

Approved: June 9, 2016

Posted: June 13, 2016



## **Town Council Meeting Minutes**

Thursday May 26, 2016, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Vaillancourt, and Town Manager Eileen Cabanel.

### **Pledge of Allegiance**

Chairman Harrington led in the Pledge of Allegiance.

### **Announcements**

Town Offices will be closed on Monday, May 30<sup>th</sup> in observance of Memorial Day. The Memorial Day Parade is scheduled to begin at 11:00 a.m. on Monday, May 30<sup>th</sup>. Starting at the Rite Aid plaza, the parade will head north onto D.W. Highway, left on Baboosic Lake Road, and to the Last Rest Cemetery where a ceremony will be conducted at the flag and monument.

Regular meetings of the Town Council will be held on Thursday June 9<sup>th</sup> and June 23<sup>rd</sup> at 7:00 p.m. in the Matthew Thornton Room. A Town Council Retreat/Work Session will be held on Friday, June 10<sup>th</sup> from 9:00 a.m. to 4:00 p.m. at the SERESC Conference Center, 289 Commerce Drive, Bedford.

A Joint Town Council/School Board meeting will be held on June 14<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room.

Chairman Harrington questioned the will of the Council with regard to the summer meeting schedule.

***The consensus of the Council was to schedule meetings for Thursday, July 21<sup>st</sup> and August 18<sup>th</sup>.***

The Supervisors of the Checklist will be in session on Tuesday, May 31<sup>st</sup> from 7:00 - 7:30 p.m. to accept voter registration and party change applications for those wishing to change their party affiliation. This will be the last session for party changes until after the State Primary being held on September 13<sup>th</sup>.

Filing period for the September State Primary will run from June 1<sup>st</sup> through June 10<sup>th</sup>. The Town Clerk's office will accept filings for State Representative and Delegates to the Republican Convention. Delegates for the Democratic convention are handled by the Democratic State Committee.

Property tax bills have been mailed, and are due by July 1, 2016. Property owners who have not received their tax bill should contact the Tax Collector's office at 424-3651 to arrange for a duplicate bill. Bills not paid by July 1st are subject to 12% interest, per annum.

The Library will be holding its June Book Sale on Saturday, June 4<sup>th</sup> and Sunday, June 5<sup>th</sup> with a Friends of the Library, member-only presale on Friday June 3<sup>rd</sup>. Visit the library's website, [www.merrimacklibrary.org](http://www.merrimacklibrary.org), for more information.

Chairman Harrington informed the Council and the viewing audience Item #4 under New Business would be tabled as Assistant Town Manager/Finance Director Paul Micali was unable to be in attendance.

### **Perfluorooctanoic Acid (PFOA) Information Update**

Town Manager Cabanel stated the Environmental Protection Agency (EPA) has released its lifetime health advisory regarding PFOA; 70 parts per trillion (ppt).

Located at the former landfill behind the existing Transfer Station are 10 monitoring wells, which are tested on a yearly basis. Nine of the 10 wells came back at more than 70 ppt, the highest of which was 2,200 ppt, which is very high. Additional information was requested. The results were: 140 ppt, 150 ppt, 170 ppt, 330 ppt, 340 ppt, 520 ppt, 640 ppt, 1,800 ppt, and 2,200 ppt. During the weekly conference with Assistant Commissioner of the New Hampshire Department of Environmental Services (NHDES), the Commissioner expressed an interest in having another Town meeting type gathering in Merrimack to talk most specifically about the landfill and what the implications of that testing will be.

At this point, they are knocking on doors of those residents within a half mile radius. Although not yet confirmed the landfill is the point, and then it goes out ½ mile each way, which becomes difficult to look at because the property is 136 acres in size. The NHDES has tested many private wells, and the results of those tests are expected back in a few weeks.

Town Manager Cabanel stated she had heard from several residents, and has confirmed with the State none of those who have contacted her fall within the half mile limit. She stated her assumption the NHDES would use the meeting forum to reveal the numbers found at the wells. She commented apparently when PFOA comes out in an airborne fashion it spreads far and wide, but when it is in ground water it is much more contained as was seen in the Town of Amherst.

Also participating in the weekly conference call was the Town Manager for Bedford. Bedford, being included in the area of the landfill, would like the meeting to be a joint meeting with both towns. Town Manager Cabanel noted her response was that would be fine, but that she is confident Merrimack's Town Council will insist on the meeting taking place in Merrimack. That meeting should be held within the next few weeks.

Chairman Harrington stated a concern with the topic perhaps being isolated to the landfill. She noted there will be individuals who will attend looking for other issues to be addressed as well.

Town Manager Cabanel stated the school has been contacted with regard to availability of space at the James Masticola Upper Elementary School, is being very accommodating, and will ensure space is available.

Information relative to testing performed on the Merrimack Village District (MVD) wells will be posted to the Town's website, and is posted on the NHDES' website. Currently the MVD is using wells 7 and 8. They now have to combine, in some fashion, PFOA with PFOS. PFOA and PFOS are

under the umbrella of PFC. Were you to combine the totals of PFOA and PFOS in well 8 it would come to 19 ppt, and for well 7 it is 30.4 ppt. All of the numbers for PFOS are at a non-detect level. Very occasionally well #2 is being used, which has a combined total of 31.5 ppt. They also tested where it is blended, which identified a range of 21-22 ppt.

The MVD has been in contact with Ed Canning, Director Health, Safety & Environment, Saint-Gobain, to discuss what the arrangements will be between them and the MVD. Town Manager Cabanel remarked from what she has heard those discussions are going well. Although they have been very accommodating, no commitments have been made to date.

Soil samples, as the NHDES had expected, came back at non-detect levels. Those soil samples were done at all of the sensitive areas in Town, e.g., schools, playgrounds, etc. Soils are tested at parts per billion. The results were expected given for the Saint-Gobain facility itself, the ground water came back at 5,800 ppt and their soil came back at non-detect.

Councilor Flood asked for clarification, when the EPA identifies a lifetime health advisory above 70 ppt, does that mean if you had a well that was at 70 ppt, it would be okay for it to be at that level for your lifetime? Town Manager Cabanel stated it means for a lifetime; from newborn to end of life.

Councilor Flood stated her belief there are wells that are similar over at Watson Park, which are frequently and easily tested. She questioned if the wells at the closed landfill have never been tested for this kind of chemical, and was told they had not been. She questioned what is tested for, and was told the NHDES tests for contaminants such as arsenic, iron, lead, or any kind of chemical that might be generated by the landfill. Up until 2014, they were not testing for PFOA or PFOS at all. In 2014, the number was a short-term number at 400 ppt, and there was no lifetime number.

Councilor Dwyer added, out of a dozen wells at the landfill, 10 were not very deep and 2 were bedrock. Town Manager Cabanel stated with the exception of 2 or 3, they were all contaminated at varying levels. Councilor Flood questioned if it will ever reach a point where it is cleared out. Town Manager Cabanel stated her belief it would not. When asked if there is a filter that will address the issue, she was informed there is.

Town Manager Cabanel stated the current concern is drinking water. They are taking it one step at a time. She stated her belief the NHDES is learning as they go as well. The reason the landfill wasn't tested for PFOA in 2014 is because they decided they would only test drinking water supplies for that for municipal water or a water company that serviced at least 20,000 people.

Councilor Flood questioned if the belief is it is more of a danger to drink than to shower with, etc. Chairman Harrington responded the representative from NHDES implied that when stating it is not proven that showering has any affect; that ingestion is by far the most direct route of getting it in the body. Councilor Boyd added inhaling favors would be considered ingestion. Therefore, the water hitting your skin may not impact you but vapors will.

Chairman Harrington commented there is not much research available. What will be interesting is now that the EPA has released a number, the research used in identifying that number will be accessible.

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She added the State has already commented they will review the research as it will have future implications.

Councilor Boyd questioned if there has been discussion of testing the brook that runs over the Merrimack Town line in Bedford, and is located behind the landfill. He stated his assumption they would also test the swamp; also on the Town line. Town Manager Cabanel responded there was no discussion of the swamp, just the brook. She will make mention of that.

Councilor Boyd questioned if there was discussion of air quality testing to determine whether or not PFOAs are being exhausted through the methane coming up from the landfill. Town Manager Cabanel responded there was not. However, she felt it to be an interesting point, and one she will bring up. Councilor Dwyer commented the chemicals apparently don't stay with moving water. When the Merrimack River was tested, the result was undetectable. That may not be the case for the swamp. Town Manager Cabanel stated her belief when PFOA and water go through soil it filters some of it out. The Town will soon have its own test done of the sludge that goes into the compost. Sludge and the compost that comes from it will be tested as the Town sells it, and wants to ensure those products are marketable and issue free.

Councilor Vaillancourt asked for additional information on the soil sampling that was done, e.g., distance from the Saint-Gobain facility, and was told the soil was from a distance of one mile. She added anything that was close such as the Reeds Ferry School was tested.

Councilor Vaillancourt stated her pleasure to see that communications with the MVD are improving. She is pleased to know the MVD has been in contact with Saint-Gobain, and noted the Superintendent from the MVD along with a representative from the NHDES participated in a discussion with the School Board.

Councilor Boyd commented it has been 3 months, and he has yet to receive any information in the mail from the MVD regarding what action(s) they have taken. He stated his displeasure something as simple as sending the ratepayers of the community a letter providing information has not taken place. If not putting information on their website, a letter in the mail would be appreciated.

Vice Chairman Rothhaus questioned if the aquifer flows north to south. Town Manager Cabanel was unsure; however, stated she would find out.

#### **Northeast Energy Direct (NED) Pipeline Update**

Chairman Harrington stated as of May 23<sup>rd</sup>, Kinder Morgan formally withdrew its application for the pipeline with the Federal Energy Regulatory Commission (FERC).

**MOTION** made by Councilor Dwyer and seconded by Councilor Boyd to remove the item from future agendas. **MOTION CARRIED 7-0-0**

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

**Recognitions, Resignations and Retirements** - None

**Appointments** - None

**Public Hearing**

**1. Public Hearing – 2016 Local Source Water Protection Grant Program Fund Acceptance**

*Submitted by Highway Operations Manager Lori Barrett*

Town Council will hold a public hearing to consider the acceptance and expenditure of the 2016 Local Source Water Protection Grant Program funds in the amount of \$19,800 from the New Hampshire Department of Environmental Services (NHDES) to the Town of Merrimack for the *Assessment of Coverage Indication Technology as a tool for reducing chloride in and around sensitive areas* Project, pursuant to RSA 31:95-b and Charter Article 8-15.

Lori Barrett, Highway Operations Manager, spoke of partnering with Sensible Spreader Technologies to gain new technology on salt reduction. The NHDES has a local watershed grant available for 2016. Sensible Spreader Technologies gives technology in the form of a tablet in the driver's seat. It is wireless technology with information stored in the Cloud. It is tied to their spreader auger, which allows for information on how much salt is being spread as well as setting up the computer to map the low salt and no salt areas in Town. It will send a trigger to the drivers when they are in those areas.

Ms. Barrett noted Laconia has been using the technology for three years, and has seen a great reduction in their salt use.

The Town received approval for the grant, which will provide the necessary funding to set up equipment for the first 6 trucks and the data usage for the first year. Those trucks will be used in the wellhead areas in Town. The MVD provided an acceptance letter noting their approval. There is the requirement to report out to the NHDES on findings every three months for a period of two years. In order to continue reporting for the second year, the Town would have to cover the data usage cost of \$7,200.

Town Manager Cabanel questioned the number of trucks in the fleet that spread salt, and was told there are 13 that can spread salt. Monitoring costs equate to approx. \$1,000/truck.

*Chairman Harrington opened the Public Hearing at 7:35 p.m.*

No one from the public came forward to speak.

*Chairman Harrington declared the Public Hearing closed at 7:36 p.m.*

Councilor Koenig asked for clarification of the \$7,200/year cost for the six trucks, and was informed the equipment collects data and sends out reports, e.g., software contract. Councilor Koenig questioned if the vendor is a single-source commented on what he sees as a high cost. Ms. Barrett spoke of the anticipated savings noting the current budget for salt is \$130,000, a 10% savings would equate to \$13,000. The City of Laconia achieved a 16% savings in the first year. In the 3<sup>rd</sup> year their savings was above 14%. Ms. Barrett noted data monitoring could cease over time.

Vice Chairman Rothhaus remarked he is aware there is equipment on many trucks that rations out the proper amount of salt and/or sand for maintenance. He questioned if when the data is reviewed there will be the ability to program current equipment. Ms. Barrett stated there is an auger that ties into the gate on the equipment. With that data, you can lock the gate at a certain spot.

Councilor Dwyer commented he feels a little skeptical; if there are 13 trucks and only half will have the monitoring equipment he is unsure the data would result in a clear scientific picture of the results throughout Town. Ms. Barrett responded the 6 trucks will be monitored. The first 5-10 storms will be monitored without the sensor attached and the second 5-10 storms will gather data with the equipment in place for those 6 trucks.

Councilor Dwyer commented it seems subjective; any given season is different from the next, etc. Ms. Barrett stated that to be why the NHDES requires two years' worth of data. Councilor Vaillancourt spoke of errors that occur with salt being put down in no salt areas. That situation could be corrected with this equipment.

Vice Chairman Rothhaus commented if it is found not to be beneficial the cost to the Town would be one year's worth of data collection cost. Councilor Dwyer reiterated he is not convinced of the value in the data if only putting the equipment on 6 of the trucks. Vice Chairman Rothhaus responded he likes the potential cost savings, but it is an environmental issue as well. He stated his support of trying this out for a few years.

Councilor Flood questioned, and was informed, it is pavement temperature that determines when salt can and cannot be used. Salt doesn't work in temperatures below 15 degrees.

Councilor Boyd remarked the desire is to install 6 computers on plow trucks, and questioned if that requires 6 drivers to be trained on how the technology works. Ms. Barrett stated that to be correct. When asked if the cost associated with driver training was included in the grant amount, Ms. Barrett stated it is.

Councilor Boyd remarked the last page addresses cost associated with operation training on CIT, and identifies that cost as \$200. Ms. Barrett stated training to be 1 four-hour training session for all 6 drivers. Councilor Boyd asked for clarification the intent would be not to utilize the technology for the first several storms and to use that data as a comparison against the storms for which the equipment is utilized. Ms. Barrett stated that to be accurate, noting the NHDES set up the testing parameters. When asked what would occur if facing another mild winter, e.g., does the testing get bumped out a year, and if the case, does the Town absorb additional cost relating to data usage. Ms. Barrett responded that is the reasoning for requiring data collection for a two-year period.

Councilor Boyd commented the letter received from Amy Hudnor, Drinking Water and Groundwater Bureau, NHDES, requested the Town provide a Certificate of Insurance. He questioned why that would be desired/required. Councilor Vaillancourt suggested it to be a means of ensuring the Town has insurance on its trucks, e.g., it is standard practice.

Councilor Boyd questioned the percentage of roadways that impact wellheads. Ms. Barrett was uncertain, but stated the information could be obtained. Councilor Boyd remarked there is the

potential the Council would be budgeting \$6,000 for as long as the Public Works Department (PWD) chooses to make a budgetary commitment for the technology because they see the value add. Ms. Barrett responded yes. She added some of the trucks that will be used in the wellhead areas don't need to be outfitted.

Councilor Boyd questioned, if because it is Cloud technology, is it something where the drivers push a button to receive digital updates. Ms. Barrett stated it to be a small tablet. When asked if they provide any technical support, Ms. Barrett stated they do. When asked if the \$1,000/truck in the out year would also include the technical support aspect, she stated it would.

Councilor Boyd questioned when the grant would go before the Governor and Council, and was told the grant application has to be submitted prior to the end of June.

Councilor Koenig questioned if it is something the driver has to monitor while driving alone, and if doing so would violate the State's anti-technology laws that prohibit the use of cell phones, etc. while driving. Ms. Barrett stated there to be nothing the driver would need to touch while driving. The information is on a tablet, and can be viewed as a GIS type map. When entering a low-salt area the device will emit a sound to make the driver aware.

**MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept and expend the 2016 Local Source Water Protection Grant Program funds in the amount of Nineteen Thousand Eight Hundred Dollars (\$19,800) from the New Hampshire Department of Environmental Services (NHDES) to the Town of Merrimack for the Assessment of Coverage Indication Technology as a tool for reducing chloride in and around sensitive areas project, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any and all documentation necessary to perfect the grant. MOTION CARRIED 7-0-0**

**Legislative Updates from State Representatives** - None

### **Town Manager's Report**

The contractor made significant progress at the Bean Road bridge over the winter, and they are confident that Bean Road will be open in August 2016. School buses will be able to resume their former schedules once school begins on Tuesday, September 6, 2016. McGaw Bridge Road will not be open until sometime in October/November. Buses will continue to need to access that neighborhood from D.W. Highway until then.

The Merrimack Transfer Station staff received an award for "Best Brochure" at the Northeast Resource Recovery Association's 35<sup>th</sup> Annual Recycling Conference & Exposition. The brochure was developed by Town staff and updated by Patrick Davis, Scale Operator, to serve as a guide for residents who use the Transfer Station. The brochure can be found on the Public Works Solid Waste Division website, at Town Hall and at the Transfer Station. Town Manager Cabanel expressed gratitude for the good work.

Last night the Zoning Board of Adjustment (ZBA) granted a special exception for Verizon Wireless to move forward to the Planning Board for a new 100' tall cell tower on land owned by the MVD off Turkey Hill Road (water tower site). The project will now move forward to site plan review by the Planning Board at an upcoming meeting (not yet scheduled).

On June 7<sup>th</sup> the Planning Board will consider a subdivision and site plan for Woodspring Hotels to use a portion of the land of the former Merrimack Hotel on Executive Park Drive for a 123-room extended stay hotel. The land to be utilized is currently part of the parking area of the former hotel. The property owners continue to examine options for further redevelopment of the site.

Tim Thompson, Director, Community Development, has stated the expectation the former hotel structure will likely be demolished.

The Merrimack Fire Department, the Environmental Protection Agency (EPA), Regional Hazardous Materials Response Teams throughout NH, and Jones Chemical will be participating in a simulated joint chemical release training exercise. This exercise is scheduled for table top planning on June 25<sup>th</sup> and a practical exercise on June 26<sup>th</sup>. The objective of this exercise is to have the Regional Hazardous Materials Teams working together to determine the potential concentration of the chemical release into the air and be able to transmit that data to the Incident Commander in Merrimack. This data will be used to establish a chemical response plan for evacuations, protection in place, and the chemical release mitigation.

A 69-year-old patient who had a new onset of chest pain about 30 minutes before calling was brought to the hospital by Merrimack Fire Rescue. Merrimack Fire Paramedics activated the STEMI (Segment Elevation Myocardial Infarction) Team at the hospital from the field. The patient was brought emergently to Cardiac Cath Lab where percutaneous coronary intervention was performed. He was discharged home two days later. Mark A. Hastings, RN Director, Emergency Management EMS & Trauma Coordinator extends a "nicely done to the crew at Merrimack Fire from Southern NH Medical Center".

**Consent Agenda** - None

**Old Business** - None

**New Business**

**1. Committee Appointments**

*Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus*

The Town Council to consider appointing the following individuals to Town committees, pursuant to Charter Article 4-8:

**Dawn Shepherd** - Economic Development Citizens Advisory Committee (*Full member*)

**Bill Cummings** – Town Center Committee (*Full member*)

**Thomas J. Mahon** – Zoning Board of Adjustment (*Alternate member*)



Chairman Harrington stated Bill Cummings applied for a position on the Town Center Committee. The Appointment Committee conducted an interview understanding Mr. Cummings would have to be sworn in by July 1<sup>st</sup> and being aware he could not make the June meeting. Chairman Harrington suggested that appointment be tabled until the Council's June meeting. Mr. Cummings has agreed to that.

Chairman Harrington noted Dawn Shepherd applied for a full position on the EDCAC. Ms. Shepherd is the current President of the Chamber of Commerce.

Thomas Mahon has applied for the position of alternate member on the Zoning Board of Adjustment.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to appoint Dawn Shepherd as a full member of the Economic Development Citizens Advisory Committee and Thomas Mahon as an Alternate member of the Zoning Board of Adjustment. MOTION CARRIED 7-0-0**

*Oath of Office administered by Chairman Harrington to Thomas J. Mahon.*

## **2. Request to Sell Items on Town Property**

*Submitted by Holly Daigle*

Holly's Kona Ice truck is requesting permission from the Town Council to sell Kona Ice from her mobile food truck during Parks and Recreation's 2016 Summer Concert Series at Abbie Griffin Park.

Ms. Holly Daigle provided an example of the truck's appearance, and stated the product she sells is a Hawaiian style shaved ice. She has been in business for about 5 years, and has participated in the 4<sup>th</sup> of July activities, does fundraising for the Merrimack Youth Association (MYA) baseball, softball, and soccer, has been at the Rib Fest, and has a lease at the Premium Outlets. She saw the summer concert series come up, and suggested to Matt Casparius, Director, Parks & Recreation Department, that might be a great place to do fundraising for the scholarship program. She noted fundraising is one of their primary modes of business, and what they would like to do here.

Councilor Koenig questioned where the truck would be parked. Ms. Daigle was uncertain stating the need to work out the logistics, e.g., accessibility, etc. When asked if hookups or similar infrastructure would be needed Ms. Daigle stated the truck is self-contained. Everything that is needed is run off a battery that is charged in the evening hours, e.g., no generator used.

Vice Chairman Rothhaus requested Ms. Daigle speak to the fundraising information provided in the Council's packet. Ms. Daigle stated during their nearly 5 years in business they have raised locally over \$70,000 that has been given back to communities, schools, youth sports, etc. Twenty five percent of sales go towards the fundraising effort.

Councilor Vaillancourt questioned whether approving such a request would set precedent. Chairman Harrington spoke of a hot dog vendor at Watson Park, and commented the issue has not come up. Councilor Dwyer commented in past conversations the Council has said, subjectively, if a hot dog

vendor came in with such a request that was granted, and a week later another asked, the response to the second vendor would be no. It was looked at sort of as the first person who stepped up to the plate would be supported. Although an informal rule, it is something that has been discussed in the past.

When asked, Town Manager Cabanel stated Director Casparius is very supportive of the request. She spoke of the added value in terms of fundraising.

Councilor Boyd reiterated over the past 4 years, the business has raised over \$70,000 for local groups, schools, and youth sports. That is \$17,500 a year that this one individual is taking from her proceeds and putting back into the community for community programs, which he believes to be something that should be applauded and celebrated.

Councilor Koenig noted the information provided states the business has all required permits, health inspections, etc. Ms. Daigle stated that to be accurate.

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus that the Town Council grant Holly's Kona Ice truck permission to sell Kona Ice from her mobile food truck during Parks and Recreation's 2016 Summer Concert Series at Abbie Griffin Park, and furthermore if any documents need to be signed by the Town Manager that she or her proxy are authorized to do so. MOTION CARRIED 7-0-0**

### **3. Disposal of Tax Deeded Properties**

*Submitted by Town Manager Eileen Cabanel*

The Town Council to consider the disposal of tax deeded properties, pursuant to RSAs 80:88, 80:89 and 80:90.

Town Manager Cabanel noted this year one piece of property was taken by Tax Deed. Taxes have to have not been paid for a period of three years for such an action to occur. The property has been taken, and is now owned by the Town. There are a few options to be considered. There is the option of retaining the property, which normally would not occur, but in this case the PWD would like the property for a drainage project should the owner decide not to reacquire it. The Town can choose to retain the property, but would be required, by Statute, to hold the property for three years. The former owner has three years to come back and purchase the property.

Town Manager Cabanel stated the interest rate to be first at 12%, and when going to tax lien goes up to 18% after which fees are added. When the property is deeded there is a 15% penalty, which is 15% of the value of the property. The total needed to reclaim the property, at this time, is \$31,000.

Another option is to solicit bids for the property; can go through that process right away as it is only the municipality that cannot acquire it for a period of three years.

Vice Chairman Rothhaus stated his understanding at the conclusion of the auction the owner would receive any profit that exceeds what is owed to the Town.

Councilor Flood stated, as a resident of that area, any drainage project would be an asset.

Councilor Boyd noted there was a petition for an Abatement that was approved for the same property (2016). Town Manager Cabanel stated she could look into that. However, what she needed to understand was whether or not the Council wished to retain the property. Councilor Boyd questioned if the Town would put itself at risk by making a decision on this knowing there was something in the signed file that might have an adverse impact. He questioned tabling the item until the question can be answered. He suggested the Right-of-Way could provide for access to Baboosic Brook.

Vice Chairman Rothhaus stated if the homeowner has been contacted, and has stated she is not interested in retaining the property, he is agreeable. He stated the whole thing is offensive to him because of the 12% interest initially, the 18% following that, and the 15% penalty.

Town Manager Cabanel stated her belief the Legislature has put into place a reduction from a 15% penalty to a 10% penalty, beginning July 1<sup>st</sup>. The homeowner will be informed. She may be interested in purchasing the property, but is not certain it would be worth it to her. Vice Chairman Rothhaus questioned if the owner was contacted prior to the deeding, and was informed she was. He noted he is in favor of holding the property for the three years.

Chairman Harrington suggested a motion could be crafted that calls for the property to be held for three years contingent upon the outcome of the abatement. Town Manager Cabanel suggested the item could be tabled until the next meeting.

**MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to table the matter until the Council's next regularly scheduled meeting.**

**ON THE QUESTION**

Councilor Dwyer commented the abatement is just another way of trying to lower the tax burden. He was unsure of the importance of that at this point. Councilor Boyd questioned why an abatement would have been approved if taxes were not being paid. Councilor Dwyer questioned the concern. Councilor Boyd questioned whether a step was missed in the process.

**MOTION CARRIED 6-1-0**

*Councilor Koenig voted in opposition.*

#### **4. LED Lighting Discussion**

*Submitted by Finance Director Paul T. Micali*

Town Council to consider whether to replace the current high pressure sodium street light fixtures with LED lighting fixtures within the Town of Merrimack.

***Tabled until the next regularly scheduled meeting.***

#### **Minutes**

Approve the minutes from the Town Council meetings of May 12, 2016.

**MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting minutes of the May 12, 2016 Town Council meeting of as presented. MOTION CARRIED 6-0-1**

*Councilor Harrington Abstained*

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Councilor Vaillancourt spoke of the Annual Review conducted with the Planning Board, at which time the Chairman of the Planning Board touched upon discussions that have taken place regarding the current process for sidewalks. Councilor Koenig noted it is a requirement of the regulations that sidewalks be put in place when a developer makes improvements to a property. A Waiver of that requirement can be applied for. If the Waiver request is unsuccessful, the owner can look to contribute mitigation dollars to a fund to be used in the area for sidewalks.

Mr. Best had commented the fund is not being used, and how, after a period of time, those dollars are returned to the owner of the property. He had indicated the desire of the Planning Board to present ideas for changes to the process.

Town Manager Cabanel stated Mr. Best will be contacted. She commented one of the things that has been lacking is a sidewalk master plan. Without an adopted master plan you cannot apply the funds toward anything.

When asked, Town Manager Cabanel explained the project proposed by the Nashua Regional Planning Commission (NRPC), which was denied approx. a year and a half ago, was what the NRPC refers to as a windshield study along the D.W. Highway. That indicated something other than a sidewalk project around here. It kind of led the Council to assume that a plan would be put in place to put a sidewalk up the highway even in the urban compact. That was what many of the Council members had a concern with; that we would build sidewalks outside of the urban compact and then have to maintain them.

When asked, Councilor Koenig stated, as Mr. Best alluded to, the Planning Board has been hesitant to take money in lieu because there is no plan in place that allows for its use.

Chairman Harrington stated the desire to be presented with a proposal. Although there have been some general overarching discussions around sidewalks in Town, and pros and cons have been openly discussed, she has no memory of a specific proposal being brought forward to address that amount of money having to be given back because of the inability to utilize it.

Town Manager Cabanel suggested it might be a good idea to do a master plan in bits and parts, and perhaps begin with the Town Center area. She stated uncertainty with any restrictions such as proximity to initial project, etc. associated with the dollars.

Councilor Boyd stated his recollection the Town Center Committee put planning in place for sidewalks. Councilor Flood stated it had, and noted there to be two locations where the Town Center Committee would be interested in having sidewalks. She noted a Chamber grant was applied for without success. There is a \$400,000 grant the Town has been awarded by the Federal Government. Town Manager Cabanel noted the funded recently passed, and the money should be forwarded shortly. Those funds would cover the cost of the bridge area and the trail going under the bridge. The Safe

Routes to School Program also has money available to apply for. The Town Center Committee would like to see a sidewalk on Woodbury Street or O'Gara Drive simultaneous to a paving project that will be scheduled for 2017/2018.

Chairman Harrington stated there to be an opportunity for three different groups to work together. Councilor Koenig stated his understanding monies taken from businesses in lieu of installing a sidewalk immediately has to be used in the region or the area of the business.

Councilor Vaillancourt stated her belief the Council was making some assumptions about what it is the Planning Board wishes to present. She suggested the Town Manager be asked to reach out to Mr. Best to discuss the viability of coming forward.

Vice Chairman Rothhaus spoke of receiving a call from the new owner of the Zyla's property who has to put in a sidewalk, which he was aware of. His complaint is there are two beautiful old trees, one of which is of good size and he would like to keep it as it adds a small amount of character to an otherwise bland parking lot and brown commercial building. The sidewalk was in his Site Plan. Vice Chairman Rothhaus suggested the engineer should not have included that amenity and also that the Community Development Department should have recognized the opportunity to save a tree as should the Planning Board. He suggested the time should be taken to recognize those things.

In order for the owner to keep the tree, he would be required to submit a Site Plan change, which would necessitate hiring an engineer, have it presented to the Planning Board, and then file it. What would otherwise seem like a simple thing is not. In order to keep it simple, he would like all eyes to be on the prize in trying to maintain things like that.

Councilor Dwyer commented once again, we're going to force a person to put in a sidewalk where there isn't a sidewalk to the left or right of his business. Vice Chairman Rothhaus stated there is a sidewalk in the area; in front of Dunkin Donuts. The business now has a sidewalk marked area in the parking lot that goes across the front. The Town Center Committee is really desirous of a sidewalk on Church Street.

Councilor Dwyer questioned if the cost of sidewalk equipment would be brought up during the Retreat. Vice Chairman Rothhaus commented that is a problem.

Town Manager Cabanel stated the Community Development Office, had they seen something like that or were made aware of it during the process, would have been very accommodating towards something like that. If an engineer brings in something, it is a technical drawing that is approved by the Planning Board and then becomes a legal document. That has nothing to do with our Planning Board it is just the way it is. She stated her opinion, if the individual's engineer doesn't do the plan correctly, he/she should do it again at no cost.

Vice Chairman Rothhaus stated he would agree with that. His only point was it would be more beneficial, as a community, that the Community Development Department as well as the Planning Board would take the time to recognize those things.

Approved: June 9, 2016

Posted: June 13, 2016

Councilor Vaillancourt informed the Council, at its May 16<sup>th</sup> meeting, the Conservation Commission heard from Attorney Greg Michael with regard to Woodspring Hotel. It was interesting to see a new structure going up in what is currently a parking lot. At that time, he refused to speak about the existing structure. Although not under the purview of the Commission, the questions asked were general in nature.

The Commission, in spite of the proposed NED project being suspended, and now withdrawn, voted to move forward with the ecological assessment of 283 Continental Boulevard. The gate installation on Grater Woods has commenced with two of the gates having been erected to date. Councilor Vaillancourt stated she has been working with Town Manager Cabanel and Kyle Fox, Director, PWD on obtaining “road closed” signs. The Chairman of the Commission, Tim Tenhave, recommended the Commission not lock the gates until such signage has been installed.

The Horse Hill Nature Preserve (HHNP) parking lot project has a start date of May 31<sup>st</sup>. The hopeful completion date is July 1<sup>st</sup>. Although that lot will not be available for parking during that period, the Watanic Bowmen parking lot is available as is Wasserman. The Sub-Committee is readying signage to be posted in the kiosk. The Commission’s website will also include postings.

Councilor Boyd spoke of two Merrimack students who traveled to Phoenix, AZ to participate in the Intel International Science & Engineer Fair. Matt Spettel and Sara Mason were among four local students who competed at the fair against thousands of students from around the world. They placed second in the Embedded Systems category for their project The Applications of Peristaltic Pumping Systems in Chemistry Laboratories. They have created what they call a Chemicube, which allows for accuracy in pouring chemicals from one container to this device. They won a \$1,500 cash prize, and an international committee will be naming two asteroids after these two young students. He congratulated them for a job well done. Matt, Sara and another Merrimack student, Emily Duval, will be taking the Chemicube on the road again next week at the UNH BizGen competition.

Councilor Flood spoke of a sign recently placed on the footbridge of the Souhegan River Trail located behind the fire station and along the river. The sign provides information on Merrill’s Marauders.

Councilor Flood commented Attorney Michael is an excellent lawyer, and wants to protect his client.

Councilor Koenig noted the Planning Board did not meet the prior week. Their next meeting is scheduled for June.

### **Adjourn**

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

*The May 26, 2016 meeting of the Town Council was adjourned at 8:50 p.m.*

Submitted by Dawn MacMillan