officer by the then Selectman Rothhaus. He attended the 117<sup>th</sup> Police Academy and graduated with the highest level of physical fitness award (1999), Police Officer of the Year in 2003, became a Detective in 2007, promoted to Patrol Sergeant in 2008, and has literally over thousands of hours of in-service training including leadership, management, legal, tactical, homeland security, and FBI related narcotics investigative training. He has an Associate Degree, a Bachelors Degree, and Masters in Criminal Justice Administration. He has volunteered at Kids Cove, the rebuilding project, with the Merrimack Youth Association (MYA), and as a mentor with the RSEC Academy.

Sergeant Goodridge will leave a large void within the Department as well as the community when he retires; a void that will be difficult to fill in terms of his experience, community service, expertise investigations, and street cop mentality as well as his leadership by example. Chief Doyle stated Sergeant Goodridge always has been and always will be the epitome of leadership as far as first line supervisors go in the Department.

Chief Doyle spoke of the numerous and varied situations Sergeant Goodridge has been involved with during his time with the Department including detention of a foreign national, which occurred shortly after the 911 attacks when a top 10 suspect wanted by the Department of Homeland Security was stopped and detained by then Officer Goodridge, and coordinated, as part of the narcotics investigation unit, Operation Clean Sweep netting 11 suspects involved in the illicit sale and distribution of cocaine, heroin, and marijuana in the community. Chief Doyle commented Sergeant Goodridge has had just about every award and commendation conferred upon him except for the Medal of Freedom, and he suspects that is coming shortly.

Chief Doyle, on behalf of the Merrimack Police Department family, extended gratitude to Sergeant Goodridge for his service, loyalty, and friendship.

Sergeant Goodridge thanked Chief Devine for having had faith in him and hiring him initially and Chiefs Mulligan and Milligan who treated him like a son. He thanked his family for their support. He commented on how much he has learned from Chief Doyle, Captain Albert, Lt. Killkelly, and Lt. Poirier. He addressed all of those he has worked with when stating they are like family, and will be missed.

Councilor Rothhaus presented Sergeant Joseph Goodridge with a plaque in recognition of the loyal and dedicated full-time service he has contributed to the citizenry of Merrimack for more than 17 years.

## **2. Recognition of the Retirement of Town Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present a recognition award to Judith A. York in recognition of her retirement from the Merrimack Police Department, September 30, 2015, with more than 30 years of full-time service.

Chief Doyle stated Ms. York has performed over 30 years of dedicated service to the Merrimack community. She started in January of 1985 when she was hired as a full-time Legal Secretary at the Police Department. She has been regularly involved in preparing court cases, subpoenaing witnesses, scheduling cases for court, preparing witnesses, discovering material for defense Attorneys, and working tirelessly for the Prosecutors, including him for the few years he performed that function. She has a breadth of institutional knowledge of the Department, and, he has come to understand, she is a very adept and accomplished writer.

Ms. York volunteers her time regularly to special events involving the officers working in the community, and was a tremendous help a few years prior when the Department was in transition for the Officer Manager position; she stepped up and helped the Department get through a very difficult and trying time. Ms. York is the Union President of the New England Police Benevolent Association (NEPBA) Local 112.

Chief Doyle spoke of how Ms. York shares his affinity for decorating at the holidays, and how she religiously helps out at the Annual Holiday Food Drive put on at the Department.

Chief Doyle stated Ms. York will be missed mostly because of her dynamic, engaging, and spirited personality. On behalf of the Merrimack Police Department family, Chief Doyle thanked her for her service, dedication, and friendship.

Ms. York commented it has been a very interesting 30 years. She has enjoyed it tremendously and has made great friends.

Chairman Harrington expressed the gratitude of the Council and the citizens of Merrimack for Sergeant Goodridge and Ms. York's combined 47 years of service to the Town of Merrimack.

### **3. Recognition of the Retirement of Town Employee**

*Submitted by Human Resources Coordinator Sharon Marunicz*

The Town Council will present a recognition award to Ronald M. Bergeron in recognition of his retirement from the Merrimack Public Works Department, September 30, 2015, with more than 35 years of full-time service.

Chairman Harrington noted Mr. Bergeron was unable to be in attendance. She read the following statement provided by Rick Seymour, Director, Public Works Department:

*"Ron's 35 year career with the Town of Merrimack began in September, 1980, and will come to a close on Wednesday, September 30<sup>th</sup> when he makes his next most memorable move; retirement.*

*For 35 years Ron successfully fulfilled his role as a Mechanic for the Town of Merrimack. Ron saw great change throughout his career. He worked for many years on Police Department vehicles working on changeovers. He worked on installing light bars, two-way radios, and emergency lighting on Town vehicles, and most recently his focus was working on fire vehicles and updating and maintaining the maintenance records. He managed difficult tasks and obstacles and was able to solve problems effectively. This is a new world of leisure awaiting you Ron. We hope you achieve more of your dreams. Enjoy your retirement."*

*There being no objection, the Council recessed for five minutes at 7:17 p.m. to allow the room to clear.*

*The Council reconvened at 7:22 p.m.*

**Appointments** - None

## **Public Hearing**

### **1. Public Hearing - Proposed Changes to Chapter 183, Vehicles and Traffic**

*Submitted by Police Chief Mark E. Doyle*

The Town Council will hold a public hearing to consider the proposed changes to Chapter 183 - Vehicles and Traffic, of the Town Code, to add a section restricting through traffic on Valleyview Drive to "Emergency Vehicles Only" between tax map parcel 5C/142 and 5C/148, pursuant to Charter Article V, Section 5-3.

Chief Doyle stated the only amendment that has been made since the first reading was under the Definition portion of the Ordinance. The amendment is to clearly identify the definition of Emergency Vehicles. Per State Statute (RSA 259:28), those vehicles defined as "Emergency Vehicles" are only emergency vehicles when they are actively engaged in responding to a bona fide emergency. That would preclude police cars from normal directed patrols, maintenance vehicles in the Public Works Department, and snow plows removing snow that wouldn't otherwise be affixed with an emergency light for example.

Current signage on Valleyview Drive reads: "Authorized and Emergency Vehicles Only". There is a need to include a definition of "authorized". The proposed amendment reads: "For the purpose of this ordinance, "Authorized Vehicles" are defined as vehicles owned by the Town of Merrimack and includes, but is not limited to, those of the Merrimack Police, Merrimack Fire Rescue, and Public Works Departments. Emergency Vehicles are defined as such under RSA 259:28, which was previously stated in the original draft provided for a first reading.

***Chairman Harrington declared the Public Hearing open at 7:31 p.m.***

Councilor Boyd spoke of having received an email dated September 22, 2015 at 8:28 p.m. Councilors have been provided a copy. The email was from an abutter on Valleyview Drive. Ms. Becky Thompson was copied on the communication. He read the email into the record:

*"Dear Bill, I'm writing because at this point it appears that I will not be able to attend the Council meeting on Thursday, September 24<sup>th</sup>. My husband's school is having Open House that evening, and since he needs to be there as one of the teachers, I will need to stay home with our children.*

*Please explain to the Council members that my absence in no way reflects a lack of interest in the issue regarding the emergency access road portion of Valleyview Drive. Between my husband and myself, we have been to every meeting (Planning Board and Council) pertaining to this issue to date. The meeting on the 24<sup>th</sup> will be the first one neither of us can attend. Though I feel badly that one of us won't be there to speak during the Public Hearing segment of the evening, I have peace knowing that I have already shared my concerns and hopes when I was at the last Council meeting.*

*In summary, we desire to see the Police Department empowered and supported in enforcing the “Emergency Vehicles Only” designation because we consider any and all through traffic to be a severe danger (to our children and to our neighbors). Thank you in advance for sharing this email on our behalf during the public hearing portion of the Valleyview discussion, and for all you and the other Council members do to protect Merrimack residents.*

*I appreciate the time, effort, and consideration you all put into making decisions with our best interests in mind. I look forward to hearing back from you. Sincerely, Shauna Amick, 11 Valleyview Drive, Merrimack, NH 03054”*

Councilor Boyd stated he responded in kind that he would, after consulting with the Council and copying the Town Manager, be reading the email communication into the record.

Dave Hammond, 18 Valleyview Drive

Stated he and his wife wished to add their position; agree with and promote the restriction of the access road to emergency vehicles only. He stated the amount of traffic that has been on that road up until now has been amazing, even with the signs in place. One of their concerns is how to enforce the road as emergency vehicles only. He commented they would like to have a gate, however, understand that is not what is being discussed.

***Chairman Harrington declared the Public Hearing closed at 7:34 p.m.***

Councilor Vaillancourt thanked Councilor Koenig for bringing to the forefront a desire for clarity with regard to the ordinance language around “authorized vehicles”. She remarked she too had questioned why a gate could not be installed, and learned a gate is not permitted because of the class of road.

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the proposed changes to Chapter 183 under Vehicles and Traffic to the Consent Agenda for the Council’s October 8, 2015 meeting. MOTION CARRIED 6-0-0**

**Legislative Updates from State Representatives** - None

### **Town Manager’s Report**

A Household Hazardous Waste Collection will be held on Saturday, October 3, at the Nashua Public Works garage at 9 Stadium Drive from 8:00 a.m. - Noon. For a list of acceptable materials please check out the Solid Waste Division on the Town website. There is a fee of \$10, which covers 10 gallons or 20 pounds of material.

The Parks & Recreation Department will be holding an American Red Cross Community Blood Drive on Thursday, October 1<sup>st</sup> from 2:00 - 7:00 p.m. in the Function Hall at Wasserman Park. Those who are interested in donating should call the Parks & Recreation Department at 882-1046 to schedule an appointment.

The Friends of the Library group purchased a Little Free Library, and through a partnership with Merrimack Parks and Recreation it's found a home at the playground at Wasserman Park. Thanks to the Merrimack Department of Public Works for installing it; this is collaboration at its best. Our hope is that other groups or individuals will want to sponsor a Little Free Library at their business to provide even more free and accessible reading materials throughout our community. Little Free Libraries are stocked with a variety of books and folks are welcome to take a book and leave a book; thus making the Little Free Library collection community-driven and sustainable. For more information please call Library Director Yvette Couser.

**Consent Agenda** - None

**Old Business** - None

**New Business**

**1. Request for the Acceptance of Donated Funds**

*Submitted by Parks and Recreation Director Matthew Casparius*

Town Council to consider the acceptance of a donation from Eagle Scout Justin Calautti in the amount of \$246.96 for the Parks and Recreation Department and Wasserman Park, pursuant to Charter Article 8-15 and RSA 31:95-b.

Paul Micali, Assistant Town Manager/Finance Director, informed the Council Eagle Scout Calautti completed his Eagle Scout project, which was building the new kayak storage rack near the waterfront at Wasserman Park. Funds remaining from fundraising efforts total \$246.96. The desire is for the remaining funds to be donated to the Parks and Recreation Department and Wasserman Park.

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept, with gratitude, a donation from Eagle Scout Justin Calautti in the amount of Two Hundred Forty Six dollars and Ninety Six cents (\$246.96) for the Parks and Recreation Department and Wasserman Park, pursuant to Charter Article 8-15 and RSA 31:95-b, and furthermore that the Town Manager and/or her proxy be authorized to sign any or all documents related to accepting the funds, and be asked to send a letter of gratitude and congratulations to Eagle Scout Calautti. MOTION CARRIED 6-0-0**

**2. Pearson Road Sewerage Pump Station Status Update**

*Submitted by Assistant Director of Public Works/Wastewater James E. Taylor*

Town Council to be updated and presented with the details of the Pearson Road sewer pump station project.

Assistant Town Manager/Finance Director Micali stated Mr. Taylor has been working on this project with Director Seymour and the Public Works Department (PWD) in Bedford for the better part of 8 months. They have participated in several meetings with the Town of Bedford regarding this issue.

James Taylor, Assistant Director, Public Works Department/Wastewater, stated the Pearson Road pump station serves 223 homes in the Town of Bedford and 24 homes on Grapevine Drive in Merrimack. The difference between the two is that the homes in Bedford have individual pump systems connected through a series of pipes called force mains, which is then pumped over to the

Pearson Road pump station. On Grapevine Drive, the homes are serviced by gravity sewer, e.g., a series of sewer pipes connected, which flow downhill by gravity to the pump station.

Over time, the wastewater from Bedford has caused significant damage and corrosion to concrete structures, manholes, pipes, etc. That is due to Hydrogen Sulfide gas that forms with moisture within the structures, and then forms a mild sulfuric acid, which, over time, eats away at the concrete.

The Town of Bedford recognizes they have caused the damage, and will fund the entire upgrade of the facility. The immediate need is for replacement of the manholes and pipes. Mr. Taylor stated his opinion this work needs to be done before this winter. He is concerned with the integrity of the structure. CSSI has been the low bidder for several projects in Merrimack, and has been retained for this project. The Town of Bedford has been invoiced for the work. He reiterated the Town of Bedford has agreed to pay for this work and additional improvements in the next construction season.

Vice Chairman Mahon commented this is not the only instance of a problem in this area. Problems in that area have existed for the past ten years or so. Mr. Taylor noted significant upgrades were required before the road was accepted. Councilor Rothhaus commented, he had been on the Board of Selectmen at the time a proposal was made to allow the forced mains, which is something that is not typically done in Merrimack. The road was accepted a few years later. He questioned if the corrosion was a result of it being a forced system. Mr. Taylor responded that is the reason the Town does not allow these types of systems. There are some homes that are connected, but the Town would not allow a wholesale development to install this type of system because of that. He commented the wastewater basically goes septic and it creates a very bad condition for worker safety as well as the corrosion. Councilor Rothhaus questioned if it is because waste is sitting in the pipe rather than simply flowing away. Mr. Taylor stated that to be accurate.

When asked about the anticipated lifespan of the system, Mr. Taylor responded daily rounds of that station are done; however, a review of the structures is done annually. The Inter-municipal Agreement is due for renewal next year. There is the desire to strengthen language to ensure there are no future concerns. What is being looked at now is better coating systems. There were some put in, but they have not withstood the test of time.

Assistant Town Manager/Finance Director Micali remarked the desire was to present the project to the Council and inform those who travel Pearson Road of impending construction (next 6-8 weeks). When asked, Mr. Taylor remarked CSSI has stated a belief this portion of the project will require 7-10 days to complete.

Councilor Koenig commented the letter suggests CSSI will work on items 1 and 2, and questioned if the \$90,000 figure is the cost of the entire project. Mr. Taylor stated the \$90,000 is for the first phase. The Town of Bedford will pay the total cost of the entire project.

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

- **Informational Reports and Updates**

Chairman Harrington stated she purposely asked for the item to be placed at the end of the agenda given the short time that remained to publish an agenda after the proposed new route was made known, and believing the discussion could be lengthy.

Projected on a screen was a copy of the most recent map, which is based on the coordinates provided to the Nashua Regional Planning Commission by Kinder Morgan. The map is fairly significantly different in the sense that it goes down Continental Boulevard, veers away from the school a bit, then into the Fidelity property (right beside their building), across near the Outlet Mall, over the hill to Whittier Place, and then over.

Chairman Harrington spoke of a conversation she had earlier in the day with Lucas Meyer, Public Affairs Consultant for Kinder Morgan and previous conversations with Mike Lennon, Right-of-Way Manager, Kinder Morgan. Their discussions were with regard to Kinder Morgan attending a meeting of the Town Council to discuss the route (prior to the proposed change). Kinder Morgan was notified of the need to put in an agenda request. No such request has been received. In the discussion she had with Mr. Myer, she was informed Kinder Morgan remains interested. They discussed how they would engage in a discussion of concerns of the Council related to the most recent route.

Chairman Harrington questioned the will of the Council with regard to either arranging for an agenda item to be placed on a future agenda or conduct a workshop with attendance by representatives of Kinder Morgan. Vice Chairman Mahon stated his preference for a work session with the sole focus being that issue. He suggested that forum would be more helpful as there would be no other business before the Council. Councilor Boyd stated agreement with a work session, and commented he would prefer to have an understanding heading in that this was the only topic of discussion and that representatives from Kinder Morgan would be present for the duration to address questions posed.

*The consensus of the Council was for a Work Session to be scheduled.*

Chairman Harrington stated she would contact Mr. Meyer the following day to arrange a date. Councilor Boyd noted the scoping period ends on October 16<sup>th</sup>. He would believe it desirable to schedule a work session well before that date so that the opportunity would exist to address any concerns that may arise with the Federal Energy Regulatory Commission (FERC).

Assistant Town Manager/Finance Director Micali stated his belief the information provided the Council has not yet been submitted to the FERC. It is the proposed route that will be submitted with the next Resource Report. Vice Chairman Mahon stated his belief the submission to the FERC that the Council was provided a copy of earlier in the day was for the three alternatives that had been presented to the Town Manager. Councilor Vaillancourt stated her belief it was a response to the Delegation's questions. Vice Chairman Mahon responded it was to some extent. Councilor Vaillancourt remarked it was their version of a response, but what she believed the submission was addressing.

Councilor Vaillancourt noted there is nothing that precludes Kinder Morgan from making submission(s) after October 16<sup>th</sup>. However, the Council would not be able to comment after that time. Chairman Harrington stated the Council could comment; however, Kinder Morgan would not be required to respond in their Resource Report.



Vice Chairman Mahon commented with what was discussed at the Open House, what was stated by Kinder Morgan at the meeting with the Town of Amherst, and what Kinder Morgan has stated to other members of the Council and the Town, it is not likely the new route will be submitted until Kinder Morgan makes its final submission to the FERC. When that is complete, the FERC issues a timeline for their comment periods, hearings, etc. for the final application.

Councilor Vaillancourt commented since they volunteered the current map, she is assuming, if the route changes again, they will voluntarily share that map as well. Councilor Koenig remarked having talked to representatives of Kinder Morgan at the Open House, they presented this as a map that they appreciated and thought was the best thing in the world, but they also said that there are tweaks and adjustments that they want to make. He commented he kind of chuckled at the idea that they would go up behind the Outlet Mall because that is all granite, and they are talking about a massive expense, and the response was well we will just move it and adjust it, etc. He remarked he has no reason to believe that they would not be sharing that information with the Town. They want the Town to be aware of what is going forward.

Assistant Town Manager/Finance Director Micali noted Town Manager Cabanel has had conversations with them as well. They have been in talks with the New Hampshire Department of Transportation (NHDOT), which is one of the alternatives to what Councilor Koenig was saying about the granite blasting, etc. They are still talking with the State and NHDOT. They have one access point coming across the highway on the other side of the Outlet Mall. All of their maps have showed the route coming across that one access. They are looking at perhaps moving it south of there or following the highway in some other area for their access point to come across.

Councilor Vaillancourt remarked both Vice Chairman Mahon and Councilor Koenig attended the Open House, and have done a wonderful job reiterating their conversations and sharing that information with the rest of the Council. Tim Tenhave, Chairman, Conservation Commission was in attendance, and has shared his thoughts. In addition, Ron Miner, Superintendent, and Lon Woods, Chairman, Board of Commissioners, Merrimack Village Water District (MVD) were also in attendance. She stated concern the route continues to ignore the wellhead area. This was pointed out to Kinder Morgan. She had the impression there would be follow-up discussion regarding this, and questioned if additional information is known. She requested the Town Manager be asked to follow-up with the MVD. Vice Chairman Mahon responded that could always be done. He stated he did not get that impression; he had gathered they were simply having a difficult time talking to them. Vice Chairman Mahon stated they are unaware of some of the conditions on the ground.

Chairman Harrington stated the Town Manager is working on contacting all of the businesses on the route making them aware of the new route. Once a date has been established for the Work Session, invitations will be sent out to the businesses and others that would be impacted by the new route, the Merrimack School Board, the MVD, Merrimack Conservation Commission, etc.

Councilor Vaillancourt noted the Town Council has shared the maps with the School District. She stated, to her knowledge, the Conservation Commission has not received a response to the invitation to place an agenda item on a future agenda of theirs. She has learned that Kinder Morgan has sent mitigation letters to conservation commissions in each of the affected towns.

Assistant Town Manager/Finance Director Micali spoke of severe pushback by some of the conservation commissions in the western part of the State with regard to mitigation. It does not look as though Kinder Morgan will appear before conservation commissions any time soon. Commissioner Vaillancourt remarked it is a very difficult issue because you don't want people to think that you are accepting what is being called blood money, but at the same time if financial mitigation were in the form of a payment to the State's Aquatic Resource Mitigation fund, those monies could be earmarked for projects outside of the area of impact. She stated her belief the Conservation Commission will engage in discussion of projects that could be identified if mitigation is necessary. She commented on having questioned who would have the responsibility of identifying mitigation and requiring funds to come forward, and was told it is the New Hampshire Department of Environmental Services. The associated timing would be in conjunction with Tennessee Gas Pipeline's wetland permit filing. Chairman Harrington and Vice Chairman Mahon spoke of the importance of being prepared for such an instance. The consequence of not being prepared could be the loss of mitigation funds.

Chairman Harrington stated the Council has not received any additional information regarding the Survey Access Agreement. Vice Chairman Mahon commented, based on the most recent map, the Agreement would not be necessary. Councilor Koenig stated he had spoken with Jim Hartman, Right of Way Agent, and Allen Fore, Vice President of Public Affairs, during the Open House, and the Agreement came up. Mr. Hartman stated because it is still in negotiation he could not discuss it. When told it was not in negotiation, his response was you guys sent me a signed form and I can't sign that because there is a problem; you changed something in it. Councilor Koenig stated he has placed a call to Town counsel and is awaiting a response. He made Mr. Hartman aware the Council had submitted its final response. Councilor Boyd questioned what there is to negotiate given the map of the most recent route. Councilor Koenig remarked he is not sure they could possibly ever use this route. Councilor Boyd stated his belief it is a red herring. Councilor Koenig agreed.

Assistant Town Manager/Finance Director Micali noted the map includes property owned by the School District as well as a property purchased by the Conservation Commission. Councilor Koenig commented Mr. Fore appeared quite concerned that the Agreement is not yet in place. He questioned what he could do to resolve that. Mr. Hartman had stated he could not sign it because they would be legally responsible for non-public information. Councilor Koenig had informed him the Council could not, as a result of public information and the Right-to-Know Law, sign the agreement the way proposed by them.

Councilor Boyd stated the point is they are not talking to each other. He commented he does not believe there was discussion had when creating the most recent map. Vice Chairman Mahon remarked they looked at the Council's submission of September 4th, and made alterations to the map based on concerns expressed. Councilor Koenig stated they definitely indicated to him that they saw the Council's comments with the FERC submissions, and were attempting to respond to them.

Chairman Harrington spoke of having received correspondence from Whittier Place asking the Council to take more of a stand with them. She provided her opinion, the Council has done that in previous reports submitted when identifying neighborhoods by name. When responding to the recent map/route, that will be reiterated. She does not believe there is a need for additional documentation. She questioned the will of the Council. Councilor Vaillancourt stated their request was that the Council put something in writing to say that the Town Council supports their efforts to move the route away from their neighborhood. They are in negotiations right now trying to get the route moved away.

Chairman Harrington reiterated that has already been done. Councilor Vaillancourt stated agreement. She commented the Council needs to be careful to not suggest or support moving the route away from their neighborhood as it could very well impact another neighborhood. The Council has been pretty consistent in its position of not suggesting any particular route. Vice Chairman Mahon stated agreement, and commented there is the need for the Council to take a broader view of the issue. He remarked Mr. Murray from Fidelity was very active at the Open House in tracking down Mr. Fore and Mr. Hartman. He commented on having met with Fidelity on the afternoon of the Open House on a phone conference with Mr. Murray in the office, his supervisor in Boston, and legal counsel in Boston. They had scheduled another phone conference for the following day for themselves. They were trying to set something up with Kinder Morgan to have more direct discussion regarding the impacts of what they are proposing. Chairman Harrington commented she believes, as they are notified, all of the businesses will become much more active.

Assistant Town Manager/Finance Director Micali noted a final Scoping Meeting scheduled for 6:00 p.m. on September 29<sup>th</sup> at Franklin Pierce University. He has heard the meeting will conclude at 10:00 p.m.

- **Action Items**

- Continue to press Kinder Morgan for a Public Meeting in Merrimack - **Meeting held 3/26/15**
- Place an action item on Feb 12th agenda requesting 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 2/12/15**
- Update list of properties that directly about proposed pipeline route with a list of properties that fall into pipeline hazard zone - **Completed**
- Consider consultant to:
  - Research communities' property value effects of recent pipeline installations - **Engaged Avitar**
  - Evaluate impacts on the sewer line - **Engaged Wright Pierce**
- **Reviewed first draft. Final Report should be provided by 6-5-15.**
- Support Conservation Commission's efforts to update data for environmental impacts on HHNP and Gilmore Woods - **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 – **At the 4/28/15 meeting, Town Manager Cabanel asked Jim Hartman, Kinder Morgan Principal Land Specialist, for map and lot numbers of affected land owners and was denied the request.**
- Work with property owners to develop a list of who has been notified of the project and requests for surveys - **Completed**
- Maintain contacts at FERC and NH Congressional delegation - **Ongoing** (NH delegation attends Managers meetings)
- Consult with PSNH (Eversource) regarding where they are in the process with Kinder Morgan and Public Utilities Commission - **No response - No contract between parties (4/23/15)**
- Consult and share information with large companies (A-B/InBev, Elbit, Premium Outlets, Fidelity, PanAm, 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**

Approved: October 22, 2015

Posted: October 26, 2015

- Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal Delegation
  - Letter to Governor - **Letter sent 4/14/15**
  - Letter to Congressional Delegation - **Letter sent 4/14/15**
  - Letter to Local Reps - **Letter sent 4/14/15**
- Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan – **Ongoing (between the Town’s legal counsel and Kinder Morgan’s legal counsel). The agreement is being “actively worked”.**
- Town Council Letter to the FERC re: Town and TGP Survey Access Agreement Negotiations - **eFiled 9/4/15.**
- Town Council Letter to the FERC re: Amherst Alternative Route 1 Impacts to the Town of Merrimack – **eFiled 9/4/15.**

*Chairman Harrington opened the floor for public comment.*

#### Public Comment

James Ferreira, 7 Maryann Lane

Commented he feels as though Merrimack was bamboozled by its neighbors in Amherst. He requested the New Hampshire Municipal Pipeline Coalition (Coalition) and Chairman Harrington specifically look at excommunicating them from the Coalition on the grounds they don’t have the best interest of New Hampshire at heart. He feels as if Kinder Morgan has finally cracked our armor and have started the divide.

Mr. Ferreira spoke of the discussion during the Council’s last meeting with regard to the suggestion of writing a letter to the Inspector General. He stated there is a subcommittee in the Office of Inspector General that would have some legality over the pipeline and the FERC hearings. He commented he is having a tough time determining who that letter would need to go to.

Councilor Boyd noted the Council received a response from the Congressional Delegation, from that Inspector General, that specifically stated that is correct, but it would be after the fact. Vice Chairman Mahon noted it was not Kinder Morgan who initiated the alternative routing. This segment through Amherst was initiated by Amherst’s Pipeline Task Force. It was noted a member of the Amherst Board of Selectmen and of the Amherst Conservation Commission sit on the Amherst Pipeline Task Force. Vice Chairman Mahon remarked they have been very skillful in ensuring they were behind this all the way. They only hint at the number of meetings they have had with Kinder Morgan to hammer this route out over the time between March and July. It is not Kinder Morgan cracking the armor, it is the initiation by the task force for the Town of Amherst.

Mr. Ferreira suggested in the final letter to the FERC, the Council should highlight that the Northern Pass will completely replace the Vermont Yankee Nuclear power site, which would provide a surplus of energy in this region and projected costs and cuts to electric in this region will be anywhere from 60-70%.

Chairman Harrington commented none of this gas is going to a power plant so there will be no electrical impact at all. Vice Chairman Mahon commented TGP and Kinder Morgan did open it up to bid two weeks ago.

Julie Penney, 51 Tinker Road

Commented she had just reviewed the first change only to learn of a second change. She referred to herself as an outsider coming into this as she is one of many in Town who have no clue of what is going on. There is information out there, but it is not reaching anyone. She stated there to be no need for the pipeline, and commented on the proposed routes.

Chairman Harrington questioned if Ms. Penney received a postcard in the mail several months ago providing information on the proposed pipeline. Ms. Penney stated she had been on top of it, but as time goes on people become occupied. There are signs, but the signs get stolen. If you are not on Facebook or Twitter you are not getting the information. She remarked she is not saying there is anything wrong, she is saying the information is not getting out. There is a lack of connection with this in this Town. There are people who are very animated about this and when she talked to them they are onboard with it, but they are not here. She suggested that speaks volumes about the Town; nobody wants it, but they are not here at the meetings. She is sad that she is present and is totally not qualified to be doing what she is. She remarked she has a little bit of information and made it her business to find out what she could over the past few days. She is frightened by how uninformed the residents of the Town are.

She stated the pipeline needs to go away. It serves no purpose to anybody except for the people who want to line their pockets with the profits. She questioned how we stop this. Chairman Harrington responded that is what we are trying to do. Ms. Penney stated she has been reviewing the website, and appreciates the information she has seen from the Council. It is nice, but she feels as if it does not matter what the Town has to say about this.

Chairman Harrington stated the Town has no control. All that can be done is to identify the areas of concern regarding the route and be able to get that information in front of the FERC who will look at the environmental issues, etc.

Councilor Boyd addressed Ms. Penney when stating you are a resident of Merrimack, you are a taxpayer in Merrimack, which makes you intimately qualified to talk about this issue. It doesn't matter whether you have done your homework for five minutes or five days. He spoke of the group of residents who have done yeoman's work. All that a citizen has to do is say what can I do to help, what can I do to educate myself so that I can help alleviate some of the burden on them.

Mr. Penney responded she is embarrassed as a resident because she feels like she is one of those fair weather people. She spoke of having talked with Ms. Rosati a long time ago and asking what she could do to help. Then she just went about her life and thought it was all being handled. She tries to make the overture to talk to people, and it is a hard place to be. She commented she does not know if this is purposely a closed-lip thing that is not publicized in Town.

Chairman Harrington responded part of it is society alone. A lot of people are working during the day and spending the night time with families, etc. She commented she was not politically active in her 20s and early 30s; her life was too busy.

Councilor Vaillancourt remarked part of the problem is that the public is unaware of the alternate routes. The most recent map will be posted to the Town's website. Councilor Vaillancourt spoke of having talked with the Town Manager regarding the businesses in Town and her understanding of the Town Manager's hesitancy with regard to imposing any type of a view of either support or opposition with regard to the pipeline. Councilor Vaillancourt noted her understanding and agreement with that position with regard to businesses. She stated the Council cannot assume that people know or that businesses are aware. She questioned how the Council can get the information out. Those who would be impacted by the original route have had months to research and discuss this. Now there are some who were not on the original route who could be impacted.

Councilor Vaillancourt stated those who reside in the Tinker and Thornton Road areas need to be paying attention because they are right in the line of fire for a possible additional change if Fidelity is successful getting the route moved south. She questioned how the Council gets information out about a new route that could possibly change again. Chairman Harrington commented from the beginning, and included in the postcard, was notice that this proposed pipeline will affect the entire Town.

Councilor Boyd suggested use of the mobile billboards to help get the word out, e.g., direct folks to the Town's website, etc. With regard to public participation, Councilor Boyd commented Merrimack is the 8<sup>th</sup> largest community in New Hampshire with about 27,000 residents, yet for every municipal election we are lucky if 2,000 people participate. State and Federal elections have a much higher participation rate. He spoke of the dedication of those who have been at every meeting, who vote, and care deeply about what occurs in Town. He remarked to some extent we are a bedroom, commuter community where people live here and travel south to Massachusetts for work. By the time they return home they want to spend time with their families and unwind; they are not making the time to attend evening meetings to hear what is occurring in Town government.

Ms. Penney questioned if the Council would be agreeable to the use of the electronic signs. She believes that would be helpful in getting information out.

Councilor Boyd pointed out, if residents listen to Jack Heath in the morning on WGIR (6:00 a.m.), Kinder Morgan is now advertising and promoting the pipeline. As a part of their promotional advertising Jack Heath is lobbying them softballs on the benefit of the pipeline. They are paying for free advertising, primetime, 8:00 a.m. when people are more inclined to be listening to news radio or talk radio as opposed to 6:00 or 7:00 a.m. when they are getting ready to get out to work, getting kids to school, etc.

He stated the Council learned of a decision by the Public Utilities Commission (PUC) because he happened to be listening to it on the radio. It came as a total shock to him, and there was a staff report that was released. Kinder Morgan was saying the PUC says we can benefit from natural gas benefitting generators and creating new modes of electricity to power the State of New Hampshire. What he didn't bother to say was that all of the rough data that was used was provided by Kinder Morgan to the State or ISO New England, which is the larger agency that oversees power in New England.

Chairman Harrington stated an understanding of the frustration expressed by Ms. Penney. Councilor Boyd commented on the roughly 450 individuals who attended the informational session with Kinder Morgan.

Councilor Rothhaus commented it is an age old problem. We act like we are surprised we can't get the information out, but the reality is it is all the time. Those who are most severely impacted will be there. People outside of that area, they are concerned, but it is not part of their life. What he believes has to happen and has been happening is the focus has to be on ensuring the Council points out the ecological, aquifer, and school concerns, etc. He is unsure what would be accomplished with the electronic signs.

Councilor Boyd remarked he is not sure what it would provoke either. He did note, with the new alternate route, all of the businesses down in Pennichuck Square that are impacted knew about the pipeline. They had felt it was north of them and they didn't have to care about it, and then they wake up one morning and find out they have to deal with it, and now they have to scramble and rely on others who have been working the issue for the past 4-5 months to get perspective as to what they can do.

Wendy Thomas, 10 Wildcat Falls Road

Stated she has never been in the path of the proposed pipeline. She has always joined the train because it is not fair for her Town. She spoke of attending the Open House, and of seeing maps that were placed on the table and were outdated. When approached to see if she needed assistance, she informed the gentleman in the blue coat that the maps displayed were outdated. The response she received was yes, but if you had asked me I would have told you they were outdated. She suggested that to be indicative of their method of operation. They are putting up as many blocks as possible.

Ms. Thomas stated one of the questions she asked and could not get an answer to was whether the new route increases the mileage and/or footage from the previous route. Chairman Harrington was uncertain. Vice Chairman Mahon stated his belief it is an overall reduction (Amherst and Merrimack).

Ms. Thomas stated she is a voluntary special education advocate for the State of New Hampshire. She works with special education children, and has tremendous concern with the pipeline being proposed to be so close to Thorntons Ferry School. From what she understands, the proposed pipeline is 1,100' away from the building. It is not 1,000' from the playground, which is what the School Board requested. Chairman Harrington responded the School Board will have to make that comment. Ms. Thomas stated a concern with the amount of granite in the proposed area and the need for a great deal of blasting. She commented if you have students who have sensory issues that will be a horrible school year for them. She suggested that to be something the Town needs to be aware of. Perhaps for the next two years those students need to be placed in another school. Chairman Harrington stated that to be an issue that would have to be addressed by the School Board.

Ms. Thomas commented on having been at the Democratic Convention over the past weekend. She had the opportunity to speak with Senator Shaheen, and to tell her the people in Merrimack are not feeling like they are being heard. Her response was I go to this meeting, I send representatives to this meeting, etc. Ms. Thomas spoke of when there was flooding out west and John Lynch went out there. He gave his personal phone number to these people. That is what is missing from our elected officials.

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We're not being heard. Chairman Harrington noted Senator Shaheen does have a representative at a lot of the meetings. She stated her belief Governor Hassan is also receiving information. She commented at a meeting she attended with her, she was very knowledgeable about the arguments, but she respectfully disagreed stating she feels the businesses in the State need this.

Ms. Thomas suggested there is the need for them to sit in on a Scoping Meeting to hear about people who are losing property value, see a guy crying because his retirement funds and all of his plans are going to be destroyed, hear about the environment that will be impacted, the towns that don't have the fire department to fight issues that could come about, etc.

Chairman Harrington stated her personal opinion they are getting that information, they are just choosing not to hear it in balance with what they think.

Debra Huffman, 60 Amherst Road

Commented on a point made by Ms. Penney that nobody wants it, and remarked the problem is there are a lot of people who actually do want it because they believe that it will reduce their electricity and heating costs. There is a lot of information out there that they can read that convinces them. She commented something Ms. Penney and others can do is review the available material to become more informed and learn to identify what is propaganda and what is reality. That information can then be shared, particularly with the businesses, to make them understand what they have been led to believe about the benefits of this pipeline really don't add up. There are people like Governor Hassan, an intelligent woman, who has looked at the data and believes one side.

Ms. Huffman stated she has analyzed that same data and cannot imagine how any intelligent person could look at both sides fairly and decide that this is in our best interest. Citizens that write to the Governor and Congressional Delegation can have an impact. It is true that the FERC will make the ultimate decision, but they are influenced by our Congressional Delegation.

Assistant Town Manager/Finance Director Micali remarked, if writing to Senator Shaheen's Office, her representative has suggested constituents address correspondence to the Manchester office. The representative also noted ours is the only delegation that has not come out for or against the pipeline.

Carol DiPirro, 10 Cambridge Drive

Stated her belief use of the electronic signs to get information out regarding this matter would be beneficial. She questioned if the meeting the Council is proposing would be open to the public, and was told it absolutely would be.

Gina Rosati 15, Dunbarton Drive

Suggested the need for a push during these last few weeks that are available to make submission to the FERC. She spoke of having gone to a movie in Wilton called End of the Line. It is available online, and is about the Bluegrass Hazardous Liquids Pipeline that was proposed in Kentucky, which is one of the few pipelines that didn't get approved by the FERC. They were transporting a byproduct of fracking that is used to make plastic. The pipeline was not approved. It can be done.



The New Hampshire Pipeline Awareness group was there, and had some good stuff to say after the movie. One of the things they said was that it would be great to get Congresswoman Annie Kuster to the Rindge FERC scoping meeting, and have her publicly come out against the pipeline.

Ms. DiPirro commented, when at the meeting in Amherst, she noticed how close the route is to the Home Hospice (400') and to Thorntons Ferry School (1,100'). During the Open House, she asked Barry Duff, Principal Project Manager, Kinder Morgan, if it is 1,100' to the school building or the property edge, and was told it is to the corner of the building. She asked him if he is aware there are 500+ kids that are on the upper playground, which is not probably 900', 5 days a week. His response was that doesn't matter, we are submitting it as is. Ms. DiPirro commented she asked him if he has ever even walked the area and knows where the pipeline is proposed to go. His response was yes; he has been in the area many times, has seen it and walked it, etc. She commented she is not sure how he has walked it if he is not supposed to be on the property without Town representation.

Vice Chairman Mahon commented it is public property and people are on it every day. Supposedly they just can't do the thing they want to do on it. That doesn't preclude them from walking on it.

Chairman Harrington spoke of the letter the Town Manager and Ms. Huffman composed regarding the proposed metering station, and stated it has been reviewed by the Town's legal counsel. Understanding not all members of the Council had the opportunity to review the letter, she questioned the will of the Council with regard to how to proceed.

Councilor Koenig spoke of having read the letter, and commented he found it to have a great deal of information contained. However, he agrees with statements made earlier regarding asking for everything you could possibly ask for and getting whatever they give you. He stated his agreement with sending the letter as it asks for everything you could possibly ask for.

**MOTION made by Councilor Mahon and seconded by Councilor Koenig to authorize the Town Manager to sign the letter and forward it**

#### ON THE QUESTION

Councilor Vaillancourt stated she could support the motion knowing that Chairman Harrington and Vice Chairman Mahon have read the final version of the letter. The copy she received was an edited version that, when printed, was not clear.

Councilor Boyd stated he could not vote for something he has not read. Councilor Rothhaus requested he be provided a few moments to read through the letter. Councilor Boyd noted the deadline for submission is October 16<sup>th</sup>, and the Council meets again on October 8<sup>th</sup>. Vice Chairman Mahon stated he was acceptable to voting the motion down if the will of the Council.

*There being no objection, the Council took a five-minute recess at 8:53 p.m.  
The Council reconvened at 8:58 p.m.*

Councilor Boyd questioned if the New Ipswich letter to the FERC was reviewed as it relates to the proposed metering station with them and relied upon as a template and any ancillary information that could be gleaned. Ms. Huffman stated she could not recall as the letter was completed several weeks

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ago. New Ipswich does not have a metering station they have a compressor station. She does not recall if that letter was one of the many sources she drew from in drafting the letter.

Councilor Boyd questioned when the Town's legal counsel reviewed the document, and was informed legal counsel was provided with the draft over two weeks ago and returned it, with comments/edits, earlier in the day.

The Council expressed its gratitude to Ms. Huffman for her assistance in this regard.

**MOTION CARRIED 6-0-0**

### **Minutes**

Approve the minutes from the July 23, 2015 Town Council Retreat/Work Session and the special meeting of the Town Council of September 3, 2015.

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to table the meeting minutes of the July 23, 2015 Town Council Retreat/Work Session. MOTION CARRIED 6-0-0**

September 3, 2015

*The following amendments were offered:*

Page 2, Line 20; correct formatting; "Councilor Dwyer Echoed" should read "Councilor Dwyer echoed"

Page 2, Line 34; replace "hurtle" with "hurdle"

Page 5, Line 24; replace "intransience" with "intransigents"

Page 10, Line 44; replace "commened" with "commented"

Page 11, Line 24; add a space between "opinions" and "or"

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the minutes of the Special Town Council meeting of September 3, 2015 as amended. MOTION CARRIED 6-0-0**

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**Comments from the Press** - None

**Comments from the Public**

Gina Rosati 15, Dunbarton Drive

Commented on a member of the public who was taking notes regarding items that would be of interest to Kinder Morgan. Chairman Harrington noted the meeting is open to the public. Ms. Rosati stated she asked him who he was, if he was from the press, if he was from Kinder Morgan, and another asked if he was from Merrimack. He responded asking if he was being accused of something. Chairman Harrington reiterated he had every right to be here.

**Comments from the Council**

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Councilor Boyd noted the 6<sup>th</sup> Annual Erica's 5K Run/Walk will be held on Saturday, September 26, 2015. Additional information can be found at <http://www.ericasrun.com/>. September 26<sup>th</sup> is also the date for Art in the Park and the Merrimack Rocks events.

Councilor Boyd spoke of having seen an item posted by the Merrimack Police Department on Facebook informing the public they are now offering a dedicated surveillance area (two parking spaces) that are video monitored 24/7 for individuals who have to do a child custody switch between two parents, individuals who are purchasing from a website and are unfamiliar with the other party, etc.

Councilor Boyd reminded residents this time of year presents a great opportunity to take advantage of conservation areas when looking for outdoor activities. He reminded users of the trails to wear hunter orange.

Councilor Vaillancourt spoke of the wetland delineation study that was conducted on the Horse Hill Nature Preserve (September 12<sup>th</sup>), which included a training component. There is a desire to increase the size of the parking lot (Amherst Street entrance). It was learned that the wetlands are further away from the parking lot than originally suspected. As a result, increasing the size of the parking lot will not impact wetlands.

The Conservation Commission anticipates the attendance of Jeff Littleton at its next meeting. Mr. Littleton is the Wildlife Ecologist who conducted the Environmental Impact Studies (EIS). It is anticipated a final report will be provided at that time.

Councilor Koenig informed the viewing audience of the Walk to End Alzheimer's being held on Saturday, September 28<sup>th</sup> at Arms Park in Manchester. Registration begins at 8:30 a.m. and the walk starts at 10:00 a.m.

## **Adjourn**

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

*The September 24, 2015 meeting of the Town Council was adjourned at 9:10 p.m.*

Submitted by Dawn MacMillan