



Town Council Meeting Minutes

Thursday August 18, 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 Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Rothhaus, Councilor Vaillancourt, Town Manager Eileen Cabanel, and Assistant Town Manager / Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

On behalf of the Town Council, Chairman Harrington extended deepest sympathy to the family and friends of Eber Currier. Eber passed away on August 6th at the age of 85. Some of his countless contributions to the Merrimack community include owning and operating Currier Orchards, the formation and establishment of Merrimack's Agricultural Commission of which he was a member for 8 years in addition to his impressive 24-year membership on the Merrimack Conservation Commission. Eber's presence is truly missed by so many.

The Town Council observed a moment of silence in memory of Eber Currier.

Town offices will be closed on Monday, September 5th in observance of the Labor Day holiday. Regular meetings of the Town Council will be conducted on Thursday September 8th and September 22nd at 7:00 p.m. in the Matthew Thornton Room.

The Town of Amherst will be closing a portion of Baboosic Lake Road on August 24th and 25th from 7:00 a.m. to 3:00 p.m. each day to perform tree removal. Please visit the Town website or Merrimack Public Works' Facebook page for details including a map of the closure location.

The Town of Amherst will be closing Baboosic Lake Road in Amherst near the Merrimack town line (South Baboosic Lake Road) August 19th, for a culvert replacement project. The closure will run from 8:30 a.m. to approximately noontime.

This Saturday, August 20th, the Parks & Recreation Department will be holding a Community Blood Drive at the John O'Leary Adult Community Center from 9:00 a.m. - 2:00 p.m. Donors are greatly needed.

Wednesday, August 24th will be the final Summer Concert at Abbie Griffin Park. The concert will feature "The Transistors" who will perform from 6:00 - 8:00 p.m. Thursday, August 25th will be our final free movie night in the Park. We will be showing "Minions" at Wasserman Park and the event will begin at 7:00 p.m.

The Police Department, Fire Department, and the Parks and Recreation Department are working on a plan to put together a candlelight vigil for the 15 year anniversary of 9/11. Additional information will

be provided once available.

Chairman Harrington stated she had requested Diane Trippett, Town Clerk/Tax Collector, provide information on the status of the checklist update needed to assign voters to polling locations. Ms. Trippett made the inquiry, and was advised that all voters have been moved to their respective polling location, and an accuracy check is currently being performed on the changes made. The review is expected to be completed early in the week of August 15th. Upon confirmation the review is complete and the checklist is all set, the publicity push will begin, which will include notices to newspapers and on Merrimack TV, information on any and all message boards, the Town website, Facebook, and announcements at meetings. The Town Clerk's Office intends to display a map indicating the boundary locations, and will provide an informational handout containing a website address that can be utilized for voter information lookup.

Postcards will be sent to every household in Town advising of the polling location changes. The postcard will provide a description of the general area of the polling locations, and a website address where residents can check online for their particular location. The phone number for the Town Clerk's Office will also be provided for those who wish to call and/or do not have internet access. The postcards are expected to be fluorescent yellow and mailed the last week in August or the first week in September. They are working with the Assistant Town Manager/Finance Director Micali to find the best method and price to accomplish this task. As State Primary turnout tends to be lower than other elections, plans are in place to complete a second publicity push in October, prior to the November General Election.

The Town Council is in receipt of an email indicating the Town Clerk will also put notices into motor vehicle renewal notices sent in August, September, and October. The notice reads: "On June 23, 2016, the Town Council voted to establish three polling stations in Town. The polling locations are the James Mastricola Upper Elementary School, Merrimack Middle School, and the St. John Neumann Church. Voters are encouraged to check their polling location at <http://app.sos.nh.gov/Public/PollingPlaceSearch.aspx>. Voters may also call the Town Clerk's Office at 424-3651. The State Primary is Tuesday, September 13th and the General Election is Tuesday November 8th."

Councilor Boyd asked for clarification, and was informed the postcard will identify the three polling locations, but will not instruct individual voters/residents of their particular polling location. He questioned if it would be advantageous to have a hyperlink on the Town's website to a list that identifies street names and their associated polling location. Assistant Town Manager/Finance Director Micali stated that would be looked into. However, he believes the information pertaining to voter registration/wards is actually held by the Secretary of State, which is why voters would be directed to that website. When asked about the possibility of individualized postcards providing exact polling locations, he explained if each post card were addressed to a specific individual, the Post Office would want the bulk rate mail broken out by mail route. If a mass mailing is utilized the Post Office is simply provided with 10,273 of the postcards, and knows to provide them to every carrier.

Councilor Koenig spoke of having visited the website to identify his polling location, and that he did so without any difficulty.

Perfluorooctanoic Acid (PFOA) Information Update

Town Manager Cabanel noted a mass mailing went out to residents of Merrimack, Litchfield, and Bedford from an attorney stating a town meeting is being conducted at the Merrimack Town Hall. That is not an accurate statement. A request was made for the individual to utilize the room, and then the Town became aware of the mass mailing and the reference to it being a town meeting.

It is a solicitation from an attorney who is looking to gather clients to sue somebody for the PFOA. She stated the desire to simply inform the public the gathering is not being hosted by the Town of Merrimack, and the capacity in the room is 80, a fact which the individual has been made aware of.

The Fire Marshall will be onsite. There will also be a police detail present, the cost of which will be the responsibility of the individual. If an excess of 80 people arrive, they will be turned away.

Town Manager Cabanel commented she has been asking the State Department of Environmental Services (NHDES) to see if they can get Saint-Gobain to give the Town something in writing. Earlier in the day she received a letter from the Director of EHS at Saint-Gobain Performance Plastics, which states: "I am writing to update you on the status of waterline connections that are taking place at this time under Saint-Gobain Performance Plastic guidance and expense in Merrimack. We plan to connect to the municipal water system a total of 15 homes on Daniel Webster Highway, Back River Road, Bedford Road, Maple Street, and Woodhaven Circle. These homes currently use well water, which has been tested over 70 parts per trillion", which is the State and Federal guideline. Their consultant, C.T. Male Associates, is directing a local general contractor, Ted Bantis Excavating, to perform the work. Construction began August 15th and is expected to be completed by September 30th. The total cost of the project is estimated at approx. \$240,000. The affected homeowners have been advised of the work either in writing or through door-to-door visits by C.T. Male.

Councilor Boyd questioned if there has been any movement between NHDES, Saint-Gobain and the Merrimack Village District (MVD) as it relates to an agreement regarding remediation. Town Manager Cabanel responded there have been ongoing discussions and they are moving along. The State is hopeful.

Comments from the Press and Public

Mike Boisvert, 16 Beebe Lane

Stated the desire to speak in regard to the 1st item under Old Business; Target Shooting on Town Owner Land. He stated prior to the land being purchased by the Conservation Commission it had been posted "No Trespassing". Part of the rationale was to put an end to target shooting that was going on. As a resident of Beebe Lane, perhaps ¾ of a mile from the site, it has an impact on him. He commented it is different from hunting as that is a single shot here or there. Hearing target shooting continue on for an hour or two leaves you on edge, particularly with heavier caliber. He requested the Council keep the public in mind if considering allowing target shooting on Town owned property at some point in the future.

Matthew Behler, 15 Beebe Lane

Stated during the 27 years he has resided in Merrimack he has witnessed the great work done by the Conservation Commission and the Grater Woods Sub-Committee to make Grater Woods a natural oasis for our community. Grater Woods is being used by more and more people looking to enjoy the beauty of its trails and the peace and quiet of nature. When target shooting was occurring, this beauty and tranquility was shattered by constant gunfire that would last for hours. The land where the target shooting took place was desecrated with garbage and spent shells, and took the concerted effort of several dozen volunteers and mechanized equipment, at Town expense, to clean up. Most importantly, stray bullets from the target shooting area posed a very real danger for people using Grater Woods for recreational purposes. He stated his trust the Council would continue to uphold the ban on target shooting in the Grater Woods Conservation Area.

Tina Boisvert, 16 Beebe Lane

Remarked it is disconcerting when walking through the woods and hearing shooting. It is difficult to determine the direction from which it is coming, and you don't feel safe. During hunting season they are aware of the activity and choose to stay out of the wooded area, but during the rest of the year it is a wonderful place to be until you start hearing shooting. She spoke of the clean-up effort that resulted in an expense to the Town.

Nelson Disco, Chairman, Merrimack Town Center Committee

Spoke of Item #4 under New Business, the application by the Public Works Director to obtain a Federal grant to construct a section of sidewalk on Route 3 and Woodbury Street. These areas are in the plan that was developed under the iTRaC program in 2009. They are high priority items, and areas having a great deal of automotive and pedestrian traffic. This is a need of the community, and one he hopes the Council will be in favor of.

Sean Sylvester, 8 Sunnydale Drive

Remarked when in Middle School he ran cross-country and can remember times when he was afraid running through the woods and hearing gunshots. The Grater Woods area is the only area the Middle School cross-country team has to run. Per school rules, they are not allowed to leave the premises, but are allowed to run in Grater Woods.

There being no objection, the Council went out of the regular order of business to take up Appointments.

Appointments

1. Boston Post Cane Presentation

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

The Town Council will present the Boston Post Cane to Carsten Hahn, the Town of Merrimack's oldest known resident.

On June 15, 2015, Roy Ingerson, the current holder of the Boston Post Cane passed away at the age of 101. The Boston Post Cane tradition started in 1909 when the Boston Post newspaper delivered the gold heavy ebony cane to towns throughout New England, requesting they be presented to the oldest citizen in the Town. After conducting a search, and receiving several nominations, Carsten Hahn has been chosen as the next recipient.

Carsten (now more commonly known as Bud) was born on September 20, 1916 in Lovett, Alberta Province, Canada, and his family eventually settled in the Seattle area. Bud graduated high school in 1935 and from the University of Washington in 1940, after which he worked for Boeing Aircraft. He served as a 2nd Lieutenant in the Army Signal Corps in WWI, went on to serve an additional 7 years in the Army Reserves, and was discharged as a Captain.

Bud married his wife Simone in Manchester, NH in 1947, and in 1962 they moved their family to Merrimack. They have 4 children, 9 grandchildren, and 5 great-grandchildren. He founded Control Power Systems and worked as its Senior Engineer until retirement in 1980.

Bud has deep roots in the community. He founded Boy Scout Troop 424 and served as a Boy Scout leader, Council Commissioner and Advisor for over 5 continuous decades. He served Our Lady of Mercy parish as a Eucharistic Minister and coordinator of the home ministry program. He was also a volunteer at the Nashua Soup Kitchen for many years and a member of the Knights of Columbus and the American Legion.

Chairman Harrington presented Mr. Hahn with the Boston Post Cane and a Certificate recognizing him as the oldest living resident in Merrimack.

The Council returned to the regular order of business.

Recognitions, Resignations and Retirements

1. Recognition of Retirement of Town Employee

Submitted by Human Resources Director Sharon Marunicz

The Town Council will present a recognition award to Bruce Moreau for 40 years of full-time service and an additional award in recognition of his retirement.

Kyle Fox, Director, Public Works Department (PWD), stated Bruce Moreau began employment with the Town on August 2, 1976 as a laborer at the rate of \$2.91/hour. That was the year Merrimack Public Works came into existence. Prior to that the Town had a Road Agent.

Along the way Bruce has served in many capacities; Equipment Operator, Highway and Solid Waste Foreman, Superintendent, Highway Coordinator, Acting Director of Parks and Recreation, and Treasurer. He has also served as a Water Commissioner at the MVD and was one of the first to achieve the status of Master Road Scholar in the UNH T squared program.

Approved: September 8, 2016

Posted: September 9, 2016

Bruce has been responsible for leading our Highway and parks crew through everything from routine maintenance tasks to snow storms, special projects such as the construction of the Stow Road Bridge, and response to recovery during emergencies.

Throughout his time in Merrimack Bruce cared for the Town, for his co-workers, and most of all for the residents. The nature and extent of his caring was demonstrated in January of 1999 when he received the Hero Award for rescuing a mother and two young children from a burning car following an accident in Lisbon. Bruce and his wife have lived in Town since 1994.

Dawn Tuomala, Deputy Director, PWD, stated “As you leave on this day we had to find some words to say. So we thought and thought and decided thus, you deserve the best, you deserve a fuss. So thank you so much for all of your years working hard, blood, sweat, and tears. We know you have given us your best, and we know we have put you to the test. Not only a colleague but a dear friend; we hope this isn’t going to be the end. You will be sorely missed of that there is no doubt. There was so much you were knowledgeable about. You’ve done your quota, you’ve played it well, now comes the time to say farewell. You must not cry or protest too loud, you can’t come back, it’s not allowed.”

Chairman Harrington presented Mr. Moreau with a rocking chair in recognition of his years of service to the Town of Merrimack. On behalf of the citizenry-at-large, she thanked him for all he has done for the community.

Legislative Updates from State Representatives

Representative Chris Christensen spoke of the time when there was MTBE leaking out of gasoline tanks and contaminating the groundwater. Problems started to come about around 2003. The Oil Fund Disbursement Board worked with the Attorney General’s Office to sue the gasoline distributors. Some settlements were achieved, but one company, Exxon, held out. That was settled about 4 months ago. He commented the big companies have long staying power. The court ordered approx. \$220 million to go into a clean drinking and groundwater fund (about \$80,000 million in accumulated interest). Nearly \$300 million is coming to the State for that purpose. State RSAs require that 10% of that go into the rainy day fund, which is good for everybody, and the remainder goes into the trust fund where it cannot be pulled from and applied to something else.

There is an Advisory Council for the Clean Drinking Water and Groundwater Fund. Because of the language in the Bill that created the Trust, he is of the belief it will be able to be used not only for MBTE, but as an auxiliary fund to address PFOA problems to help people with either point of entry filters or with extending municipal water to houses that are within range.

When asked how to go about accessing those funds, Representative Christensen stated the Bill was signed earlier this year, but late in the year. The rules have not yet been published or enacted with regard to criteria. That will be worked on come fall. He will notify the Council when that occurs.

There being no objection, the Council went out of the regular order of business to take up Item #2 under New Business.

2. Deliberation to Fill the Town Council Vacancy

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

The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council until the April 2017 election, pursuant to Charter Article 4-5.

Chairman Harrington stated each candidate would be allotted a period of two minutes to introduce himself/herself to the public. Interviews have already taken place; August 8th public meeting. At the conclusion of the introductions, the Chair will open the floor for discussion after which a Roll Call vote will be conducted. The candidate receiving the votes of a majority of the Council will be declared the appointed candidate. In the event of a tie, another Roll Call vote would be conducted for the top two candidates. Once a decision has been made, the appointed candidate would be sworn in and seated for the remainder of the meeting.

Paul Lagasse was not in attendance.

Thomas Mahon remarked he has served with the Town Council for 10 years. He stepped away for a short period to take a break. When this opportunity presented itself, he made the decision to apply. He spoke of enjoying the work of the Council and working alongside his colleagues, and of the experience and knowledge he could bring to the table.

Donald Millek was not in attendance.

Daniel Ricker was not in attendance.

Kathleen Stroud stated she has been a New Hampshire resident since 1987 and a resident of Merrimack since 2004. She is a retired Air Traffic Controller, and has served two terms in Concord on the Municipal and County Government Committee. During her time there she learned a great deal about local government, budgets, etc. She thanked the Council for the opportunity.

Chairman Harrington opened the floor for discussion.

Vice Chairman Rothhaus commented the questions asked during the interview process were limited but very telling. He stated he was pleased with the quality of individuals who came forward and submitted their names.

Councilor Dwyer commented it is unfortunate the public may not have had the opportunity to hear the other candidates as all five are qualified and any one of them would be able to serve on the Council. He thanked all who participated by putting in a letter of intent.

Councilor Flood remarked she too was impressed with the skillset and overall qualifications the candidates possess. There have been elections in the recent past that did not gain such a level of interest. She is hopeful all of the candidates will stay in the arena; join one or two committees to acclimate themselves to the way Town government works.

Councilor Koenig stated agreement with the remarks of his colleagues. There was a wide range of abilities with the candidates that came forward all of whom showed a lot of interest in the Town. He encouraged all of the candidates to stay involved and participate in future elections for seats on the Council.

Councilor Boyd referred the community of Merrimack to the comments of his colleagues.

Chairman Harrington called for each Councilor to identify his/her candidate of choice. Councilor Boyd cast his vote for Thomas J. Mahon. Councilor Flood cast her vote for Thomas Mahon. Vice Chairman Rothhaus cast his vote for Thomas Mahon. Councilor Dwyer cast his vote for Thomas Mahon. Councilor Koenig cast his vote for Thomas Mahon. Councilor Harrington cast her vote for Thomas Mahon.

Chairman Harrington noted Mr. Mahon will fill the position until the election in April at which time the voters will elect an individual to fulfill the remainder of the term; one year.

The Oath of Office was administered to Thomas J. Mahon by Town Moderator Lynn Christensen.

The Council returned to the regular order of business.

Public Hearing

1. Public Hearing - Proposed Change to Chapter 183 – Vehicles and Traffic

Submitted by Police Chief Mark E. Doyle

The Town Council will hold a public hearing to consider the proposed change to Chapter 183 – Vehicles and Traffic, of the Town Code, to accept and install a “stop” sign on Island Drive at the intersection of Island and D.W. Drives, pursuant to Charter Article V.

Police Chief Mark Doyle stated the proposal to be for the installation of a stop sign at the intersection of Island Drive and Daniel Webster Drive. The request was made at the June meeting of the Highway Safety Committee by a resident of Island Drive, Deborah Brancheau. Although the sign was not necessarily compliant with the criteria outlined in the Manual for Uniform Traffic Control Devices (MUTCD), the resident was concerned enough to bring the request to the committee.

Coming out of Island Drive as you head westerly onto D.W. Drive, it is a simple T intersection. The design is such that because it is coming off of D. W. Highway, it can cause overflow onto D. W. Drive. When that occurs some motorists peel off of D.W. Highway traveling rather quickly down D. W. Drive, and not necessarily with any regard for other traffic. The exacerbating factor is a very difficult line of sight issue as you come up the intersection from Island Drive to look to your left. There are some obstructions and the line of sight is such that by the time a motorist enters the intersection, had another motorist been coming onto D.W. Drive from D.W. Highway reaction time wouldn't allow for a collision to be avoided. Regardless of whether the volume of the traffic at that particular location warranted a sign installation, the committee felt it would be warranted based upon the safety concerns raised by Ms. Brancheau.

A stop sign was installed (June 28th) at the behest of the Highway Safety Committee, although not enforceable until formally adopted through this process.

Chairman Harrington declared the Public Hearing open at 8:12 p.m.

No public comment was offered.

Chairman Harrington declared the Public Hearing closed at 8:13 p.m.

Councilor Koenig remarked he was absent for the July meeting, and was surprised when seeing the sign erected on Island Drive. It also surprised some of the other people out on Island Drive especially since there was a lot of shrubbery that was hiding it when it was first put up. He realizes the difficulty of that T intersection and the issues discussed, but believes the obstruction of line of sight comes from bushes that are overgrown in the Town Right of Way. He questioned if it is not more important to clear out that obstruction to make it visible. When motorists approach that stop sign, if stopping where the white paint stripe is normally put, they can't see around the bushes at that intersection. He questioned what will be done to try to improve line of sight.

Director Fox stated the belief the bushes in question are on private property. The Right of Way down there dates back to when it was the D.W. Highway. The PWD is conducting a Deed search on the area and looking through NHDOT files for clarification. Research conducted to date indicates they are clearly on private property. Councilor Koenig questioned if they remain on private property when grown out past the asphalt, and was told it appears the asphalt is on private property. The PWD works with that homeowner often, and he has been very cooperative in cutting the bushes back understanding that he wants the bushes there because it is the little bit of screening he has from the volume of traffic on the D.W. Highway.

Councilor Koenig remarked it seems the issue cannot be fully resolved with a stop sign, and there is a need to identify a resolution. He commented he has not seen motorists taking that shortcut and is not aware of any accidents in that location. Chief Doyle stated agreement there have not been accidents. There are motorists that do take that shortcut; it doesn't happen a lot, but it does happen especially when the traffic volume backs up in the evening. The stop sign is part of the resolution. It is not the quick fix or the long-term solution, which is why Director Fox is doing the work to find out what if anything we can do to improve that line of sight. There is long-term discussion around D.W. Drive altogether, e.g., perhaps closing off that northbound peel off onto D.W. Drive right by the southern end of the entrance to D.W. Drive.

Councilor Koenig questioned if something could be done to keep the area in front of the sign clear. Director Fox stated that could be done. Vice Chairman Rothhaus commented there is a better resolution, and that would be shutting down D.W. Drive at that end to prevent that flow.

Councilor Mahon questioned if consideration was given to placing the stop sign on D.W. Drive. Director Fox responded that was considered. However, when putting stoppages on roadways you always defer to the primary traffic. In this case the primary traffic is coming from D.W. Highway. Chief Doyle remarked when making decisions like this they look at what driver behavior is and how

that dictates sign placement. For motorists coming out onto Island Drive, the expectation would be that the stop sign would be there. Once they understand that it is there they will recognize that it is their responsibility to stop. It will force them to make that momentary stop, take a look, and then move through the intersection. The stop bar will be painted and the trees and brush will be cut back.

Motorists coming off of D.W. Highway peeling down there are not going to expect to see a stop sign there. That becomes even more of a problem because people would go through it without expecting to see it or slam on their brakes at the last minute. That was one of the driving reasons why it was believed more appropriate to place the sign in its current location as opposed to on D.W. Drive.

When asked if any other traffic calming measures were considered, e.g., speed bump, Vice Chairman Rothhaus remarked he does not believe that was discussed. Past discussion of speed bumps highlighted the burden they pose on plowing operations. Councilor Mahon questioned if it is a matter of public safety or the preferences of the PWD for snow plowing on a short section of street that doesn't have a lot of traffic. Vice Chairman Rothhaus responded for him the stop sign was not looked at from an enforcement standpoint but rather the memory jogger, it gives the motorist that pause.

Councilor Flood commented there are three things she would look at as solutions; speed bumps (can be disassembled in winter), a traffic mini-circle, or shutting the road off. Chief Doyle reiterated there is a lot involved in considering closing the road off, and stated his opinion the stop sign is the simplest solution.

Councilor Koenig commented it sounds as if this is all focused on motorists coming down D.W. Drive too quickly, and we ought to find some way to slow that down.

MOTION made by Councilor Rothhaus and seconded by Councilor Dwyer to move to a third reading. MOTION CARRIED 5-2-0

Councilors Koenig and Mahon voted in opposition

2. Public Hearing - SCBA Grant Funds Acceptance for Merrimack Fire Department

Submitted by Fire Chief Michael Currier

The Town Council to hold a public hearing to consider the acceptance and expenditure of the Assistance to Firefighters Grant (AFG) in the amount of \$317,600, with a Federal portion of \$288,728 and a Town portion of \$28, 872, that has been awarded to the Merrimack Fire Department for the purpose of replacing outdated Self Contained Breathing Apparatus (SCBA) and associated equipment, pursuant to RSA 31:95-b and Charter Article 8-15.

Brian Borneman, Assistant Fire Chief, stated the department identified, through the needs analysis, that the Self Contained Breathing Apparatus (SCBA) was reaching the end of its life cycle. There was a 2-3 year window to work towards replacing the equipment. The department applied, during the last cycle, for the Assistance to Firefighters Grant, which was for protective clothing. Although scoring well, they came up a few points short. The application was tweaked and moved forward. The department scored very well, and was funded.

The program for the grant is to update all of the SCBA and associated equipment. The total cost is \$317,600. The Federal Portion of that is \$288,728. The Town's portion (10% based on population) is \$28,872. The equipment has a 15-year life expectancy.

Chairman Harrington declared the Public Hearing open at 8:38 p.m.

No public comment was offered.

Chairman Harrington declared the Public Hearing closed at 8:39 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend the Assistance to Firefighters Grant (AFG) in the amount of Three Hundred and Seventeen Thousand Six Hundred Dollars (\$317,600), with a Federal portion of Two Hundred Eighty Eight Thousand Seven Hundred Twenty Eight Dollars (\$288,728) and a Town portion of Twenty Eight Thousand Eight Hundred Seventy Two Dollars (\$28,872) to be taken from the Fire Equipment Capital Reserve, that has been awarded to the Merrimack Fire Department for the purpose of replacing outdated Self Contained Breathing Apparatus (SCBA) and associated equipment, pursuant to RSA 31:95-b and Charter Article 8-15. Furthermore that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to expend and perfect the transaction. MOTION CARRIED 7-0-0

Town Manager's Report

A ribbon cutting ceremony was held on Wednesday to officially re-open the Bean Road Bridge. The bridge is open to traffic again after being closed for just over a year while the former bridge was being replaced.

The new digital message board has been installed at the Transfer Station. The board will be used to promote recycling and to display information for Merrimack residents.

The Town has purchased a portable changeable message sign for \$15,575. This sign is similar to the one we already own in the Highway Department. Delivery is anticipated on or about the 1st of September.

Consent Agenda - None

Old Business

1. Target Shooting on Town Owned Land [Tabled at the July 21, 2016, Town Council meeting]

Submitted by David Elliott

To have a discussion with the Town Council regarding target shooting on Town owned land.

Mr. David Elliott stated his belief the decision to ban target shooting on Merrimack Town property by hanging signs in accordance with RSA 635:4 is punishing the masses for the actions of a few, and although it may not have been intended as such is anti-gun and anti-hunting. There were many concerns brought to the attention of the Council and discussed regarding target shooting on Town owned land. These concerns included litter and alcohol consumption at the shooting site, shooting from

the side of the road, shooting at night, and targets being placed in an unsafe location. These are all valid concerns. There is no excuse for consuming alcohol and handling firearms or for targets being placed in unsafe locations.

Mr. Elliott stated although he did not shoot at Grater Road often, when he did he was one of the people who picked up trash and removed targets from that location. He is just as angry about the list of concerns as those who expressed them during prior meetings. However, there are existing laws in place to address them. Littering on public property is covered under RSA 207:36-b. There is a Town Ordinance that prohibits alcohol consumption on public land, and laws were already in place that would provide enforcement justification to stop people from shooting at night. In accordance with RSA 207:3-a, it is unlawful to shoot within 300' of an occupied dwelling and RSA 207:3-c states that it is unlawful to shoot within 15' or across the travel portion of a roadway. RSA 207:37-a Negligent Discharge of Firearms, states that if anyone discharges a firearm while target shooting in such a manner that the life of any person is endangered or so as to cause damage to the property of another person is guilty of a misdemeanor. In addition, depending on the act involved, RSA 631:3, Reckless Conduct, would bring felony level charges should an innocent person be placed in danger of serious bodily injury, and based on the severity of the offense, RSA 632, Manslaughter, and RSA 633, Negligent Homicide could also be applied.

Mr. Elliott remarked the recent decision to prohibit target shooting on Town owned land has just added additional restrictions on good people that were doing nothing wrong in an attempt to stop the few that are not acting appropriately. If the existing laws are enforced, the ban is not necessary. He suggested the few will continue the poor behavior even with the new restrictions.

He spoke of his awareness of safety issues regarding shooting and dirt bike riders in the area. Although he agrees the issue had to be addressed he believes there to be other ways that could have been done. There are miles of trails that can be used for riding, but only one area that people target practice. It would have been far less expensive and affected far less people to simply hang a sign on that small portion of trail informing riders that people often shoot in the area.

He spoke of being a member of Nashua Fish & Game, and noted like most private shooting clubs, their membership is capped at a certain number and the waiting list is often 3-4 years. In addition, private clubs are expensive. Indoor ranges are great for handgun practice, but cannot facilitate a hunter citing in his gun in preparation for the hunting season. Often indoor ranges cannot accommodate common hunting caliber such as a 308. The new restriction will cripple hunters preparing for hunting season. Mr. Elliott questioned where people would go to teach their kids proper firearms handling as indoor ranges are not conducive to teaching. He stated a willingness to assist in establishing a Town shooting range. However, has concerns believing liability and insurance would become a major issue.

He requested the Council consider reversing the decision. He requested information from the Police Department relative to reports of personal injury, property damage, and noise complaints, as a result of target shooting, over the past five years. Their system will not accommodate a search specific to target shooting. All they could do was look up all firearm related calls. He lives near Grater Road and hears when people are shooting out there. He does not believe it is anywhere near as frequent as some would have you believe it is.

Councilor Dwyer spoke of the hundred or so volunteers that serve the community through membership on the different boards/committees/commissions, and stated the recommendations of those boards/committees/commissions are considered very seriously. The leaders of our Town and citizens in neighborhoods that were being impacted came to the Council with a reasonable request. As stewards of Town owned property, the Council heard the information brought before it, and decided to post the land “no target shooting, which is a decision he continues to support.

Several Councilors spoke of the ability for any citizen to avail himself/herself of open government, and suggested if there is support within the community for identifying an area for this activity, those interested should assemble and conduct the necessary research relative to potential legal ramifications, other municipalities that may have had success in this area, identify an appropriate location, etc., and bring a proposal forward for the Council and the citizenry-at-large to consider.

Mr. Elliott stated his biggest concern wasn’t necessarily Grater Woods itself; it is the banning of target shooting on all Merrimack property. To make such a blanket statement based on a few locations is what he takes issue with. He spoke of restrictions being placed on some members of the community, and commented all taxpayers in the community have equal rights to that outdoor space.

Councilor Dwyer spoke of the volume of work the Council is responsible for and the yeoman’s work done by the volunteers such as members of the Conservation Commission who conducted the research and gave consideration to how to best address an ongoing issue. Those leaders of the community as well as the Police Department presented a proposal and supporting facts to the Council. The Council heard the facts, did its own homework, and reached the conclusion that posting no target shooting was best for all.

Mr. Elliott stated concern once you go down this road there is no going back. This is the way the Town and New Hampshire has been forever. He does not believe people that want to go out in the woods and shoot or zero in their hunting gun should have to get any form of government approval to do so as long as they are not violating the law.

Councilor Mahon remarked when he moved into Town in 1976 the population was 9,000 people. Today’s population is nearly 27,000. Merrimack is much more densely populated. This is not a rural area any longer. The Council is not trying to restrict anybody’s rights, just trying to protect the health and safety of the people who use this space.

Mr. Elliott stated his understanding, and reiterated there are already laws in place for condensed zones. He questioned why the Town would restrict the activity if someone is able to find a location in the woods that allows him/her to abide by all of the laws. Councilor Mahon responded because it is something we have jurisdiction over, and as was mentioned there are liability and insurance issues involved. Mr. Elliott stated it is only a liability/insurance issue if it is a Town sponsored range. If someone is out there shooting on their own the only one responsible for that is the individual. Vice Chairman Rothhaus stated his appreciation for Mr. Elliott coming before the Council, and spoke of being a proponent of the Second Amendment. He remarked it was a safety issue. His biggest disgust was the nightmarish mess that was left out there. If there was a group that had an idea of a

location that could be used and the Parks and Recreation Department could get their arms around it, he would be more than happy to listen to a proposal.

Councilor Flood stated she uses Grater Woods a great deal. Her husband was coach of the rifle team of the 82nd Airborne Division, and even he does not like to be in the woods when shooting can be heard because there is no way to know where it is coming from. She sympathizes with residents who have to hear that in their homes. She personally does not see any right that an individual has to infringe on the rights of others. She is not bothered by hunters in the woods. There is a difference between target shooting and hunting. She noted a member of the Conservation Commission was walking in Grater Woods not long ago and had a bullet whiz by his head. She commented there is no discernable difference between someone who is an expert in handling firearms and someone who comes in and lays waste. A target can be missed. She stated her understanding a bullet can travel 2-4 miles and still have lethal capability. She believes it to be too dangerous an activity to allow.

Chairman Harrington remarked when the issue first came up she was not in favor of the restriction. Residents who target shoot pay taxes just as those who do not. She came to the conclusion it was very similar to ATV riders; they also paid for the land and they don't have access to all of the parks. They set up a group that has a great site near the Transfer Station. They enjoy use of the site, monitor it, etc. It is a great success. There is a balance when it comes to safety. It is possible for another group to do the work, conduct the research, etc. in an effort to designate a location where the activity may be feasible, and to bring a proposal before the Council and the public for consideration. She would be supportive of such an effort.

Mr. Elliott remarked if there were to be a Town range there would be concern with monitoring, liability, insurance cost, etc. If residents were allowed to continue to do it the way they have since the Town was incorporated anyone behaving in an unsafe manner could be held criminally liable and would be responsible for his/her own actions. Chairman Harrington remarked that would happen after the offense has occurred. She commented she heard enough testimony and concerns expressed that the preponderance of evidence of increasing risk was there. There are other options available for target shooting. She reiterated this does not need to be the end of the discussion. If a proposal were brought forward it would be heard.

New Business

1. Town Flag Discussion

Submitted by Sean Sylvester

The Town Council to be presented with a proposal for a Town flag and its design and meaning.

Chairman Harrington commented it has been learned although not an official designation, the Town has a flag with the Town Seal on it. That flag is used by the Police Department for various events.

Mr. Sean Sylvester stated he is heading into his senior year of high school, has lived in Merrimack for most of his life, and works at the Outlets. He sees a lot of people that come to Merrimack as a destination. He has been around the country for Science Olympiad, and has met people in other parts

of the country who have relatives that reside in Merrimack. People know Merrimack, and it is a destination Town now. It is important that we have something that Merrimack can be identified with.

Flags don't just represent a region they represent a community/group of people. In our daily lives there are countless symbols that we associate with different real world objects. There is a sense of community wholeness when you have something that the community can rally behind. People care about flags more than ever. We're a design conscious society; we care about these things now. We may not notice it until we see a badly designed flag. When you see a bad town flag you will silently judge that town for their poor choice in design.

Mr. Sylvester displayed photos of what are known as some of the best city/town flags ever made. The flags reflect the attributes and/or history of a community. The North American Vexillological Association is a scholar group that studies and promotes history symbolism and designs a flag. A few years ago they published a pamphlet called Good Flag - Bad Flag by Ted Kaye. That has quickly become the go to guide for redesigning your municipal flag. It identifies the five basic principles of flag design: keep it simple, use meaningful symbolism, use 2-3 basic colors, no lettering or seals, and be distinctive or be related.

Mr. Sylvester displayed a few possible designs and identified the meaning behind the colors, etc. The packet provided with the agenda showed one of the designs; a simple palette of only 3 colors; gold, blue, and green. The golden border signifies our early beginnings, blue is the Merrimack and Souhegan, and green is for the groves of trees that cover our Town.

When asked what generated his interest in flags, Ms. Sylvester stated he listened to a podcast about flags, and working at the outlets he sees people visit Merrimack from all around. As far as they know Merrimack is just the outlets; they have nothing to recognize us for. He believed it would be interesting if Merrimack had something the Town could identify with and use as a symbol.

Councilor Flood commented she could picture herself becoming very enthusiastic about people coming together on a design. Mr. Sylvester was encouraged to reach out to the Heritage Commission as a partner in this endeavor, and to provide the presentation on local television stations.

3. 1st Annual Update on Lake Naticook [Tabled at the July 21, 2016, Town Council meeting]

Submitted by Lake Naticook Conservation Association

To update the Town Council on Lake Naticook water quality, including milfoil mitigation efforts.

Murray Collette, President, Lake Naticook Conservation Association (LNCA), stated the LNCA is an association that represents the waterfront owners on Lake Naticook, which includes the Town of Merrimack, Camp Sargent, and about 40 families.

Lake Naticook is one of the key recreational resources in the Town. The Town has invested a lot over the years from the acquisition of Wasserman Park and Veteran's Park to developing them into recreational opportunities for the residents.

The lake is about 62 acres in size and averages 6' in depth. The deepest point is 19'. It is a very shallow lake, and as a result Milfoil can grow pretty much anywhere. Milfoil doesn't really grow much in waters deeper than 10'. Milfoil and runoff are the two largest issues of the lake.

Roger Gettel, Vice President, LNCA, stated he last reported to the Council in 2013. Significant progress has been made, and the current methods to reduce Milfoil are working. He estimated, over the past three years, Milfoil in the lake has been reduced by 50%.

The Town and State jointly fund diver operations for removing Milfoil. There are a few problem areas, but they have successfully gotten them down to a "whack-a-mole" mode. Three years ago it was not hard to find Milfoil. Today there are sporadic plants around the lake; far fewer than this time last year and this time the year before because of the efforts of volunteers in finding the plants, marking the plants, and getting diver assisted suction harvesting to remove the plants.

In places where there was significant Milfoil growth, after multiple cleanings, they are seeing those spots are no longer springing back the way they had in prior years. They have never seen flower or seed stage plants, and hope they never do. This year a special effort was made to get out early (late March). That time of year Milfoil is the only green plant growing. Once Lily Pads and other weeds are up it makes it harder to find the plants until they outgrow the other plants at which point they are a problem. They had a lot of opportunity and marked a good many plants prior to the first dive at the end of May. Two dive days were used to get all of the plants out with follow-up dives in early and mid-July. The next contract dive is pending for early September; waiting for volunteers to identify the location of enough weeds to make it worthwhile to call in the divers for a full day.

Mr. Gettel commented what is notable is that unlike three years ago at this time of year when there were concerns with the boat ramp and the large number of buoys in the water that were both unsightly and an issue for other recreational uses of the lake, this year there are about a dozen buoys in the water and instead of finding 10 or 12 plants per hour of searching time they are finding 3±. He remarked having seen the trajectory as we gradually reduce Milfoil in the Lake they are finding fewer floating fragments, the plants are smaller and are being removed before becoming well established, which means they are not springing back as often after they are cleaned by the divers.

By happenstance he met a local gentleman on the lake who was curious about what he was doing marking plants, and discovered he was a certified scuba diver. The LNCA sponsored the gentleman and his daughter for diver training for aquatic weed removal. They completed that course a few weeks ago, and on August 5th they made their first dive in the lake costing the Town zero. He emphasized this is not yet a replacement for professional divers because a Milfoil diver is not made in one day of training, it is a craft. Mr. Gettel noted he is certified for Milfoil removal where air is not required, and understands there is a learning curve and a number of environmental challenges in removal of plants.

The current management plan authorizes 10 dives this season. To date, 4 have been used. Another is being scheduled for September, and there will likely be a few after that. It was noted, because of the nature of Milfoil and its explosive growth, any interruption in the current process will quickly undermine the progress being made. Early season dives are extremely important.

Mr. Gettel remarked anyone interested in helping out would be welcome, and should make that interest known through email at NaticookLake@gmail.com.

Mr. Gettel spoke of the UNH Co-Operative Extension Lakes Lay Monitoring Program (LLMP); biological water quality study of the lake. The LNCA has been taking samples from the lake, and the Town has been participating in the LLMP. The data goes as far back as 1982. The parameters that the study tracks include Phosphorus, Chlorophyll, water clarity, color, alkalinity, ph, and specific conductivity plus dissolved oxygen (when there are appropriate temperature profiles present).

Naticook Lake has a relatively undisturbed shoreline for a lake in this region because of the abundance of outdoor recreation space in Town. The long-term trend is gradually higher Phosphorus levels since 1982. UNH comes down with equipment once a season to take samples. Mr. Gettel performs less extensive sampling every 2-3 weeks through the season and sends the samples in for further testing.

The primary threat to the lake is inputs of sediment and nutrients (Nitrogen and Phosphorus). One of the tests conducted is testing Phosphorus at 7 different locations on the lake. The areas were identified on a map displayed. Year after year, it is Site 6 that has the highest Phosphorous readings. That is where the stream comes down the hill and feeds the lake. Obviously stream water brings a lot of nutrients with it. The water in the lagoon can get a little scummy. There is some filtering action as it comes into the rest of the lake.

The second location where elevated readings have been seen for a few years in the months of June and July is Site 2. The concern there is the possibility of runoff from the eastern corner of the field across the Veteran's Park Road and down the embankment. There is evidence of erosion down that embankment directly into the lake. They have had the discussion of drainage control being considered in the plans for the boat ramp upgrades to reduce direct runoff into the lake. If runoff goes into the ground the vegetation has the ability to take it out before that water springs up in the lake through springs, etc. If it runs off the surface it carries both sediments and Phosphorous into the lake. For the long-term biologic health of the lake and the aesthetic quality of the water to the extent we can reduce Phosphorous inputs into the lake the healthier it will be.

This year they have seen a lot more algae growth in the lake than is historically typical. He believes a lot of that had to do with the winter weather pattern. Until the results of this year's testing are received (next year), it won't be known whether that was Phosphorous related and whether there were particular inputs. As can be seen from the reports, the long-term Chlorophyll trend is increasing (since 1982). The Phosphorous trend is increasing. The recommendation is to minimize surface runoff to the greatest extent possible. Within the Association they try to emphasize to all lake front owners to maintain their vegetative barriers along their shoreline, not to use fertilizers, and to minimize runoff from their properties. With the Town being major landowners surrounding the lake the same request is made.

Mr. Gettel stated on both fronts the LNCA is trying to make improvements and diminish any degrading elements to the water quality. A presentation was made earlier in the year to the Conservation Commission to keep them informed of activities taking place. The LNCA is hopeful the Milfoil funding can continue at the same level and they can continue to make positive progress.

Mr. Collette noted the three areas they are watching from a runoff/erosion point of view looking both short-term and long-term are the Veteran's Park boat ramp, runoff down through the Wasserman Park recreation area; surface runoff that sort of originates at Naticook Road. They are starting the process of trying to understand that with the Conservation Commission. Surface runoff in the lagoon area is an area where there might be some opportunity for improvements. Some members who live right along the Naticook Road/Camp Sargent Road intersection have noted, during heavy rainfall, some of the storm drain structures aren't able to catch everything. If there is an opportunity to improve that section of road at some point in the future they would be happy to be involved.

Mr. Collette thanked the volunteers who put in an estimated 440 hours of volunteer time in last year's Milfoil fighting. Chairman Harrington commented this association is a classic example of partnership for the benefit of all.

Councilor Koenig questioned if the total of ten (10) days of diving is for Naticook Lake alone or a combination of Naticook Lake and Horseshoe Pond. Mr. Collette stated the ten days are just Naticook Lake. The same dive company is contracted for both lakes. The budget for Naticook is up to 10 days. In the past few years they have used 7 or 8, and this year will likely use 7. He would rather come in under budget than not have an adequate budget and lose the war. Knowing he has 3 days in reserve provides for options were he to suddenly find a huge patch of Milfoil. He remains hopeful in future years that number will be cut, but he is not yet ready to make a recommendation for such a cut because of the unpredictable nature of the fight.

Councilor Flood remarked she resides on Baboosic Lake where there is a shallow lagoon that has become a problem. She commented on the beneficial nature of the knowledge that is being accumulated throughout the process. Mr. Collette remarked if the folks at Baboosic Lake or Horseshoe Pond have any questions they would be happy to connect.

When asked about the funding source, Assistant Town Manager/Finance Director Micali stated the dives are 60% funded by the Town and 40% by the State.

4. Request for Letter of Support for Transportation Alternatives Program (TAP) Project

Submitted by Public Works Director Kyle Fox

Public Works, in conjunction with Merrimack's Town Center Committee, are requesting a letter of support from the Town Council to apply for funding through the FHWA/NHDOT Transportation Alternatives Program (TAP). This program proposes to extend existing sidewalks on D.W.

Highway from Church Street to Twin Bridge Road; And to construct a sidewalk on Woodbury Street, beginning at the intersection of D.W. Highway and heading west to the existing sidewalk on McElwain Street near the Merrimack High School.

Dawn Tuomala, Deputy Public Works Director/Town Engineer, remarked the request is for a letter of support from the Council to apply for funding through the FHWA/NHDOT Transportation Alternatives Program (TAP). This program proposes to extend two sections of sidewalk, both of which are listed under the Town Center Pedestrian and Trail Master Plan (Plan) of 2009. The first is located on the D.W. Highway from Church Street to Twin Bridge Road, which would include the Twin

Bridge Park and the Kids Kove playground (identified in the Plan as priority item #s 2 and 3). The second is a new sidewalk for Woodbury Street beginning at the intersection of D.W. Highway and heading west to the existing sidewalk on McElwain Street near the Merrimack High School (priority #6).

The Council's agenda packet included a Letter of Interest Director Fox signed on July 1st, which initiated the process. On August 10th she and Director Fox attended a mandatory meeting in Concord, during which information on the application was provided.

The Letters of Interest that were submitted in July resulted in requests totaling \$37 million with an available funding amount of \$5.5 million. In 2014, the application that was done for the Souhegan River Trail was very similar; had \$43 million in applications and available funds in the amount of \$5.5 million. Merrimack was a recipient of one of those grants.

The application submission date is September 2nd. The Application indicates a mandatory requirement that a Letter of Support be given from the sponsor's governing body. If granted, this project will go onto the Capital Improvement Project (CIP). Project cost is expected to be \$600,000 and the grant funding would be an 80/20 match meaning \$480,000 would be coming back to the Town.

Councilor Flood noted the School Department is very interested in the sidewalk up Woodbury Street. She stated her opinion any sidewalks enhance the value of the Town, particularly in the Town Center area. Councilor Dwyer stated his support of the grant application.

MOTION made by Councilor Dwyer and seconded by Councilor Koenig that a Letter of Support to apply for funding through the FHWA/NHDOT Transportation Alternatives Program (TAP) be forthcoming and that the Town Manager be authorized to draft said letter for the Chairman's signature. MOTION CARRIED 7-0-0

5. Lake Naticook Boat Ramp Cost Discussion

Submitted by Public Works Director Kyle Fox

Discussion regarding the costs associated with the Lake Naticook Boat Ramp located at Veteran's Memorial Park.

Deputy Director Tuomala stated the project began as an improvement to the boat ramp. The Council's packet included two plans; existing conditions plan and proposed site plan. The topography in that particular area drains down towards the boat ramp. All of the sediment, etc. comes off the boat ramp and into the lake.

After meeting with the LNCA she made a few adjustments to the drainage. The road would be paved for a section going up to the crest of the hill and curbed so that runoff heads into two leaching catch basins. Perforated pipe will come out of the leaching catch basins to further disperse runoff. In the event of heavy rains, overflow would be into a ditch/flatter section where a permanent erosion control berm will prevent runoff from going into the lake. With those two measures in place water would be cleaned before reaching the lake or it would settle in the two areas on each side and would help

mitigate the sediment. Adding those measures increased the cost of the project from \$30,000 to an estimated \$63,500. The project has gone out to bid.

Town Manager Cabanel stated the matter was before the Council because the project cost has more than doubled what was budgeted. Funds are available to cover the additional cost. The question before the Council was whether or not to proceed given the increase in cost.

Councilor Flood remarked and Vice Chairman Rothhaus stated agreement what is being proposed sounds like a more permanent solution. Councilor Boyd spoke of the [presentation](#) the Council just received from the LNCA, and remarked not approving this would be insulting to the residents on the lake. He spoke of being pleased with the sensible solution that has been brought forward to address some of the concerns. Councilor Mahon spoke of having witnessed the erosion occurring at the boat ramp. He suggested not moving forward in this fashion would not be in the best interest long-term. Councilor Dwyer commented it is the most active boat ramp in Town, and because of the pitch, also the most challenging.

6. Road Acceptance of Hamilton Court

Submitted by Deputy Public Works Director/Town Engineer Dawn Tuomala

At the Planning Board meeting on January 5, 2016, per Subdivision Regulations Section 5.01.1(f), the Planning Board has released the performance bond in favor of the two year maintenance bond and recommended acceptance of Hamilton Court by the Town Council. Acceptance of the road is conditioned upon receipt of the two year maintenance bond in the amount of \$15,468.48.

Director Fox stated the project, Hamilton Court, is a small cul-de-sac road with 5 homes on it. Construction of the road completed late last fall/early winter. The developer delayed converting the performance bond to the maintenance bond (this spring). That brings the project to the point of road acceptance. The road was constructed in conformance with all Town regulations and specifications. Director Fox recommended acceptance of the road.

MOTION made by Councilor Rothhaus and seconded by Councilor Boyd that the Town accept the road now known as Hamilton Court conditioned upon receipt of the two year maintenance bond in the amount of Fifteen Thousand Four Hundred Sixty Eight Dollars and Forty Eight Cents (\$15,468.48). MOTION CARRIED 7-0-0

7. Grant Application Approval for Merrimack Police Department - Radio Receiver/Repeater

Submitted by Lieutenant Brian Levesque

The Town Council to consider the Police Department's request to apply for a grant made available through the New Hampshire Homeland Security and Emergency Management for a receiver / repeater for the Merrimack Middle School for an estimated cost of approximately \$10,000.

Lieutenant Brian Levesque stated being sought was approval from the Council to apply for a grant for a radio receiver/repeater for the Middle School. At present, the Middle School is a terrible spot for the portable radios in communication with the Police and Fire. The desire is to improve the communications in that location. All grants from HSEM are 50/50 meaning the Town's portion/match

would be 50% of the total cost. However, that can also be soft match, e.g., time, planning, education, etc.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to allow the Police Department to apply for a grant made available through the New Hampshire Homeland Security and Emergency Management for a receiver / repeater for the Merrimack Middle School for an estimated cost of approximately Ten Thousand Dollars (\$10,000). MOTION CARRIED 6-0-0

Councilor Mahon was not present for the vote.

8. Grant Application Approval for Merrimack Police Department - Continuity of Operations Plan (COOP)

Submitted by Lieutenant Brian Levesque

The Town Council to consider the Police Department's request to apply for a grant made available through the New Hampshire Homeland Security and Emergency Management to hire a consultant to formulate a Continuity of Operations Plan (COOP) for the Communications Division.

Lieutenant Levesque stated the grant application is for a Continuity of Operations Plan (COOP) for the Communications Division. The plan would be put into action should the Police Station have to be evacuated for any reason, which would require operations to cease in the communications center. This plan would be relied upon to locate the operation center for dispatch for Police and Fire towards another location whether that is in Town or if a large issue, utilizing another municipality for support.

This would involve the hiring of a consultant to develop the plan. Although he has several calls out regarding approximate cost, that information was not available in time for the meeting.

Councilor Boyd questioned how the COOP would be integrated with the Town's Emergency Management Plan. Lieutenant Levesque stated the COOP would deal solely with the Communications Department, to deal with Police and Fire alone. There are larger COOP plans that involve the entire Town. However, this focus is on this one aspect; radio communication with Police and Fire. The Fire Chief is aware of the desire to seek grant funding, and would be involved in the process.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to allow the Police Department to apply for a grant made available through the New Hampshire Homeland Security and Emergency Management to hire a consultant to formulate a Continuity of Operations Plan (COOP) for the Communications Division. MOTION CARRIED 7-0-0

9. Donations to the Parks and Recreation Department Scholarship Fund

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the acceptance and expenditure of a donation in the amount of \$400 from the Bear Christensen Charitable Trust to the Merrimack Parks and Recreation Department's Camp Naticook Scholarship Fund, in honor and memory of former Parks and Recreation Director Sherry Kalish, pursuant to RSA 31:95-b and Charter Article 8-15.

Town Manager Cabanel stated each year there are donations that come forward for the Camp Naticook Scholarship Fund. The request was for the Council to authorize the acceptance and expenditure of a

donation in the amount of \$400 received from the Bear Christensen Charitable Trust in honor and memory of former Parks and Recreation Director Sherry Kalish.

MOTION made by Councilor Dwyer and seconded by Councilor Boyd to authorize the acceptance and expenditure of a donation in the amount of Four Hundred Dollars (\$400) from the Bear Christensen Charitable Trust to the Merrimack Parks and Recreation Department's Camp Naticook Scholarship Fund, in honor and memory of former Parks and Recreation Director Sherry Kalish, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 7-0-0

10. Repurchase of Tax Deeded Property – Deadline Extension Request

Submitted by Town Manager Eileen Cabanel

The prior owner of a recently tax deeded property, 6A-2/144, is requesting that the Town Council approve an extension of the deadline date for repurchase of the property (RSA 80:89) from September 4, 2016 to September 15, 2016. The former owner has agreed to pay all amounts required by law, including back taxes, interests, penalties and costs, as defined by RSA 80:90. The Council has the authority to extend the deadline in accordance with 80:80 III and Article 66-1 of the Merrimack Town Code.

Chairman Harrington noted all documentation related to this matter has been provided to the Council, and is available, upon request, to the public.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve an extension of the deadline date for repurchase of the recently tax deeded property, 6A-2/144 (RSA 80:89) from September 4, 2016 to September 15, 2016. The Council has the authority to extend the deadline in accordance with 80:80 III and Article 66-1 of the Merrimack Town Code. MOTION CARRIED 7-0-0

12. Financial Update

Submitted by Finance Director Paul T. Micali

Town Council to be updated and presented with the year-end financial details.

Town Manager Cabanel stated there will be a surplus of approximately \$1.8 million this year of which \$1.3 million is in excess revenues and about \$500,000 in unexpended appropriations. When the Council met in public session during the Retreat there was discussion of the LED project for the 650 streetlights in Town. In order to move forward with that so that the PWD does not go over budget, there is the need for the Council to transfer funds from the Police Department into the PWD. The LED project belongs within the PWD. The Police Department and Fire Department did not expend all of their budgets due to significant changes in staff, e.g., retirements, periods of time when positions went unfilled, filling positions at lesser salaries, etc. Both departments had in the neighborhood of 6-7 new employees during the year.

The request was made that the Council transfer \$215,000 from the Police Department budget to the Highway Department budget.

MOTION made by Councilor Mahon and seconded by Councilor Rothhaus to transfer the sum of Two Hundred Fifteen Thousand Dollars (\$215,000) from the Police Department budget into the Highway Department budget

ON THE QUESTION

When asked, Town Manager Cabanel stated the discussion was taking place under the Financial Update. Chairman Harrington commented there is a financial update need because of what was discussed in the Retreat, e.g., LED lighting. The reason for placing the financial update on the agenda was to ensure public awareness. Although the Retreat was open to the public, she wished to ensure the citizenry-at-large was aware of the discussion.

Councilor Koenig asked for clarification that despite having had a light winter, the PWD expended its appropriations. Assistant Town Manager/Finance Director Micali responded there was a light winter, but because of the amount of money, \$250,000, moving for the LED project into Highway it overspent by \$215,000. They had some overruns in other projects. He spoke of the sidewalk project (\$75,000) at Town Hall. By approving these large projects, the PWD overall budget was overrun by \$215,000.

MOTION CARRIED 7-0-0

Town Manager Cabanel stated the Council would have the opportunity to discuss utilizing excess revenues (\$1.3 million) to offset the tax rate at its next meeting. However, in the absence of formal action by the Council, at this time, to expend any or all of the unexpended appropriations (\$500,000) the entire \$1.8 million would revert to the fund balance.

Councilor Dwyer stated he does not wish to see additional monies diverted to fund balance, which he believes to be funded appropriately at this time. He was in support of the idea presented by the Town Manager that would lessen the tax rate by spreading the money out over three years. With regard to the \$500,000 he is open to discussion of where those funds might be allocated. When asked, Town Manager Cabanel stated if the \$1.8 million were added to the fund balance, the balance would approach \$7 million. A Warrant Article put before the voters several years ago identified a range for where the fund balance/surplus should be (4-8% of the gross general fund). If the entire \$1.8 million were added to the fund balance it would approach 8%. The current balance is \$5.2 million.

When asked, Town Manager Cabanel stated the Council could commit funds to offset the tax rate for a single year, and should there be the desire, the then sitting Council could make a similar decision next year. Vice Chairman Rothhaus stated he is in favor of that approach.

It was explained further the Town budgets based on anticipated revenue and anticipated expenses. If the amount budgeted for revenue is exceeded it adds to the surplus. If the Town does not expend all of the monies appropriated for expenses it adds to the surplus. At the end of the year, there are decisions to be made. Excess revenue (\$1.3 million) cannot be spent except to reduce the tax rate. Unexpended appropriations (\$500,000) can be used to reduce the tax rate or be expended. If the Council wished to expend all or a portion of the \$500,000 the last opportunity to make such a decision was at this meeting.

Approved: September 8, 2016

Posted: September 9, 2016

Town Manager Cabanel added a healthy fund balance becomes a steady source of revenue (when interest rates are favorable). The funds remain until the voters approve appropriating them for a particular purpose, etc.

Councilor Dwyer proposed allocating \$300,000 of the unexpended appropriations towards paving and \$200,000 towards Wasserman Park. He noted the next big project at Wasserman Park is the beach. The beach has never been dredged. Part of the problems with water quality and perhaps the drought is you have to walk out 100' to get waste deep. Dredging involves time, NHDES permits, etc. He stated he has not been provided with any costs associated with such an endeavor. However, would like to earmark \$200,000 towards that expense.

Councilor Boyd stated agreement some sort of relief ought to be provided to the taxpayers. He suggested the dog park be made a reality by providing the additional funds needed to accomplish that. He agreed the beach needs to be dredged and suggested allocating \$250,000 towards paving and \$250,000 towards Parks and Recreation.

Town Manager Cabanel informed the Council, with modifications to the dog park, which basically reduced the height of the fence from 6' to 5' and eliminated the expensive ground cover, there is now sufficient funding to complete the park.

Town Manager Cabanel noted the projects being discussed are goals identified previously, and the opportunity provided by unexpended appropriations may result in the ability for forward movement on an earlier timetable than previously believed possible.

Councilor Flood commented all of the things mentioned are worthy projects. Although she believes the dredging of the beach would be a good project, without understanding the cost involved, she may be against allocating funds for that project over allocating funds to the parks. She likes the idea of additional funding put towards paving. She suggested the possibility of a community center that would encompass books, meeting rooms, and other amenities seen in modern libraries to be built in a much more frugal way than has been discussed, and to replace funds that were taken from the account that was so carefully put together from years of taxpayer contributions. Town Manager Cabanel noted transferring funds into a Capital Reserve Fund requires a vote of the citizenry. You cannot set aside money into a savings account to plan to build a building when there is a need for such a project to be approved through a Warrant Article.

Vice Chairman Rothhaus commented the boat ramp is one that always comes to his mind, but he is uncomfortable not understanding the costs. Allocating additional funds to paving he is comfortable approving. He questioned if the Council could anticipate allocating monies from any unexpended appropriations towards the boat ramp next year, and was told that could occur. Town Manager Cabanel stated if the \$500,000 were not allocated and was allowed to lapse to the fund balance, the boat ramp project could be added to next year's budget that goes before the voters and the Council could decide to offset that by using fund balance to pay for it.

Councilor Dwyer questioned, if an additional \$500,000 were allocated to paving would the Town receive an additional \$500,000 in road paving before the plants close. Director Fox stated he would

have to check with the contractor, but they have never said no to extra work. When asked for clarification, Town Manager Cabanel stated her belief it would be appropriate to allocate additional funds towards paving as it would be a one-time additional expenditure.

Councilor Koenig stated his support of the idea of allowing the funds to lapse to the general fund and allocating it towards the tax rate next year to offset for the cost of an item coming from the general fund. Town Manager Cabanel stated it simply changes the timing of a particular project; it is either done at this time or in next year's budget. Councilor Koenig commented if done in next year's budget the citizenry has an opportunity to weigh in on it.

He remarked there are areas that have not been discussed such as the South Fire Station; whether or not additional funding should be allocated there to make it an acceptable living condition since it hasn't been able to be replaced. Town Manager Cabanel stated her belief the fire station is at the point where the best we can do with it is being done. Assistant Town Manager/Finance Director Micali stated there is funding in the budget this year to address current issues at that facility.

Councilor Koenig questioned whether additional funding should be put into the Transfer Station or its equipment. Sewer extensions is another area that may be considered. He remarked there are a lot of different projects beyond Wasserman Park and beyond paving that the Council needs to be considering, which perhaps cannot be considered at this time and expenditures planned, but the Council could consider allowing the funds to lapse to the general fund and be allocated towards those projects in the future.

MOTION made by Councilor Rothhaus and seconded by Councilor Mahon to allocate the sum of Three Hundred Thousand Dollars (\$300,000) of the year end unexpended appropriations towards paving and allow the remainder to lapse into the fund balance

ON THE QUESTION

Councilor Dwyer stated he believes it to be a good idea. He would prefer to see some money at Wasserman, but understands there is a commitment there, and is not worried about funding being available for Wasserman Park next year.

Councilor Mahon questioned, and was informed \$750,000 will be expended this year on paving. Councilor Boyd stated his support of the motion.

MOTION CARRIED 7-0-0

MOTION made by Councilor Koenig and seconded by Councilor Boyd to transfer the sum of Three Hundred Thousand Dollars (\$300,000) from the Fire Department's budget to the Highway Department budget to cover the Three Hundred Thousand Dollar (\$300,000) cost of paving.

MOTION CARRIED 7-0-0

11. LED Street Light Discussion

Submitted by Finance Director Paul T. Micali

To update the Town Council on the status of the LED street light transition.

Approved: September 8, 2016

Posted: September 9, 2016

There being no objection, the item was tabled until the September 8th meeting.

Minutes

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to table acceptance of the July 21, 2016 meeting minutes until the Council's September 8th meeting.

Comments from the Press - None

Comments from the Public – None

Comments from the Council

Councilor Mahon commented with the volume of items appearing on both the July and August agendas serious consideration needs to be given to reducing the number of meetings during the summer months.

Adjourn

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

The August 18, 2016 meeting of the Town Council was adjourned at 11:07 p.m.

Submitted by Dawn MacMillan