

Approved: October 23, 2014

Posted: October 27, 2014



## **Town Council Meeting Minutes**

Thursday, September 25, 2014, at 7:00 PM, in the Matthew Thornton Room



Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, and Acting Town Manager/Finance Director Paul Micali.

### **Pledge of Allegiance**

Councilor Dwyer lead in the Pledge of Allegiance.

### **Announcements**

On behalf of the Town Council, Chairman Harrington extended deepest sympathies to the family and friends of Madeline Bennett who passed away on Wednesday September 17<sup>th</sup> at the age of 100. Madeline taught for over 30 years including time at a one-room schoolhouse known as Rural School House No. 7 on Joppa Road. She also volunteered at the Merrimack Public Library and eventually became an employee, retiring in 2009.

Madeline was the proud recipient of the Boston Post Cane, a finely crafted cane that, by tradition, is presented to the eldest known resident. She was a positive inspiration to many, and she will be missed.

*A moment of silence was observed in memory of Madeline Bennett.*

A Joint meeting of the Town Council and the School Board will be conducted on Monday, September 29<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room. Regular meetings of the Town Council will be held on Thursday October 9<sup>th</sup> and October 23<sup>rd</sup> at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation Department will be hosting a Community Blood Drive on Thursday, October 2<sup>nd</sup> from 2:00 - 7:00 p.m. in the Function Hall at Wasserman Park. To schedule an appointment to donate, please call the Department at 882-1046.

The Police Department will once again be participating in the National Prescription Drug Take-Back Day this Saturday, September 27<sup>th</sup> between the hours of 10:00 a.m. and 2:00 p.m. Please visit the Police Department and dispense of your unwanted prescription medication in the lobby; anonymously.

The Merrimack Fire Department will conduct their annual Open House on Thursday, October 9<sup>th</sup> from 4:00 - 8:00 p.m. at the Central Fire Station located at 432 Daniel Webster Highway. All are invited to attend.

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

**Recognitions, Resignations and Retirements** - None

**Appointments**

## **1. 2014 Fall Festival / Business Expo & Merrimack Rocks Update**

*Submitted by Dave McCray and David Shaw*

The Town Council to be presented with an update on the details of the 2014 Fall Festival / Business Expo and Merrimack Rocks events being held on Saturday, September 27<sup>th</sup>.

Mr. Dave McCray noted the event is in its 8<sup>th</sup> year. One hundred twenty five vendors have signed up for the Fall Festival/Business Expo. (95 paid/30 volunteer). Bands will be located outdoors and a D.J. indoors. The location of the event has been changed to better accommodate parking. The Expo. will run from 10:00 a.m. to 4:00 p.m. at the Merrimack High School.

Merrimack Rocks will be held at Watson Park beginning at 4:00 p.m. During the event, plaques will be presented to the family of David G. Yakuboff, Sr., former Police Chief William Mulligan, former Fire Chief Charles Hall, and Nelson Disco in recognition of their service to the community. Fundraising efforts resulted in achieving the goal of \$16,000 in cash and an additional \$2,000 in in-kind donations, e.g., advertising. Expenditures were slightly higher than initially anticipated. Donations continue to be welcome, and can be made at [DMcCray7@aol.com](mailto:DMcCray7@aol.com).

New this year is a Memory Board; an area where donations can be made in memory of loved ones. Parking for the event is at the Merrimack High School. Shuttle buses will be available. Handicapped parking will be in the Watson lot. Event participants are also welcome to park in the Watson lot. Councilor Dwyer expressed gratitude for the efforts of Mr. McCray in putting the event together and achieving the level of fundraising. Mr. McCray spoke of the efforts of many who assisted.

**Public Hearing** - None

**Legislative Updates from State Representatives** - None

## **Town Manager's Report**

The Highway Department, in coordination with the Merrimack Village District and the Library staff, worked to remove the water valve that was located in the sidewalk at the corner of Baboosic Lake Road and D.W. Highway. The barrier, which stuck up out of ground, was not ADA compliant as it was in the middle of the sidewalk. A valve has been placed that is flush with the ground. This will also ease the process of plowing the sidewalk and pedestrians traffic.

The Bean Road Bridge over Baboosic Brook has been posted with a 10-Ton Weight Limit (the bridge is located on Bean Road between Profile Drive and West Road). A recent inspection by New Hampshire Department of Transportation (NHDOT) bridge inspectors revealed some corrosion under the travel way of this metal plate arch bridge. The Public Works Department is working with NHDOT to determine a replacement schedule for the bridge.

Town-wide Paving Update; Pike Industries will begin work the week of October 6th for the additional paving approved by the Town Council utilizing end-of-year surplus funds. Roads to be paved include Danforth Road, Hassell Road, Hutchinson Road, Cummings Road, Cowin Road, Seaverns Bridge Road (Boston Post Road to T/L near Bates Road), Cramer Hill Road, and Coles Rock Road.

## **Consent Agenda**

### **1. Changes to Chapter A198, Administrative Code**

*Submitted by Town Manager Eileen Cabanel*

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

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the Consent Agenda. MOTION CARRIED 6-1-0**

*Councilor Rothhaus voted in opposition*

## **Old Business - None**

## **New Business**

### **1. Permission to Remove Trees**

*Submitted by Don Turner*

Town Council to consider a request to remove trees from the southwest boundary of 5 John Lane and Town property parcel 4C/255 in preparation for solar panels.

Mr. Don Turner stated he purchased his home this past August, and quickly realized he would not be able to utilize solar panels due to the number of tall Pine trees located across the back of the property, which overshadow the residence and block the back of the home as well as the roof from sunlight. In total, the proposal is for the removal of approximately 35 trees. Although some are located on his property, approximately 15-20 are likely located on Town property. He is in the process of having his lot surveyed to determine the location of the lot line. He requested approval from the Council to remove the trees, at his expense, noting no intent to disturb the underbrush.

Councilor Dwyer referred to materials provided the Council in advance of the meeting, and commented he had believed the rock wall depicted on the diagram to be the lot line. Mr. Turner stated that is not completely accurate. Surveyors were at the property the previous day and are in the process of providing a correct plot plan. When asked if the rock wall is located on his property, he stated his belief it is, and that his property line extends perhaps 5-8' beyond the rock wall.

Councilor Dwyer commented on the need to be specific with the logging company with regard to clean-up to ensure that occurs. Mr. Turner responded, if necessary, he would obtain a chipper and clean the area. He added he would likely place a few plants in the area where the logging company would enter the parcel.

Councilor Boyd questioned whether it is understood to be Town property and not conservation property. Director Micali stated it to be Town property. Councilor Rothhaus questioned the purpose for Town ownership noting prior efforts to relinquish properties. Vice Chairman Mahon stated it would be necessary to review prior meeting minutes (6-7 years prior) to identify the reasoning for retaining this particular parcel. Chairman Harrington commented the parcel is 6.67 acres. As the majority of properties that were retained were landlocked, etc., she is of the belief there must have been a specific reason for retaining a parcel of this size. Mr. Turner commented although the map

provided indicates 6.67 acres, he believes it to be 16.67 acres. He remarked, if a decision were made to sell the parcel, he would be interested.

Vice Chairman Mahon stated the desire for an agreement to be drawn up between Mr. Turner and the Town identifying expectations and responsibilities of both parties.

Councilor Koenig commented it is virtually impossible to remove trees without disturbing the underbrush. He questioned how the trees would be disposed of. Mr. Turner stated the logger would arrange for the removal of the trees. Branches and debris left behind would be chipped by him. He would ensure the area is cleaned. He stated his desire for re-growth. He added he will be putting a garage up on the property, which will require transplanting of some trees, and suggested the area logged would be a good location for that.

When asked about access, Mr. Turner stated it would be from the right side of the property where a small trail is located between his property line and Town land. Councilor Koenig questioned whether the size of the trail would be impacted. Mr. Turner stated his belief the trail would likely be opened up slightly, which is why he would be looking to place plantings in the area out by the road.

Councilor Dwyer informed the Council Director Micali reviewed the parcel and has clarified it is 6.67 acres in size. Councilor Koenig requested additional justification of why the Town should be in favor of such an undertaking, noting the Council has historically been hesitant to approve individual requests for tree cutting. Mr. Turner stated his sole purpose for the project is to accommodate the placement of solar panels. He noted the additional benefits of eliminating issues related to mildew, sap, etc.

Councilor Woods remarked he visited the area and was surprised by the number of trees proposed for removal. He shares concerns expressed regarding precedent the Council could be setting with approval, e.g., others may wish to remove trees to provide direct sunlight to swimming pools, etc.

Councilor Rothhaus reiterated the desire to understand the purpose for which the Town retained ownership of the property. Having visited the property, he believes it may be that logging of that property might be in order, and would result in revenue to the Town. Vice Chairman Mahon stated the Town does not allow a private citizen to conduct work on Town property. If it is believed the property contains what could be a valuable asset, perhaps the best approach would be to request the Forester retained by the Conservation Commission view the property and report back to the Council. Councilor Dwyer stated agreement.

**MOTION made by Councilor Mahon and seconded by Councilor Dwyer to identify the status of the property, arrange for an evaluation to be conducted, retain the services of a Forester to assess the timber and make a recommendation as to how to proceed with regard to a forestry project, and that the findings be reported to the Council no later than its November 6, 2014 meeting**

#### **ON THE QUESTION**

Chairman Harrington stated agreement with the concern expressed regarding the setting of precedent. If the result of the investigation is that such a project would be in the best interest of the Town that would provide justification.

**MOTION CARRIED 7-0-0**

Mr. Turner requested, if the Council were to determine to sell the property, that the neighboring property owners be approached.

## **1. Changes to Wage Scale 2014-15**

*Submitted by Town Manager Eileen Cabanel*

The Town Council to consider the revision of the 2014-15 Wage Scale incorporating wage changes brought about by the Assistant Town Manager title and duties that have been added to the Finance Director position.

Chairman Harrington noted the Council received a copy of the proposed revision, which designates the Finance Director/Assistant Town Manager position under Grade 25.

**MOTION made by Councilor Mahon and seconded by Councilor Woods to accept the recommendation of the Town Manager. MOTION CARRIED 6-1-0**

*Councilor Boyd voted in opposition*

## **2. Highway Garage Committee**

*Submitted by Finance Director Paul T. Micali*

The Town Council to identify the makeup and charge of the Highway Garage Committee.

Chairman Harrington remarked, during its meeting on September 11<sup>th</sup>, the Council discussed the Highway Garage and whether or not a proposal for bonding would be placed on the ballot in April. At that time, the Council determined a committee should be formed to re-evaluate and promote the plan.

Director Micali spoke of the possibility for revenue generating offsets, e.g., solar panels, energy efficient lighting, etc., and noted grants available through PSNH. He suggested the committee be charged with seeking out such opportunities. He informed the Council of a tour conducted of the Hopkinton Highway Garage. Hopkinton was one of the last communities in the State to construct a garage (2 years ago). The construction is similar to what is being considered in Merrimack. He spoke of the Facility & Needs Study that was performed and the work of the prior committee to reduce size/costs. He noted the bond did pass by a majority vote; not a super-majority as required (67%). Numbers were run based on information gained through reviews of other facilities, size of facility, consideration of inflation, etc., and resulted in the expectation the cost would be \$3.2 - \$3.3 million.

Discussions with those in the building industry resulted in the identification of the need to promote the facility. He suggested the committee be charged with promoting the facility to the Lion's Club, Rotary Club, Senior Center, and other constituent groups. When asked, Director Micali stated Hopkinton did not require site work; had a foundation in place, and spent approximately \$90/sq. ft. Although a 15,000 sq. ft. building, a mezzanine (2,000 sq. ft.) was part of the project.

Councilor Rothhaus spoke of comments made by former Chairman Yakuboff who related the structure cost to that of his warehouse (under \$100,000). When the suggestion was made that the price include housing of all of the equipment, he had suggested doing that at a later time, and indicated, by waiting, there would be no need to go through the engineering cost component, which when included in the

process increases the price tremendously. Councilor Rothhaus suggested the committee consider eliminating that portion of the project and look to bring it up at a later date as a separate project.

Councilor Rothhaus questioned whether the prior committee considered the cost differential between razing the old structure versus renovating it. Councilor Dwyer commented the intent of the old structure was to renovate it to be utilized as a basic storage structure. The cost to reskin the building, roof it, and gut the inside was under \$300,000. Research indicated that to be a fair price for a 20-30 year storage facility. Director Micali commented what was explained previously was that the architect/engineer would quote a percentage of the overall cost of the proposed facility as the cost for engineering the HVAC systems, etc.

Councilor Dwyer questioned whether any member of the public has expressed an interest in serving on the committee, and was informed no such interest has been made known. Vice Chairman Mahon suggested the Council was not very definitive about forward movement when last discussing the possibility of forming another committee. He stated his impression if a committee is created and a charge identified, that may result in the desired interest.

Director Micali spoke of a few residents who have retired from the building industry who have the experience with commercial buildings. Chairman Harrington stated the desire for participation by those not necessarily in favor of the project as those are the ones that have to be able to be convinced of the need. Councilor Dwyer stated his impression the prior committee make-up was the greatest the Town has ever seen, the proposal was the greatest ever seen in a highway garage, and that he stands by the work that was performed. He stated he would go back to the ballot in April and ask the citizenry again. The only thing he would do differently is promoting the project.

Chairman Harrington stated agreement; however, added she is of the belief there is the need to be somewhat reflective and consider what else can be done to ensure additional success. What she would expect of the committee would be to review the plan to determine if there are adjustments that could be made to present the information on the bonding more visually/clearly. She suggested there were those who were not against the plan, but did not understand the impact of putting the project off in terms of increased cost.

***The consensus of the Council was to form a committee to review the current plans for the Highway garage, consider and identify cost saving/revenue generating opportunities and associated grants, make any recommendations deemed necessary to the Council at its first meeting in January, and promote the plan to the constituency. Membership shall not exceed nine (9). Known members include Councilor Koenig, Paul Micali, Finance Director, Rick Seymour, Director, Public Works Department, and Adam Jacobs, Operations Manager, Highway Division.***

Director Micali stated openings would be advertised through the Town's website and social media over the course of a two-week period. Councilor Rothhaus stated a willingness to participate (as a non-member) in committee meetings and in the promoting of the project. Chairman Harrington stated her willingness to assist in the promoting of the project.

## **Minutes**

*The following amendments were offered:*

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Page 6, Line 7; replace the word “agreement” with the word “that”

Page 7, Line 44; replace the word “agreement” with the word “that”

Page 7, Line 45; add a comma and quotation marks after the word “remarked” and end quotation marks after the word “there”.

**MOTION made by Councilor Mahon and seconded by Councilor Woods to approve the minutes of the Town Council meeting conducted on September 11, 2014 as amended. MOTION CARRIED 7-0-0**

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Vice Chairman Mahon stated appreciation to Merrimack Rocks for the advertisement for the Fraser Square Veterans Memorial on the back page of their program.

Councilor Boyd wished a Happy Rosh Hashanah to the members of Merrimack’s Jewish community.

**MOTION made by Councilor Mahon and seconded by Councilor Koenig to adjourn the meeting. MOTION CARRIED 6-1-0**

*Councilor Boyd voted in opposition*

*The September 25, 2014 meeting of the Town Council was adjourned at 8:11 p.m.*

Submitted by Dawn MacMillan