

Approved: September 11, 2014

Posted: September 12, 2014



Town Council Meeting Minutes

Thursday, August 21, 2014, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:10 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

Pledge of Allegiance

Councilor Woods lead in the Pledge of Allegiance.

Announcements

Town Offices will be closed on Monday, September 1, 2014 in observation of the Labor Day holiday. The State Primary Election is Tuesday, September 9, 2014. Polls are open from 7:00 a.m. to 7:00 p.m. in the All Purpose Room of the James Mastricola Upper Elementary School on Baboosic Lake Road.

Regular meetings of the Town Council will be held on Thursday September 11, 2014 and September 25, 2014 at 7:00 p.m. in the Matthew Thornton Room.

Absentee ballots for the September 9th Primary are available at the Town Clerk's office. Information regarding absentee ballots can be found in the Elections and Voting section of the Town Clerk's website or by calling the office.

Comments from the Press and Public

Bob L'Heureux, 94 Back River Road

Stated when Raymond Wieczorek Drive was opened, the New Hampshire Department of Transportation (NHDOT) placed a sign on it stating "Merrimack next four exits". The sign was incorrect as there are not four southbound exits. NHDOT realized the mistake and removed the sign (several years ago). Since that time, he has been working to have the sign replaced. Mr. L'Heureux informed the Council of his success noting a new sign has been erected on the Turnpike which reads "Merrimack next 3 exits".

Steve Tomasso, 146 Baboosic Lake Road

Informed the Council the resident of 144 Baboosic Lake Road owns roosters. Each morning between 5:00 a.m. and 5:15 a.m. the roosters begin crowing. This continues all day/every day. Mr. Tomasso spoke of avoiding returning to his residence during the lunch hour as he does not wish to be subjected to the noise. He commented he can no longer enjoy his deck because of the noise. He has contacted the neighbor on several occasions to discuss the issue. The woman of the house calls the police and the man of the house has stated they will eventually harvest the birds. The harvesting time has long since passed. Jokingly the owner has questioned if there is a place to purchase muzzles for roosters. Mr. Tomasso has offered to purchase the roosters to no avail. He stated he has contacted the Police Department on several occasions and the police have visited his residence at 5:30 a.m.

In the absence of a noise ordinance, the Police cannot take action. The owner claims his property is farm land. The Town Manager has been contacted only to state nothing can be done. A response received from Tim Thompson, Director, Community Development Division, was that all zoning districts within the Town allow agricultural use. Mr. Tomasso stated the issue is not one of animals, but noise. He requested the Council provide assistance and give the police a tool for enforcement.

Councilor Dwyer informed the viewing audience Mr. Tomasso has also contacted the Council in writing. Because of the timing of the meeting the item was not placed on the agenda. Mr. Tomasso was informed anyone is welcome to address the Council during the Public Comment period of the meeting. The issue Mr. Tomasso has brought forward, in writing, will be addressed at a future meeting where the item will appear on the agenda for board deliberation.

Councilor Dwyer stated his personal opinion disturbance of the peace is something that should be vetted thoroughly, and the subject matter of disturbing the peace may be another means to assist Mr. Tomasso or any other resident experiencing similar issues.

Recognitions, Resignations and Retirements

1. Recognition of Norman A. Peppin

Submitted by Highway Safety Committee Chair Chief Mark Doyle and Member Bob L'Heureux

Members of the Highway Safety Committee would like to formally recognize Norm Peppin for all of his hard work and dedication to the community of Merrimack as a member of the Highway Safety Committee.

Chairman Harrington noted Norman A. Peppin passed away on December 19, 2013. His Wife, Liane, and their Daughter, Laurie Allen, were present to accept the recognition.

Chief Mark Doyle, Chairman, Highway Safety Committee, stated the desire to pay special tribute to Norm Peppin who was a long-time Town employee and served for many many years on the Merrimack Highway Safety Committee. Without his valuable input, direction, and institutional knowledge the Committee would not have been able to carry out its mission as effectively as it has.

Mr. Bob L'Heureux stated he has been on the Highway Safety Committee for the past 33 years, and when asking Norm how long he had been on, his response would be five years longer than you. He spoke of the vast historical knowledge Norm had. Mr. L'Heureux commented no one could ever replace Norm as a member of the Highway Safety Committee, a Merrimack citizen, and most of all a good friend.

Chief Doyle read the recognition into the record:

In remembrance;

Whereas Norm A. Peppin was born in Grasmere, NH on May 4, 1938, and had been a resident of Merrimack for 65 years, and

Whereas Norm, survived by his Wife of 54 years, Liane, and Daughter, Laurie Allen of Merrimack, they have been further blessed with two grandchildren, and

***Whereas** Norm worked for the Merrimack Highway Department for 19 years after retiring in 1999 with 20 years of service from Anheuser Busch; and*

***Whereas** Norm participated in a variety of volunteer organizations and service projects. He had been an honorary member of the Knights of Columbus Queen of Peace Council 6725, member of the Merrimack Volunteer Fire Department for 6 years, and served on the Merrimack Highway Safety Committee since 1971.*

***NOW Therefore**, the Merrimack New Hampshire Town Council asks those present to join in a moment of silent prayer in respectful recognition of a fellow public servant, Norman A. Peppin, in memory of his devotion and service to his community.*

Given this day August 21, 2014

A moment of silence was observed in recognition of Norman A. Peppin.

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

1. Committee Appointments

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

The Town Council to consider reappointing the following recommended individuals to the Town's Committees, pursuant to Charter Article 4-8:

Michael Boisvert – *Conservation Commission* (Alternate to Full)

Lynn Christensen – *Planning Board* (Full)

Michael Redding – *Planning Board* (Full)

Phil Straight – *Zoning Board of Adjustment* (Full)

Leonard Worster – *Zoning Board of Adjustment* (Alternate)

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to reappoint Michael Boisvert as a Full member of the Conservation Commission. MOTION CARRIED 7-0-0

MOTION made by Councilor Boyd and seconded by Councilor Woods to reappoint Lynn Christensen as a Full member of the Planning Board. MOTION CARRIED 7-0-0

MOTION made by Councilor Boyd and seconded by Councilor Mahon to reappoint Michael Redding as a Full member of the Planning Board. MOTION CARRIED 7-0-0

MOTION made by Councilor Woods and seconded by Councilor Koenig to reappoint Phil Straight as a Full member of the Zoning Board of Adjustment. MOTION CARRIED 6-0-1
Councilor Harrington Abstained

MOTION made by Councilor Mahon and seconded by Councilor Dwyer to reappoint Leonard Worster as an Alternate member of the Zoning Board of Adjustment. MOTION CARRIED 7-0-0

Oath of Office administered by Chairman Harrington to Leonard Worster.

The Council returned to the regular order of business.

Appointments

1. Annual Review with the Zoning Board of Adjustment

Submitted by Zoning Board Chairman Fran L'Heureux

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

Fran L'Heureux, Chairman, Zoning Board of Adjustment, identified the members of the Zoning Board of Adjustment (ZBA), and noted two resignations that have occurred in the past year.

Over the past year the ZBA has had before it: two appeal cases; 1 granted and 1 denied, twenty six variance requests; 22 granted, 2 continued, and 2 tabled, three equitable waivers (all granted), twelve special exceptions; 8 granted, 2 denied, and 2 continued or withdrawn, and three requests for re-hearings; 1 granted and 1 denied for a total of 46 petitioners (July 2013 through August 2014).

Councilor Koenig questioned current membership status, and was informed the ZBA has a full complement of full-time members, and two (2) openings for alternate members. When asked, Chairman L'Heureux stated the alternate members are seated with the board and participate in the public discussion. In the absence of a full-time member, an alternate member would be appointed to serve in that role.

Phil Straight, member, Zoning Board of Adjustment, stated in accordance with legal advice, alternate members are encouraged to participate in the open/public debate; however, not in closing discussion as the members prepare to vote. Councilor Koenig commented the Planning Board allows alternate members to participate in all deliberation, but not the vote.

Tim Thompson, Director, Community Development, informed the Council of a training session that was conducted with legal counsel approximately a year and a half ago. During that session, the recommendation was made, due to the quasi-judicial nature of the ZBA being different than the Planning Board in terms of how the voting procedures work, the alternate members fully participate during the public hearing; are able to ask and answer questions and freely converse, through the Chairman, to the applicants and the public, but once the public hearing is closed and the ZBA enters its deliberation phase, they do not participate from that point forward. He added, the desire is to avoid a situation where an alternate member participates in deliberations and influences a vote, which could then become an opportunity for an applicant to challenge a decision.

Councilor Koenig questioned if there are areas where the Council could be of assistance, e.g., additional training, communication, legal advice, etc. Ms. L'Heureux responded the ZBA has a training meeting with Town Counsel coming up during which topics raised by the board will be addressed. Members have reached out to the Planning and Zoning Department, and the hope is for a joint meeting to be conducted in December.

Councilor Koenig spoke of the quasi-judicial nature of the board and the fact that laws and regulations control how the board operates. He spoke of the high level of responsibility members of the ZBA have, and the importance that members understand their positions and how they are representing the

Town. He requested members make the Council aware if there is any manner in which the Council can provide assistance to such a critical position in the Town.

Eileen Cabanel, Town Manager, offered her assistance to members of the ZBA. She spoke of the difficulties experience in the past year in the Community Development office as a result of turnover. She offered to work with the Town's attorney should the ZBA desire quarterly updates on court cases, etc. Ms. L'Heureux stated her appreciation, and that she will seek input from the rest of the board.

Councilor Dwyer stated his belief the ZBA is the least appreciated board, not in this town, but every other town. He remarked the Council has been pleading with people to come forward and serve on the ZBA. Very few step up, and those that do are the real leaders because they know it is the most thankless job in town. He remarked the very nature of zoning is "exception". When you apply for a variance it is always about making an exception to the rule. Councilor Dwyer commented although he sees the value in training, he believes a great deal of the decision making comes through being a good listener, using common sense, and good judgment. He stated his opinion the members of the ZBA are doing a great job, and expressed his gratitude.

Public Hearing

1. Public Hearing – Zoning Ordinance Amendments (Self-Storage Facilities)

Submitted by Community Development Director Tim Thompson

The Town Council will hold a public hearing to consider the Planning Board's 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.

Director Thompson stated the Zoning Ordinance does not currently include a definition of a self-storage facility. He spoke of a case that was before the ZBA approximately 9 months ago where the interpretation of the Zoning Administrator was changed from classifying these types of facilities as warehouse uses, which were permitted in the industrial districts, to a personal service use, which only permits them in the commercial districts. That had the effect of rendering the existing self-storage facilities non-conforming in terms of the Zoning Ordinance.

The Planning Board and staff have recommended the following changes to the Zoning Ordinance:

- Add a definition specific to self-storage facilities so that they are properly defined within the Ordinance,
- Add a new sub-section in the commercial district to allow for self-storage facilities by a Conditional Use Permit process with the Planning Board; and
- Add a use as a permitted use for self-storage facilities in the industrial district.

Chairman Harrington declared the Public Hearing open at 7:47 p.m.

Councilor Boyd remarked paragraph 3f under Section 2.02.3 D. Conditional Use Permit, reads in part "Electrical service to storage units shall be for lighting and climate control only.", and questioned whether comparable language needs to be included that specifically says that a self-storage facility can be both climate controlled and not climate controlled. Director Thompson responded it is certainly

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something that could add some clarity to the Ordinance if the Council chooses to add it. Although likely unnecessary, he does not see any harm in adding such language.

Director Thompson stated the definitions are a combination of a variety of different definitions he and his staff gained through research of ordinances from around the country. They tried to pull out of those the best aspects for Merrimack.

Chairman Harrington opened the floor for public comment. No one from the public addressed the Council.

Chairman Harrington declared the Public Hearing closed at 7:49 p.m.

**MOTION made by Councilor Mahon and seconded by Councilor Boyd to approve the zoning amendment as proposed and move it to the Consent Agenda at the Council's next meeting.
MOTION CARRIED 7-0-0**

Legislative Updates from State Representatives - None

Town Manager's Report

Naticook Summer Day Camp finished its 8-week Summer Program on Friday, August 15th. Every 3 years, the American Camp Association comes and spends two days going through all of the camp's policies & procedures and simply watching camp in action in order to determine if the camp continues to meet the 300 professional standards for accreditation. While we don't receive our official notification of our successful re-accreditation until November, our visitors seemed very happy with how the camp was being run.

Parks and Recreation's 10- week Summer Concert Series at Abbie Griffin Park will be continuing on Wednesday nights from 6:30 - 8:30 p.m. through August 27th.

The Fall Parks & Recreation Brochure of activities is now available. Residents can pick up a copy at Town Hall, the Library, the Parks & Recreation office, or on the website. Residents can also call Parks & Recreation to have a copy mailed to them.

The Community Development Department, along with other municipal departments, met recently with representatives from F.W. Webb for a preliminary kickoff meeting regarding F.W. Webb's forthcoming application for subdivision and site plan review for an approximately 1 million square foot warehouse/distribution facility to be located on a parcel behind St. Gobain on the D.W. Highway. Staff anticipates the applications for this major development will be submitted in the coming month or so.

The Planning Board, at its August 19th meeting, granted conditional final approval to the mixed-use development Conditional Use Permit proposed by Edgebrook Heights, LLC on land to the south of Nanocomp and Nashua Corp on D.W. Highway. This Conditional Use Permit approval does not grant authorization for any construction to occur, but sets the framework for future subdivisions and site plans for the eventual buildout of the site. The site is proposed to include multi-family residential,

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professional office, retail, and assisted living uses.

The Public Works Department will be hosting an informational meeting on Monday, August 25th for the Sunset Shores proposed sewer/water extension project. The meeting is from 6:00 - 8:00 p.m. in the Town Hall Memorial Room.

Work on the Naticook Phase II drainage project is scheduled to begin on Monday, August 25th. The work will involve extending the Naticook drainage system that was installed in 2011 onto the abutting roads (Danforth, Hassel, Hutchinson, and Cummings). Work is expected to take 3 - 4 weeks.

Consent Agenda - None

Old Business – None

New Business

2. Consideration of Donation to the Merrimack Police Department

Submitted by Captain Dudash

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$25.00 from Mrs. Langley to the Merrimack Police Department to be used towards the PACT Program, pursuant to Charter Article 8-15 and RSA 31:95-b.

Chief Mark Doyle spoke of receiving a card from Mrs. Langley. Mrs. Langley was in a bind at the beginning of the month when she locked her keys in the car. John Dudash, one of the Patrolmen, came to her rescue and bailed her out of her situation. To the fortunate surprise of the department, Mrs. Langley sent in a donation in the amount of \$25 to the Merrimack Police Department, which they believed would most appropriately be put towards funding the Police and Children Together (PACT) Program, which is designed to teach kids in the 5th grade at the upper elementary school the inherent dangers associated with peer pressure. He expressed gratitude to Mrs. Langley for her donation.

MOTION made by Councilor Mahon and seconded by Councilor Woods to accept the donation from Mrs. Langley in the amount of Twenty Five Dollars (\$25.00) and authorize the expenditure towards the PACT Program pursuant to Charter Article 8-15 and RSA 31:95-b. MOTION CARRIED 7-0-0

3. Review of Parks and Recreation Bylaws

Submitted by Parks and Recreation Director Matt Casparius

The Town Council to consider the Parks and Recreation Committee's recommended changes to the Committee's Bylaws.

Chairman Harrington stated her belief the item is that of a housekeeping measure to ensure the Bylaws are in compliance with the Charter.

Chris Christensen, Chairman, Parks and Recreation Committee, remarked the Committee is supposed to review and submit any changes to the Bylaws in June. The Committee has not undertaken the process in several years. At this time, the Committee has a few alternate members from the public; however, do not allow alternate members to be identified from outside organizations. He remarked it

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is truly a committee of committees; there is a member from each of the following; high school, Merrimack Youth Association (MYA) , Senior Citizens Club, Town Council, and School Board. Although the issue of ensuring an alternate member from the Town Council and School Board has been addressed, the identification of alternate members from each of the other committees has not.

Another issue of significance is related to the ability to obtain a quorum. At present a quorum is six (6). Because the Committee is short on membership and/or because the committee is not allowed to have the desired alternates, a problem with obtaining a quorum to conduct meetings has been a problem in the past. At present, there are seven (7) active members. One of the proposed amendments is to identify a quorum as four (4). Mr. Christensen stated his belief a quorum is established by the Council, e.g., not identified in RSA, Charter, etc.

Vice Chairman Mahon suggested revising the language proposed on page 3, under Section I – Meetings, D as follows: Four (4) Committee members ~~and~~ or alternates shall constitute a quorum at regular and special meetings. Vice Chairman Mahon remarked the quorum is typically something the Committee decides or may be defined in Statutes. Mr. Christensen responded he is unaware of a statutory definition. Vice Chairman Mahon provided the example of a majority of the members appointed constituting a quorum.

Town Manager Cabanel remarked she and Matt Casparius, Director, Parks and Recreation, had the opportunity to discuss the issue. The desire is for the language of the Bylaws to mimic that of the Charter. The Charter reads in part “There shall be a Parks and Recreation Committee consisting of twelve (12) residents of the Town of Merrimack. The Town Council shall appoint seven (7) members of the Committee for three (3) year terms and two (2) alternates who will serve for a period of three (3) years each. One (1) Town Council member shall be appointed annually to serve as an ex officio member. In addition, four (4) regular members shall be recommended from Merrimack organizations. There shall be one (1) voting member from each of the following organizations: the Merrimack Youth Association (MYA), the Senior Citizen Club, the School Board, and a representative from the Merrimack High School student body. Such organization members shall be recommended by their organization and, if approved by the Town Council, they shall be appointed for a one (1) year term. Four (4) alternate members, one from the each named Merrimack organization, may be recommended and appointed in the same manner as their regular appointed members.”

She stated her interpretation of the Charter language to indicate a quorum would be seven (7). She remarked she is unaware of whether or not there exists a State Statute that defines a quorum for the Committee. The Charter does not specifically provide that definition.

Director Casparius commented there are 12 positions as designated by the Charter; however, some of the positions are vacant. In that scenario would the quorum be 7 based on the 12 total positions available or would be it, for example, 5 if only 8 of the positions were filled? Councilor Dwyer asked for clarification if only 5 were present would it be an official meeting. Vice Chairman Mahon responded those present could engage in discussion, but could not take any official action. Vice Chairman Mahon questioned whether 12 positions are necessary.

Mr. Christensen commented one of the reasons behind the request for identification of a quorum as four (4) is the situation where a quorum is not present to conduct an official meeting and any discussion that occurs is not captured in meeting minutes. Vice Chairman Mahon stated he has run

into that scenario in the past. The way it was addressed was in the preparation of minutes that stated there was no quorum present; however, the following was discussed although no formal action was taken. That provided the desired transparency.

Vice Chairman Mahon questioned again the need for the current committee size. He suggested the Committee engage in a discussion of the need, and come back to the Council with a recommendation. Mr. Christensen stated it would be brought up at the next meeting. He commented the committee has managed with a smaller membership for quite some time. He noted when dwelling into more specialized items they have had increased participation. Vice Chairman Mahon suggested the possibility of a smaller core group and formation of ad hoc committees when addressing special interest items.

Vice Chairman Mahon spoke of the increasing difficulty in securing volunteers to serve on the numerous boards/committees/commissions. He remarked earlier in the evening the Council discussed the difficulty filling the positions on the ZBA. He remarked there may well come a point where it will become necessary to change the Statute in terms of how appeals are addressed based on the inability of individuals to volunteer due to the commitment of time required. It may be there comes a time when specialists have to be hired to address the need. Chairman Harrington commented that would result in the loss of local autonomy.

Vice Chairman Mahon suggested the opportunity exists to take a smaller step now with a non-quasi-judicial board; review other governance models for operation. Councilor Woods stated his belief the quorum number is the quorum number. He suggested, until a more concrete solution is reached, the quorum should remain as it is; seven (7).

Chairman Harrington stated agreement with the suggestion that consideration be given to amending the Charter language. In the meantime, the current quorum could remain. If the membership is defined differently, the quorum would automatically change. Councilor Dwyer suggested the situation/reality has changed since the time the Charter language was written, and consideration should be given to a Charter amendment. He stated agreement with a reduction in the total number of positions.

Vice Chairman Mahon suggested Section 4 – Secretary, be further amended by adding the following language at the end of the paragraph “in addition to the copy provided to and retained at the Town Hall”.

Mr. Christensen noted it would likely not be until the October timeframe that he would be able to come back before the Council with a recommendation from the Committee. Vice Chairman Mahon noted, should a recommendation be made for a Charter amendment, it would be necessary for the Council to be notified by the beginning of December. Chairman Harrington suggested the Town Manager work with the Committee to determine a date for the matter to be back before the Council.

Councilor Koenig question the “organization” that the representative from the Merrimack High School student body belongs to, e.g., Student Council, School Board, etc. Mr. Christensen stated the Committee receives the name of an applicant who is then appointed by the Council. Councilor Koenig remarked that individual does not belong to an “organization”. Mr. Christensen commented only in that the individual has to be a high school student. Councilor Koenig suggested that representative should be offered by some organization. Mr. Christensen stated the applicant is presented by School

Administration. Councilor Dwyer commented he has been on the Committee for the past year, and has never known the representative from the high school to be in attendance, which speaks to the idea of reducing the required number of positions. Vice Chairman Mahon remarked, from his experience, the issue is the desire to have something to do to encourage attendance.

4. Wasserman Park Dog Park – Fundraising

Submitted by Parks and Recreation Director Matt Casparius

The Town Council to consider the Dog Park Subcommittee's request to use some of the existing funds in the dog park account to assist in their ongoing fundraising efforts, as recommended by the Parks and Recreation Committee.

James Gary Murphy, 17 Brick Drive, representing the Friends of the Merrimack Dog Park, stated the request to be for the Council to approve the expenditure of \$1,500 from the dog park fund. The desire is to utilize these funds to cover the cost of materials, etc. needed to conduct a three-tiered marketing/fundraising effort to raise the additional funds necessary for the completion of the dog park. In the first tier, major businesses in town would be sought out and provided a formal presentation inclusive of a letter of introduction, map of the dog park, program plan for continuation of the dog park, and a request for donation. The second tier would be to approach small businesses with a less formal presentation. The third would be a general mailing of approximately 2,500 brochures seeking financial support from residents of surrounding towns.

The hope is these efforts will result in donations in the area of \$25,000. The fund is \$25,000 - \$35,000 short of the needed funds to complete the entirety of the dog park plan.

Councilor Rothhaus questioned soliciting funds from residents outside of Merrimack. Mr. Murphy responded the intent of the mailing is to target Hollis, Milford, and other surrounding towns for donations. He spoke of individuals wishing to make use of the dog park who reside outside of Merrimack. Councilor Rothhaus suggested holding off on the third tier of the plan commented if there is good use within the Merrimack community, which he believes will be the case, it could be an over-burdening proposition to start drawing people in from other communities. Councilor Rothhaus spoke of a mailing utilized to solicit funds for the Abbie Griffin Park, which raised thousands of dollars.

Councilor Boyd commented to access Wasserman Park a permit is required that identifies the individual(s) as resident(s) of the Town of Merrimack. Mr. Murphy stated his understanding that is a requirement for the beach only. Chairman Harrington stated agreement. Vice Chairman Mahon stated agreement with the suggestion the mailing effort be placed on hold until the level of use, etc. is understood. He added, the Council has requested, in the past, a set of rules and regulations for how the dog park will operate and if there will be a funding mechanism developed to general revenue for maintenance. None of that information has come forward. Those were some of the items requested to come to an understanding of who would be allowed to utilize the park and under what circumstances.

Vice Chairman Mahon questioned how the names and addresses of 2,500 individuals residing outside of Merrimack would be obtained. Mr. Murphy stated the group has been working with Papergraphics on the issue. They have a database of about 2,500 individuals that requests for donations could be sent to. When asked what the database is based on, Mr. Murphy stated it to be dog owners in the surrounding areas.

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Councilor Boyd questioned how the identified costs were arrived at, and stated his opinion the costs are underestimated. Mr. Murphy noted the breakdown of the total cost to be; \$509 for database/process/mail preparation, \$516 for mailing materials/printing, and \$375 for bulk mailing. The count of 2,500 names is based on the databases they have access to through Papergraphics. The intent is to target the mailing list to those that have dogs, live in apartments, etc.

Mr. Murphy remarked he made an electronic request of Exact Data Corp. for an estimate, which came back much higher than the one from Papergraphics. Chairman Harrington questioned whether there is a means of facilitating a mailing from the list of those who have obtained dog licenses in Town. Town Manager Cabanel responded that has already been done twice. The result of those mailings was the generation of some of the monies currently in the dog park fund. Mr. Murphy stated his understanding, in total, \$8,374 has been collected to date. Those who have donated have questioned how the funds are being utilized. There is the need to put a plan in place to gain the necessary funds to complete the park.

Councilor Dwyer spoke of receiving a lot of heat and some kudos when he and Councilor Boyd were able to highlight the benefits of moving the location of the dog park from Watson Park to Wasserman Park. He believed then and continues to believe Wasserman Park is a better location for the dog park. He remarked, although he continues to be in support of a dog park, the showing of support seen as a result of the two mailings to dog owners in the Town was abysmal. He noted the information packet provided states the projected cost to be estimated at \$50,000, which is not true. The projected cost is much greater. Although there have been dozens and dozens of people in Town who have worked very hard to get a dog park in town, it doesn't look as though it is enough support.

Councilor Dwyer remarked he is not sure where to go from this point. The land is available and has been cleared, at a cost. Home Depot said no to the fencing, which is a huge part of the project. The biggest factor, at this time, is the abysmal result of the two different mailings that were sent to the registered dog owners in Town. Mr. Murphy remarked there was an effort, when dog licenses went out, to make a contribution, which helped somewhat. There is a T-shirt effort being undertaken, which could possibly bring in \$400, but the efforts result in small dollars compared to the overall cost.

Mr. Murphy stated his belief there is the possibility the Council would give the dog park \$14,000 out of revenue received from tree cutting. He also believes there to be approximately \$5,000 - \$10,000 left over in Watson Park funds that will go to the dog park. They were told if they don't demonstrate that they can make money separately then the Town Council will not provide the \$14,000 or the other \$5,000.

Councilor Dwyer stated the process to have been four years in the making, which he finds to be a disappointing factor.

Harvey Bloom, 3 Evergreen Drive

Noted both he and his wife have been involved with the dog park for a good many years. He stated the process was completed at Watson Park; fundraising, etc. Everything they had for fundraising materials, e.g., t-shirts, said Watson Park. Then the Town Council decided the park would not be located at Watson Park but instead at Wasserman Park. Councilor Dwyer responded he admitted to getting a lot of heat for that. Mr. Bloom continued by saying the question was raised of why the result of requests for donations from the dog owners of Merrimack has been abysmal, and the reason is they

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have had the rug pulled out from under them for a good many years. Everything was done; fencing was made available, everything was cleared, etc.

Several speakers began speaking simultaneously. Chairman Harrington requested the speaker be allowed to continue without interruption.

Mr. Bloom continued the reason a response is not being seen is because those who contributed funds have not seen a direct effort in moving forward with the dog park. They believe the Council is not really honorably serving to get the dog park in a reasonable time.

Councilor Dwyer stated a desire to be informed of how much money was raised at Watson Park. He stated his understanding no money was gained; in fact, monies were lost on the t-shirts. He remarked many who worked very hard at Watson Park and thought the dog park was going to be located there; however, the fact is there weren't enough funds being raised, and from day 1 the Town Council and previous councils had continually stated no taxpayer dollars would be expended on a dog park. He apologized if any hard working people felt the rug was pulled out from under them. He stated his continued belief Watson Park would have been a horrible place for a dog park. The fact is adequate funding was not raised, and there was a great deal of disagreement among members of the sub-committee over how that dog park would work in that location.

Vice Chairman Mahon agreed with the comments made regarding the basic disorganization of the original committee. He stated there was an inability to come up with a definitive plan. Over time, the use of Watson Park exploded, and it became impractical to place a dog park at that location. When looking into the situation the suggestion of Wasserman Park came about. He agreed with Mr. Bloom's sentiments that there has been a lot of anxiety and disappointment because something has not been able to be put on the ground, and a reasonable consistent proposal hasn't been put out there. He commented the project started off as a \$20,000 project and has grown to \$65,000. That is why people are not donating; there is the appearance of disorganization.

Councilor Dwyer responded to the comment regarding the fencing having been complete at Watson Park by stating it was used, partial, and in horrible shape. He believed it would have been an embarrassment to place it in the park.

Mr. Murphy stated the desire to be provided the opportunity to be able to, in a professional manner, approach major corporations in Town seeking donations. He noted that approach has not occurred in the past. He suggested the mailing could be put on hold and the focus placed on putting together a professional presentation to the major corporations. He stated the desire for the Council to provide introductions to representatives of these corporations who could be contacted.

Councilor Rothhaus stated his belief the Council is supportive of the dog park being located at Wasserman Park. He stated a willingness to authorize the expenditure of the \$1,500 as those monies have been contributed by individuals who desire the park. He stated he would be supportive of the effort if the mailing outside of the community is not undertaken at this time. He remarked he remembers hearing the total cost would be in the area of \$65,000, but he recalls reading a communication that suggested the cost could be lower based on the Public Works Department performing some of the work, etc.

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Councilor Rothhaus stated there to be a Town Ordinance that requires anything more than an acre of clearing to include drainage, engineering work, etc., which is what caused the cost to go from \$20,000 when it was a small area to \$65,000.

Mr. Murphy remarked he would love to be able to come before the Council in 6 months' time and inform members of a successful fundraising campaign. He spoke of materials already in place, e.g., program plan, map, etc., and stated a desire to be provided the opportunity to do some public relations work, advertising, etc., and be able to come back to the Council requesting a different approach later in the year.

Councilor Dwyer wished him well, and remarked he can say with certainty, as someone with real life experience seeking donations from the very organizations being discussed, it is a very difficult thing to do. If you are knocking on the same doors asking those same people for donations for the dog park, they will likely respond with the question of what have the residents of Merrimack done, what matching funds are already in place. If unable to get the majority of dog owners in Town to step up and provide the majority of the needed funding, he is fearful there may not be a dog park. He stated his appreciation of Mr. Murphy's efforts and offered to be of assistance in calling on the corporations.

Councilor Koenig noted an error in the chart provided in that it states the ratio of large dog area to small dog area is approximately 1/3 when in fact the large dog area is twice the size of the small dog area. Councilor Koenig stated his preference for Mr. Murphy to go forward with approaching the major organizations. He was not prepared to suggest that a mailing be sent out to 2,500 people without any idea of what the return might be on the expenditure of a significant portion of the funds already collected. He suggested gaining an idea from those in the marketing field what might be expected as a return for such an effort. Mr. Murphy responded he has spoken with professionals such as those at Exact Data Corporation, and been informed out of a mailing of 2,500 you could expect a 5-10% return. Councilor Koenig remarked that return may not cover the cost of the mailing. Mr. Murphy stated his belief the area of greatest potential is the corporate structure.

Councilor Boyd stated agreement with remarks made by Councilors Dwyer and Mahon. He added he is pro dog park. He remarked Councilor Rothhaus' point is well taken; it is the committee's money, and the request is to expend some of it. He stated he knows, from personal experience, bulk mailings are ineffective. He is in favor of approaching the businesses. He asked to be provided information on the cost of the presentation materials and what they will consist of as well as the corporations that will be targeted. He requested a date be identified on which members of the Committee come back before the Council with revised numbers and be able to provide information on the cost of producing a professional portfolio to utilize in soliciting local corporations. He stated a willingness to participate in knocking on doors.

Councilor Dwyer suggested the committee be allowed to utilize the entire current balance, and if depleted completely there would be no dog park. He commented the committee raised the funds, let the committee spend it the way it sees fit, and when the money is gone it is gone, or they turn \$8,000 into \$50,000.

MOTION made by Councilor Dwyer and seconded by Councilor Mahon to release the Eight Thousand Four Hundred and Seventy Four Dollars and Sixty Four Cents (\$8,474.64) for use by

the Committee in consultation with the Director of Parks and Recreation and the Parks and Recreation Committee

ON THE QUESTION

Councilor Rothhaus stated he would vote in opposition to the motion. He was supportive of releasing the requested funds or a lesser amount, but not the entire account balance. Councilor Dwyer stated a willingness to amend his motion. He stated the committee could come before the Council in another month requesting expenditure of additional funds. He stated a desire to understand whether the Council believes the concept sound. Councilor Rothhaus responded he believes people have contributed the funds because they want the dog park, and if this is a way the Committee believes funds can be raised he is willing to let it go forward as he believes if it does not work and there isn't support then the issue to be addressed will be what do you do with the funds that have already been raised.

MOTION CARRIED 4-3-0

Councilors Koenig, Rothhaus, and Woods voted in opposition

Town Manager Cabanel noted the Dog Park Sub-Committee has been abolished except for two purposes; raising funds and establishing rules.

Mr. Murphy stated the committee would present its case for fundraising efforts to the Director of Parks and Recreation and the Parks and Recreation Committee to gain approval before going forward. He spoke of his desire to come back before the Council in a few months to report progress.

5. Consideration of Donations to the Town Center Committee

Submitted by Town Center Committee Chairman Nelson Disco

The Town Council to consider the acceptance and expenditure of a donation in amount of \$1,000.00 from the National Park Service and an anonymous donation of \$500.00 to be used towards the Town Center Committee's trail project, pursuant to Charter Article 8-15 and RSA 31:95-b.

Nelson Disco, Chairman, Town Center Committee, noted the Committee was formed by the Council to implement the recommendations of a study that was previously done with the help of the Nashua Regional Planning Commission to develop walking trails in the Town Center area. The trails consist of a combination of sidewalks and walking trails. He and Peter Flood, former Chairman, Town Center Committee, were before the Council to discuss one aspect of that; one section of the walking trail.

The walking trail was defined in the original plan and links Watson Park with Wildcat Falls. It does this through a trail along the Souhegan River, which traverses behind the school property and up through a pathway that was constructed partly by the State as part of the Merrill's Marauders Bridge, a connection across the river at that point, also provided by the State, and then continues on to Wildcat Falls. In the Town Center the concept is to pass that foot trail under Route 3, through the Sluiceway, into Watson Park.

A sub-committee has done some work with this and has conceptualized the trail. On the committee is a member of the National Park Service who was volunteered to the Committee to provide assistance. Through her offices, she has been able to obtain a grant to the Town of \$1,000 to be used towards this

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trail. The next step is to gain permission from the New Hampshire Department of Environmental Services (NHDES) as the trail would be located in the Shoreland setback area from the river. In order to properly submit an application to NHDES a topographic survey has to be conducted/included of all of the land where the trail will be placed. The Committee has obtained an estimate from Keach-Nordstrom Associates of \$1,497 to conduct the survey at their cost.

The Committee has the offer of the \$1,000 contribution from the National Park Service, and an anonymous donation in the amount of \$500 to be used towards the completion of the topographic survey.

Councilor Woods questioned what assurances are in place that the NHDES is prepared to approve the location of the trail within the Shoreland protection area. Mr. Disco stated there to be no advance assurances as the application has not yet been made. It is the belief of the Committee approval will be granted as the area already has the concrete in place. He noted the Committee has the support/backing of the Souhegan River Watershed Association and the Merrimack Conservation Commission, which will make recommendation to NHDES.

Vice Chairman Mahon questioned the extent of the survey. Mr. Disco stated the east side of Route 3 has already been surveyed as part of the work that Kyle Fox, Deputy Director, Public Works Department, has done for the Town to repair the sidewalk. From there you go over to the far side of the former wetlands. The survey will go from the bridge to the far side of that former wetland to the high ground where the trail is far enough back from the river.

Councilor Koenig asked for additional information on the grant from the National Park Service. Mr. Disco stated he has questioned whether there are any conditions/restrictions associated with the grant, and was notified, via e-mail, that the only condition placed on the grant is that the monies be utilized for the specified purpose; the survey work required by NHDES.

Town Manager Cabanel stated a desire for any motion made not to instruct her to sign any and all documents necessary, as she would not wish for the unintended consequence of the grant funding requiring any commitments into the future. Mr. Disco commented there may be a requirement for a document stating the funds will be utilized for the identified purpose. Vice Chairman Mahon questioned when the funds would be released, and was informed that would occur after the Council's acceptance of the grant. Vice Chairman Mahon requested the opportunity to review a copy of the e-mail.

Councilor Woods questioned whether there is time sensitivity to the request for the monies from the National Park Service. Mr. Disco stated the desire of NHDES is to complete the transaction in the current federal fiscal year (ends September 30th). Councilor Woods suggested a request could be made to be provided with all documentation that may accompany our request for funds.

MOTION made by Councilor Rothhaus and seconded by Councilor Boyd to authorize the acceptance and expenditure of a donation in the amount of One Thousand Dollars (\$1,000) from the National Park Service with the only condition being that it be used towards the Town Center Committee's trail project and an anonymous donation of Five Hundred Dollars (\$500.00), pursuant to Charter Article 8-15 and RSA 31:95-b, and authorize the Town Manager to sign documents verifying the use of funds only

ON THE QUESTION

Mr. Disco requested the ability to establish a fund for the Town Center Committee where contributions could be retained for use on projects of the Committee or those stipulated along with donations. Chairman Harrington stated that would have to be addressed at a future meeting. Mr. Disco asked for the item to be included on the Council's next agenda. Councilor Woods commented there will need to be a location to place the remaining \$3.00. Director Micali stated as it is a specific donation, the money will be set aside for use only on the specific purpose, which is the trail system.

Vice Chairman Mahon stated a desire to read through the e-mail communication.

There being no objection, the Council recessed at 9:20 p.m.

The Council reconvened at 9:28 p.m.

MOTION CARRIED 7-0-0

Councilor Koenig stated appreciation of the anonymous donation. Mr. Disco stated his belief such a donation is an indication of public support of the project. Mr. Flood spoke of future work to be conducted, e.g., construction of a bog walk across the wetlands and digging out and renovation of the sluiceway so that it can be walked upon. Mr. Flood spoke of the willingness of Mr. Keach to perform the survey work at cost. The Council expressed its appreciation.

Town Manager Cabanel questioned the necessity of establishing an account. Director Micali stated his belief what Mr. Disco is seeking is a \$5,000 limit to be identified by the Council whereby if in receipt of donations up to \$5,000 the funds can be utilized for the trail as the committee deems necessary. Mr. Disco stated that would be appreciated. Director Micali added if just receiving donations, they could simply come before the Council for acceptance.

6. Lower Merrimack River Local Advisory Committee (LMRLAC) Nomination

Submitted by LMRLAC Member Nelson Disco

The Town Council to consider reappointing Nelson Disco as a member on the Lower Merrimack River Local Advisory Committee.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to reappoint Nelson Disco as a member on the Lower Merrimack River Local Advisory Committee

ON THE QUESTION

Councilor Boyd questioned whether the Committee is discussing MS4; EPA regulation regarding stormwater discharge. Mr. Disco stated the Committee has not gotten into any of that discussion. He remarked the committee's jurisdiction is to look at developments within the quarter mile corridor of the river and to advise planning boards and conservation commissions regarding protections.

Councilor Koenig questioned the number of committee members, the length of the term, and whether Mr. Disco is the only representative from Merrimack. Mr. Disco responded the appointment is a three-year term, there are two individuals from Merrimack on the committee, and the committee's size is typically 6 consisting of two members from Merrimack and two from Nashua, one from Hudson, and

one from Litchfield. When asked, Mr. Disco stated the committee is formed under the auspices of the New Hampshire Rivers Council.

MOTION CARRIED 7-0-0

7. Consideration of Changes to Chapter A198, Administrative Code [First Reading]

Submitted by Town Manager Eileen Cabanel

The Town Council to consider the recommended changes to Chapter A198, Administrative Code of the Merrimack Town Code to incorporate Assistant Town Manager title and duties added to the Finance Director position, pursuant to Charter Article V.

Town Manager Cabanel remarked since she began her employment with the Town just over three years ago, Director Micali has taken on tasks that are above and beyond the role of a Finance Director. One of the areas where his assistance has been invaluable is with negotiation of union contracts. He has been able to add to those discussions real time answers to questions around financial impact, etc. The meetings are lengthy and at times contentious. Director Micali has willingly taken on these additional tasks and any other tasks assigned to him.

Director Micali serves in the capacity of Town Manager in her absence. He has participated/assisted in meetings regarding economic development opportunities for the Town. Town Manager Cabanel stated her belief the position will continue to grow. She recommended the change and stated her strong endorsement of Director Micali for the role.

Speaking with regard to the handout provided in advance of the meeting, Councilor Koenig questioned #9 listed under the duties of the Finance Director/Assistant Town Manager; "When assigned by the Town Manager, assumes the responsibilities of the Town Manager when he/she is temporarily unavailable and the Town Council has not appointed an Acting Town Manager...." He questioned if the language "When assigned by the Town Manager" is a requirement in that statement. He remarked if the title is Assistant Town Manager, he would assume the individual holding that position would assume those responsibilities unless the Town Council has appointed an Acting Town Manager.

Town Manager Cabanel provided the example of the Town Manager being out for a lengthy period of time, and assigning the Assistant Town Manager to that role. Vice Chairman Mahon stated Charter language states the appointment of an interim is vested with the Council. There is no provision for temporarily filling the position. Councilor Koenig commented, in the past, when the Town Manager was going to be on vacation he/she would appoint someone to fill the position. If giving the title of Assistant Town Manager to an individual he would think that would make it presumptive, and you wouldn't have to say when assigned by the Town Manager, and the Town Council will continue to have the opportunity to appoint an Acting Town Manager as an interim position if necessary.

Vice Chairman Mahon stated his belief including the language would provide clarity. He had suggested a legal opinion be obtained, which resulted in a recommendation to include the language. Councilor Koenig commented it feels clearer to him to exclude the language. Councilors Rothhaus, Harrington, and Boyd stated agreement. Councilor Koenig was acceptable to either removing the language or leaving it in.

MOTION made by Councilor Boyd and seconded by Councilor Woods to move the item to Public Hearing. MOTION CARRIED 7-0-0

8. Committee Assignments

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

The Town Council to determine representation on the Heritage Commission and update the Committee Assignments form.

Chairman Harrington suggested there to be two opportunities; the Council could request Councilor Woods serve in the capacity as Council representative to the Heritage Commission or could consider any other direction. Councilor Woods stated a willingness to serve in that capacity.

9. Voter Survey

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

To discuss the possibility of creating a survey available for distribution to the residents/voters during the General Election.

Town Manager Cabanel spoke of the suggestion made at the Town Council Retreat that a survey be put to the voters at the next election.

Chairman Harrington questioned outstanding issues the Council would wish to poll residents on. Town Manager Cabanel stated her belief the only unanswered questions relate to public facilities, e.g., fire stations, highway garage, etc. Vice Chairman Mahon remarked the general election will have a turnout significantly larger than the last municipal election. Asking voters why they did or did not support something at the last municipal election is sort of erroneous. Councilor Rothhaus commented on questions posed in the last survey noting questions that cannot result in a good answer if the public is not education on the issue in advance of the survey. He stated he is not in favor of a survey at this time. Councilor Boyd remarked he is not necessarily opposed to the survey; however, believes the way in which questions are written could be given more consideration. He used the example of a prior question regarding how the day camp operates at no cost to the taxpayer. He has always known Wasserman Park to be a self-funded operation, and would have preferred language stating the program is self-funded, which would force the reader to understand the concept of self-funded.

Councilor Dwyer remarked prior to 2010 a survey had not been done in a long period of time. At that time, they took a snapshot and garnered some good information. However, at the present, he does not believe a survey to be necessary.

The consensus of the Council was not to conduct a survey during this election season.

10. Sale of Fire Truck

Submitted by Finance Director Paul T. Micali

The Town Council to consider the proposed sale of Merrimack Fire and Rescue's 1994 3D Paramount International Pumper to the Fitzwilliam Fire Department for \$25,000.

MOTION made by Councilor Dwyer and seconded by Councilor Woods to authorize the sale of Merrimack Fire and Rescue's 1994 3D Paramount International Pumper to the Fitzwilliam Fire Department for the sum of Twenty Five Thousand Dollars (\$25,000). MOTION CARRIED 7-0-0

11. Financial Review for Fiscal Year 2013/2014

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

The Town Council will be presented with the details of the fiscal year end surplus.

Town Manager Cabanel stated the Town had an unusually good year this year. There were several factors that resulted in the fiscal year ending with excess revenue and unexpended appropriations. The information provided the Council with its packet highlighted these anomalies.

At the end of the fiscal year (June 30, 2014), the undesignated fund balance was \$854,000. Half of that balance is the result of auto registrations exceeding projections. Additional monies are the result of unexpended appropriations, e.g., monies that were budgeted but not expended. The majority of unexpended appropriations is the result of turnover in staff, e.g., time where positions went unfilled and/or hiring for a vacant position at a lower salary.

Being proposed is the reallocation of some of the unexpended appropriations. Town Manager Cabanel spoke of a warrant article put before the Town several years prior where the townspeople identified a range for where the fund balance/surplus should be. That range was between 4-8% of the net school, net county, gross general fund (without sever fund, etc.). This past year (ending June 30, 2013) the fund balance was at 3.6%. Prior to that the balance was in the 2% range. Prior to the recommended addition of \$854,000 the balance is at 3.6%.

Being recommended is the transfer of funds into the fund balance (a transfer of \$500,000 would put the fund balance at 4.33%). Also recommended is the allocation of \$250,000 towards town-wide paving, \$40,000 towards exterior door replacement. There are 12 exterior doors that are in need of replacement between the Police Department and Town Hall complex. The third recommendation is for the allocation of \$30,000 towards efforts around the highway garage.

Councilor Rothhaus questioned the identified cost of \$3,033 per door. Director Micali stated the doors are metal with insulated glass. Every door has to have a window. The doors will be full frame replacements. There is the requirement for a push bar and automatic open. Councilor Dwyer commented he recently purchased three metal doors for a commercial building that were not as extensive as what is being proposed, and the cost was \$2,100 each.

Councilor Rothhaus stated his support for additional funds to be allocated towards paving. With regard to the highway garage, he noted two outstanding bonds that will be paid off shortly. He remarked residents who have approached him on the subject have agreed with the need, but stated a desire for existing bonding to be paid off.

When asked, Director Micali stated one of the bonds would be paid off in FY18 and another 6 years later. Director Micali stated he has been meeting with industry folks and was told by a construction manager from Harvey Construction that there is the need for someone to draw the building the way it is going to look, obtain cost estimates, and provide the explanation for why the other facility cannot be used and if using it what the cost would be. The contractor stated his opinion expending \$30,000 towards these efforts would result in a good plan design ready for use in obtaining a bond.

Chairman Harrington remarked the work product solicited from the original architect would not have satisfied the requirements to go out to bond. Therefore, this scope of work would be required if a positive vote were achieved. Director Micali commented in New Hampshire we put a number down on a piece of paper, get a vote, and then design to that number. By doing it in this manner the building

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would be designed by an architect with the help of a construction manager working on the Town's behalf, and a cost would be identified that could be supported by documentation and presented at Town meeting.

Chairman Harrington remarked if going forward, the construction manager works with the architect from the start, the Town does not pay the construction manager. If the vote is successful and construction begins, there is an architectural plan ready for submittal, a construction manager familiar with the process is on board, and costs are understood.

During the Council Retreat placement of the bond on the ballot was identified as the number 1 priority. Councilor Dwyer spoke of the hour, his tiredness, and the desire for a clear head when dissecting the request. He remarked he likes the scope of the work proposed, but there is the need for discussion on each issue. He requested the Council table the items and schedule another meeting to address them.

Town Manager Cabanel noted the Finance Department just recently closed the books; something that requires a great deal of time and effort. Once the books are closed the auditors come in. They are scheduled to arrive on Monday. She remarked when you start getting deeper into the next fiscal year the auditors may determine the unexpended appropriations should be transferred to fund balance. She stated her opinion decisions on the majority of the request; monies to fund balance, allocation to paving, allocation to installation of doors could be made relatively easily. The real meat of the question is related to the highway garage. Councilor Dwyer stated disagreement and commented he was prepared to offer an argument on challenging the fund balance amount, discuss the paving amount, etc. He spoke of his continued desire to see monies allocated to Wasserman Park, which the Council has made a priority year after year, and not funded.

Councilor Rothhaus stated if there are suggestions to be put on the table he would like to discuss them. He stated his belief a fund balance of 8% is not necessary. He is pleased with the fund balance being at 4%. Councilor Dwyer remarked if having to provide a recommendation at this time, he would recommend reducing the requested allocation to paving and the requested transfer to fund balance, and come to an agreement on some amount to fund efforts at Wasserman Park.

Councilor Boyd stated a desire for a comprehensive discussion about specific needs in Town with Wasserman being one of many. He would like to hear requests to address maintenance items that have been postponed. Councilor Rothhaus commented the Council had a week to look over the information brought forward, and Councilors should have made their desires known, gathered information in support of suggestions, and come prepared to do business. There is a deadline approaching that will come about before the Council's next meeting. He stated he likes the idea of putting funds towards Wasserman Park, but does not know what an appropriate amount would be.

Chairman Harrington questioned, if in agreement, \$500,000 could be transferred to the unreserved fund balance, and a sum set aside for future consideration. Director Micali stated the auditors would not allow that to occur. Councilor Boyd suggested the Council could recess until the following evening.

Town Manager Cabanel stated if monies are not encumbered for specific purposes, the entirety of the unexpended appropriations automatically reverts to fund balance, and would need to be re-

appropriated in another year. Director Micali stated expenditure in a future year would result in the need for a separate warrant article.

Councilor Woods spoke of the Council's efforts in keeping up with road paving. Being presented is an opportunity to continue that. He stated he has no issue with purchasing doors that are more handicapped accessible. He does, however, have issue with the proposed \$30,000 allocation for the highway garage. He remarked, for whatever reason, the townspeople rejected the project. He has no issue with looking forward with the budget process and asking the voters to support the requested expenditure. Chairman Harrington responded she too has stated concern with bringing the issue forward for a second time too quickly. During prior discussions, the question was posed of when will they accept no, and the response was if you go back with the exact same presentation, arguments, etc. and you don't reflect that you have heard the concerns raised or answered the questions brought forward, the result will not change. If the Council decides to bring the issue forward in April, there has to be a very deliberate plan to address the issues that were raised. There is the need to provide the public with information related to increased interest rates and material costs associated with postponing the project.

Councilor Dwyer reminded the Council the new highway garage did pass by a majority and only missed the super majority by 100 or so votes. He is of the belief if a higher voter turnout was to occur a positive vote could be achieved. He is concerned spending the additional money may turn off the right amount of people that might have been supportive the first time around. He stated his opposition to expending an additional \$30,000 and stated his belief the questions posed could be answered without the expenditure.

MOTION made by Councilor Mahon and seconded by Councilor Dwyer to reallocate Two Hundred and Twenty Five Thousand Dollars (\$225,000) towards town-wide paving, Forty Thousand Dollars (\$40,000) towards exterior door replacement, Fifty Five Thousand Dollars (\$55,000) towards Wasserman Park, and transfer the remaining balance of undesignated fund balance into the general fund

ON THE QUESTION

When asked, Vice Chairman Mahon remarked he does not believe \$30,000 would do much good, and that \$55,000 would likely have an impact on the efforts associated with the park. He noted the next agenda item, which is a request to transfer \$37,000 out of the Park and Recreation budget to the Public Works Department.

Councilor Dwyer stated the unique situation the Town finds itself in is not likely to repeat in the near future. Councilor Rothhaus stated his support of the motion; however, noted he would have preferred to allocate the entire \$250,000 requested for paving

AMENDED MOTION made by Councilor Mahon and seconded by Councilor Dwyer to reallocate Two Hundred and Fifty Thousand Dollars (\$250,000) towards town-wide paving, Forty Thousand Dollars (\$40,000) towards exterior door replacement, Fifty Five Thousand Dollars (\$55,000) towards Wasserman Park, and transfer the remaining balance of undesignated fund balance in the amount of Five Hundred and Nine Thousand Dollars (\$509,000) into the general fund

ON THE QUESTION

Director Micali stated that would result in a 4.2% fund balance. Councilor Koenig requested clarification the motion would not exceed the overall appropriation for the year; it would dip into the revenue increase, but would remain within the total budgeted appropriation. Director Micali stated reallocating the sum of \$345,000 would still be within the budgeted appropriation although \$338,000 was stated as the appropriation savings.

MOTION CARRIED 7-0-0

Vice Chairman Mahon stated a desire to be informed of what Director Casparius will propose the monies be expended on, e.g., prioritized list, etc.

12. Request to Authorize Transfer of Funds

Submitted by Town Manager Eileen Cabanel

The Town Council to consider the request to transfer funds from various departments to the Public Works Department.

Director Micali remarked budgeted is done by program or department in whole. The Public Works Department (PWD) consists of administration, Highway, Solid Waste, Equipment Maintenance and Buildings and Grounds. He spoke of overtime and additional material expenses that occurred within the department as a result of winter storms, and additional expenses incurred by the solid waste division; the tonnage for tipping fees was up because of the increase in trash. The tonnage factor budgeted for was 7,500 and the reality was 7,700 pounds. The department incurred expenses relative to the restoring of two trailers which failed (approx. \$30,000 cost). In addition, there was an increase in the anticipated quantity of items brought in such as computers, refrigerators, etc. Although the cost is offset by revenue, because the Town gross appropriates, it was under-appropriated for that amount (approx. \$20,000). In total the PWD was about \$156,000 in the red. Other divisions had savings resulting from a variety of scenarios such as staffing changes.

Director Micali stated the request to be for a transfer of funds; \$52,000 from General Government (01-01), \$15,000 from Fire (01-03), \$58,000 from Police (01-04), and \$31,000 from Community Development (01-21) for a total transfer of \$156,000 to the Public Works Department (01-09).

MOTION made by Councilor Koenig and seconded by Councilor Woods to accept the transfers as outlined by the Finance Director Paul Micali, in the total amount of One Hundred Fifty Six Thousand Dollars (\$156,000) retroactively to June 30, 2014. MOTION CARRIED 7-0-0

13. Acceptance of Abbie Griffin Park Donations

Submitted by Finance Director Paul T. Micali

The Town Council to consider the acceptance and expenditure of two donations totaling \$85.00 made in memory of Ruth Liberty to be used for improvements/maintenance at Abbie Griffin Park, pursuant to Charter Article 8-15 and RSA 31:95-b.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the acceptance and expenditure of two donations totaling \$85.00 made in memory of Ruth Liberty to be used for improvements/maintenance at Abbie Griffin Park, pursuant to Charter Article 8-15 and RSA 31:95-b. MOTION CARRIED 7-0-0

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14. Acceptance of Fraser Square Veteran's Memorial Donations

Submitted by Finance Director Paul T. Micali

The Town Council to consider the acceptance and expenditure of the following donations made in memory of David Yakuboff and pursuant to Charter Article 8-15 and RSA 31:95-b:

- \$760.00 for Fraser Square Veteran's Memorial improvements/maintenance
- \$50.00 for Dog Park improvements/maintenance

MOTION made by Councilor Boyd and seconded by Councilor Mahon to table the item until the Board's September 11, 2014 meeting. MOTION CARRIED 7-0-0

15. Joint Town Council / School Board Meeting

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

To select a date of either Monday, September 29 or Thursday, October 16 for the next joint Town Council/School Board meeting.

The consensus of the Council was for the joint meeting to be held on September 29, 2014.

Councilor Rothhaus questioned whether the Council should conduct a preliminary discussion on what might occur should the grant for the School Resource Officer not be received. Chairman Harrington suggested the Council could discuss agenda items for the September 29th meeting at its September 11, 2014 meeting.

Minutes

May 16, 2014 (Town Council Retreat / Work Session)

July 17, 2014

MOTION made by Councilor Mahon and seconded by Councilor Boyd to table acceptance of the meeting minutes of the Town Council Retreat/Work Session conducted on May 16, 2014 and the regular Town Council meeting conducted on July 17, 2014. MOTION CARRIED 7-0-0
Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Woods commented he would be remiss if he did not thank the members of the public from whom he has heard acknowledging his appointment to the Council. He also expressed appreciation to the Town Manager and her staff for all of the assistance they have provided him and to his fellow Council members for the encouragement and support he has received from them.

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

The August 21, 2014 meeting of the Town Council was adjourned at 10:45 p.m.

Submitted by Dawn MacMillan