

Approved: November 17, 2016

Posted: November 21, 2016



Town Council Meeting Minutes

Thursday October 27, 2016, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus (arrived at 7:21 p.m.), Councilor Boyd, Councilor Flood, Councilor Koenig (arrived at 7:02 p.m.), Councilor Mahon, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Dwyer was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

The General Election will be held on Tuesday, November 8th from 7:00 a.m. to 7:00 p.m. The three polling locations are the James Mastricola Upper Elementary School, the Merrimack Middle School, and St. John Neumann Church. Please contact the Town Clerk's Office at 424-3651 or visit the New Hampshire Secretary of State [website](#) to find your specific polling location.

Regular meetings of the Town Council will be conducted on Thursday November 3rd, November 17th, December 1st, and December 15th at 7:00 p.m. in the Matthew Thornton Room.

Chairman Harrington spoke of having sent an email to Diane Trippett, Town Clerk/Tax Collector, and Lynn Christensen, Moderator, requesting a status of the polling places, e.g., were there issues that have come up that require any changes to be made, are there resources that are necessary to ensure the good functioning of the polling, etc.

Lynn Christensen, Moderator, stated the Town currently has 19,100± on the checklist. New voters are being registered at an average of 50-75/day. There are currently approx. 1,500 absentee ballots, and additional requests coming in. The Secretary of State has sent 10,000 ballots to date, and will be sending more. We will be prepared. She reminded the residents although there are three polling locations they are three small polling sites rather than a single large polling site. There will still be lines and traffic. She requested residents check to see where they are supposed to vote and that the name and address on the checklist are correct.

Moderator Christensen stated there to be 53 Ballot Inspectors spread amongst the polling locations. She thanked those who have volunteered to serve at the polls. She noted a change that was made was in the assigning of a single individual to be responsible for the Ballot Inspectors at the polls so that Moderators do not have to monitor breaks, etc. There are 4 Assistant Moderators at each of the locations.

Residents wishing to register to vote can do so at the Town Clerk's Office until Tuesday, October 1st. Registration can also take place at the polls. When asked, she stated the last day to obtain an absentee ballot to be October 7th. Councilor Mahon questioned where parking would be established, and was informed parking at James Mastricola Upper Elementary School is in the elementary school circle, at the Merrimack Middle School parking is up the hill, and at the St. John Neumann Church parking is located behind the church.

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The Town of Merrimack invites you to bring the whole family out to Wasserman Park tomorrow night, Friday, October 28th from 5:00 - 8:00 p.m. to take part in the 24th Annual Halloween Party. This free event features a night of carnival games, face painting, crafts, music, the pumpkin carving challenge and the highlight of the evening, the costume contest. The Annual Halloween Party event is co-sponsored by the Merrimack Parks & Recreation Department and the Merrimack Police Department. For questions contact the Parks & Recreation Department at 882-1046.

Trick or Treat hours will be from 6:00 - 8:00 p.m. on Halloween night, Monday, October 31st. The Police Department will be very visible in the neighborhoods and are asking motorists to use caution when driving on the roadways.

The Fire Department wants everyone to remember to change the batteries in their smoke and carbon monoxide detectors when they change their clocks back on November 6th.

With the approaching heating season, the Fire Department wants everyone to remember to clean their woodstove chimneys and have the chimney inspected by a professional before using them this season.

Perfluorooctanoic Acid (PFOA) Information Update - None

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments - None

Public Hearing

1. Public Hearing – Grant Acceptance from the NH Office of Highway Safety for MPD

Submitted by Lieutenant Brian Levesque

The Town Council will hold a public hearing to consider the acceptance and expenditure of a grant in the amount of \$13,000 for the Merrimack Police Department made available through the New Hampshire Office of Highway Safety for “Merrimack Distracted Driving Patrols” to deter distracted and negligent driving, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Brian Levesque stated this particular grant is directed toward distracted driving, negligent driving, use of hand-held electronic devices while driving, and other distractions in the car. It can also be used for motorists who fail to clear their windshields, roof of the cars during snow storms, etc. It essentially augments the patrol officers who are often quite busy on the road answering calls, and often times can't get to the traffic enforcement side of their job. The grant would add 54 four-hour patrols between the commuting hours of 7:00 a.m. and 11:00 a.m. and 3:00 p.m. to 7:00 p.m. This is the first year for this grant.

Chairman Harrington declared the Public Hearing open at 7:18 p.m.

No public comment was offered.

Chairman Harrington declared the Public Hearing closed at 7:19 p.m.

Councilor Boyd questioned the required 25% in-kind or soft match commenting this is the first time he has seen that requirement.

Lieutenant Levesque responded last year was the first time that requirement was part of the grant. Administrative costs, patrol vehicle, use of fuel, etc. can be used to satisfy that 25%. Costs associated with the hours required to conduct the numerous events that are held throughout the year such as the mock accident at the High School, can also be used to satisfy that requirement.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the acceptance and expenditure of a grant in the amount of Thirteen Thousand Dollars (\$13,000) for the Merrimack Police Department made available through the New Hampshire Office of Highway Safety for “Merrimack Distracted Driving Patrols” to deter distracted and negligent driving, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any documents necessary to expend the monies.

MOTION CARRIED 5-0-0

2. Public Hearing – Grant Acceptance from the NH Office of Highway Safety for MPD

Submitted by Lieutenant Brian Levesque

The Town Council will hold a public hearing to consider the acceptance and expenditure of a grant in the amount of \$18,194.40 for the Merrimack Police Department made available through the New Hampshire Office of Highway Safety for “Merrimack STEP Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Levesque stated the grant is a sustained traffic enforcement program through the Office of Highway Safety, and allows the department to tailor it to the community’s needs, e.g., if there are known problem areas in Town during commuting hours such as red light violations on 101A, speeding on D.W. Highway, or other issues including school bus violations.

Chairman Harrington declared the Public Hearing open at 7:21 p.m.

No public comment was offered.

Chairman Harrington declared the Public Hearing closed at 7:22 p.m.

Chairman Harrington stated her appreciation for the historical information provided in the communication, e.g., the number of vehicles stopped, and number of summonses, warnings, etc. Vice Chairman Rothhaus stated his appreciation.

Councilor Mahon questioned if this would include not blocking an intersection such as at Continental Boulevard, and was told it would, and that that is an area the department is aware of and can focus on. Vice Chairman Rothhaus questioned the area of Continental Boulevard and 101A, and suggested the State could be asked to look into the lighting.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the acceptance and expenditure of a grant in the amount of Eighteen Thousand One Hundred and Ninety Four Dollars and Forty Cents (\$18,194.40) for the Merrimack Police Department made available through the New Hampshire Office of Highway Safety for “Merrimack STEP Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any documents necessary to expend the monies. **MOTION CARRIED 6-0-0**

Councilor Boyd requested and the Council agreed to go out of the regular order of business to take up Item #3 under New Business.

3. Grant Acceptance from the NH Office of Highway Safety for MPD

Submitted by Lieutenant Brian Levesque

Town Council to consider the acceptance and expenditure of a grant in the amount of \$7,182 for the Merrimack Police Department made available through the NH Office of Highway Safety for “Merrimack DWI Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Levesque stated the grant is focused on DWI patrols to get impaired drivers off the roadways. It would fund 20 six-hour patrols from the approximate hours of 9:00 p.m. to 3:00 a.m. predominantly on Thursdays, Fridays, and Saturdays where an increase in those arrests is seen. It may also focus on other various events, e.g., Super Bowl, St. Patrick’s Day, etc.

When asked, Chairman Harrington stated the requirement for a Public Hearing did not apply as the grant amount was under \$10,000.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to approve the acceptance and expenditure of a grant in the amount of Seven Thousand One Hundred and Eight y Two Dollars (\$7,182) for the Merrimack Police Department made available through the NH Office of Highway Safety for “Merrimack DWI Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any documents necessary to expend the monies.

ON THE QUESTION

Councilor Boyd commended Lt. Levesque for the communication, which was clear, concise, and provided the necessary information for the Council to make an informed decision.

MOTION CARRIED 6-0-0

The Council returned to the regular order of business.

Legislative Updates from State Representatives - None

Town Manager’s Report

The Woodsprings Suites Hotel has begun site work for their new 4 story, 123 room extended stay hotel on Executive Park Drive. The Merrimack Hotel has given permission for the Fire Department to go

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ahead and start destructive training within the facility. Training started this week. Information provided to the Fire Department is that the property owners hope to start the demolition of the building in December with a projection of completion by January 1st.

Due to a recent New Hampshire Probate Court decision, it appears the 57 unit “Melton” elderly housing project may be returning to the Planning Board for an amendment to their approvals in order to commence development of the housing portion of the project at some point in the coming months. The Probate Court has released the Granite YMCA (property owner) from some of the restrictions from the former Reverend Wright Trust documents. More details will be shared as information is submitted by the applicant.

The first phase of the Flatley multi-family project has yet to be signed by the Planning Board for final approval, and barring revised plans meeting the conditions of approval or a request for an extension, the site plan for the 4 (of 5) multi-family buildings will expire on December 15th.

In single family residential development news, the Planning Board conditionally approved a 66-lot cluster subdivision on land between Wire Road and Whispering Pines (near the Bedford Town line) on October 4th. The project now has 12 months to meet the conditions of approval. Also, the Chestnut Hill Cluster subdivision (72 cluster-lots located near the Middle School) has recently submitted revised plans and obtained all of their required state permits. The Board will likely be signing the plan for final approval in the coming weeks.

The Merrimack Wastewater Treatment Facility has been selected by Eversource for an audit under New Hampshire's Wastewater Treatment Facilities to Energy Efficiency Program.

The reconstruction of the Naticook boat ramp has begun. Access to the lake from Brundige Way will be limited over the next few weeks while the construction takes place.

The LED street light project has begun with the audit of the existing lights. Installation of the new lights will begin during the week of November 7th. The project will change the Town's 660 existing streetlights to new LED streetlights, providing a brighter light while saving on electric costs.

The new ambulance is expected to arrive by the end of November and should go in service after the new vehicle training program is completed.

Vice Chairman Rothhaus noted he received a request for additional detail on the LED lighting. He stated his understanding when the LED lights require replacement the Town now owns them. The citizen requested the Town look into, further down the line, costs associated with not just the head, but if any of it counts into the conduit for underground wiring, etc.

Councilor Flood questioned the lifespan of the LED lights, and was informed it is much longer. Kyle Fox, Director Public Works Department, stated there to be a 10-year warranty and a 20-year expected lifespan.

When asked, Director Fox stated the bridge at McGaw Bridge Road is nearing completion, and the hope is to have a ribbon cutting date from the contractor very soon. The final paving of top coat is

scheduled for Monday. There are a few other details that need to be completed. It is expected to be open within the next few weeks.

Consent Agenda

1. Proposed Zoning Ordinance Amendments [Final Reading]

Submitted by Community Development Director Tim Thompson

Town Council to consider the proposed Zoning Ordinance amendments regarding accessory dwelling units and signs (Sections 2.02.1 and 17), as supported and recommended by the Planning Board, pursuant to RSA 675:2 and Charter Article V.

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

Old Business

1. Highway Garage Update

Submitted by Town Manager Eileen Cabanel

Town Council to receive an update on the next steps for the Highway Garage.

Town Manager Cabanel remarked during the Council's Retreat, one of the topics was whether or not to place the bond for the Highway Garage on the ballot again. It was her impression the desire was to do so, but that the Council collectively believed there was more information needed. Director Fox and Assistant Town Manager/Finance Director Paul Micali have spoken with an architect to augment the information we already have, and provide options.

Director Fox stated where the garage last left off was the Town hired an architect, HKT Architects, Inc. (HKT), to develop a needs analysis and a size analysis. That information was used to put the proposal onto the Ballot. Although it received a majority vote of support, it did not receive enough support to approve the bond request.

At present, they are looking to augment what was done by HKT with another firm, Turner Group out of Concord, NH. The Turner Group has done a number of studies through the years for the Town including the comprehensive facilities study that was done in 2005 for all Town facilities. The proposal they have provided is to take what HKT did for the space needs analysis and take it to the next step of developing floor plans, concepts of what the real building would look like, where it would be cited on the Highway Garage property, and what the realistic cost would be not, just a per square foot cost times the square footage. It would be an actual detailed estimate of cost for the project. The cost to take it to that point is about \$50,000.

Chairman Harrington commented the contract indicates the Turner Group would also be involved in presenting the plan to the public. Director Fox stated he and the Turner Group will meet anywhere, anytime to talk to people, will open up the garage, will host public meetings, etc. as part of the project. They will come up with three options that will be whittled down to one, which is the plan that would be brought forward. One of the reasons the Turner Group was selected is their proven track record of

success locally. They recently completed a maintenance facility for the Department of Transportation, in Derry, and in Merrimack designed and have nearly completed the Pennichuck building.

Town Manager Cabanel stated her support of the request, and remarked it is very clear that at some point this Highway Garage needs a large overhaul. The information gathered to augment the current information will not go stale if the decision is reached not to put the bond request on the ballot in this particular year.

Chairman Harrington questioned if the proposed work would have to be completed were the Council to determine it wished to put it on the ballot for April. Director Fox stated that to be the case, and noted it would be a much more developed plan to present to the public.

Assistant Town Manager/Finance Director Micali stated the agenda packet included the long-term debt schedule. The Greens Pond Land Acquisition bond is ending in August of 2018. If this were to be placed on the ballot in April and pass, this debt obligation would slide into that bond spot. For a 20-year bond, at what was originally estimated at \$3.3 million, the cost in the first year, which is the highest year, would be \$245,000. The current Greens Pond bond is \$270,000. If a 15-year bond were desired, the cost in the first year would be \$291,000. He stated \$20,000 was set aside during the last fiscal year, and with savings achieved in the current fiscal year as a result of lower gasoline costs, etc. the additional \$30,000 can come from the Highway Department's budget.

Councilor Flood remarked the breadth of this company and what they can do is very useful, and that they would provide advice on the disposal of the old building. She spoke of the Public Hearings that will be conducted, and suggested people might have ideas about the old building. She questioned if the project went out to bid. Director Fox stated it did not. He explained when they hire for professional services, they solicit based on qualifications rather than bid price. Assistant Town Manager/Finance Director Micali stated the construction portion of the project would go out to bid, and the Turner Group would assist in that process.

Councilor Boyd remarked the letter from Turner indicated they would have a deliverable by December 15th. He questioned if a six-week turnaround is reasonable. Director Fox stated it would be later in December. The proposal was written on October 17th, and the deliverable date was based on that date. Six to eight weeks is believed reasonable.

Councilor Mahon cautioned on the use of language, and noted #4 in the document: "Work with the Town to develop a plan for reuse of the existing DPW garage.", and then on page 2 it states: "We will also work with the Town to determine possible uses for the existing DPW garage. We will provide opinions of costs for any upgrades/renovations to the existing building." This was an integral part of the proposal that was put together the last time; to try and figure out if there was a way to repurpose, reuse, renovate, or in some way upgrade the condition of that building to avoid incurring the cost of an entirely new facility. He reiterated there is the need to be cautious of the language used because it gets stuck in people's minds like the drawing that was put out the last time.

Director Kyle remarked the concept from the HKT study from a few years ago was to repurpose the existing garage as a vehicle storage building, and that remains a valid concept and the hope. It would

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provide better response time for the trucks in the winter because they would be pre-loaded with sand and salt prior to storms, it would keep them out of the weather, help the longevity of the vehicles, etc.

Chairman Harrington stated her support of the project understanding this work would be necessary regardless of the timing of the Highway Garage project.

MOTION by Councilor Mahon and seconded by Councilor Koenig to authorize the Town Manager to enter into an agreement with the Turner Group in line with the proposed scope of services provided the Council for the review and development of concepts, plans, and information regarding a new Highway Garage, in an amount not to exceed Fifty Thousand Sixty Dollars (\$50,060). MOTION CARRIED 6-0-0

New Business

1. Safety Policy

Submitted by Deputy Finance Director Thomas Boland & Primex Risk Management Consultant Phil St. Cyr

The Town Council to review and consider the acceptance of the proposed Safety Policy.

Thomas Boland stated he was before the Council in his capacity as Acting Chairman of the Town's Joint Loss Management Committee to request the Council approve and accept the Town-wide Safety Policy.

The Town is required to have a comprehensive written safety policy on file with the Department of Labor pursuant to RSA 281-A. Back in July of 2014, as part of a routine inspection of the Town's facilities by the Department of Labor, it was noted the Town was not in compliance with that. There were departments operating on their own safety policies, but the Town did not have a comprehensive Town-wide policy as required by the RSA. The Town was given a timeframe of two years to try and develop such a policy that would meet those requirements. The Joint Loss Management Committee in conjunction with the Town's Human Resources Coordinator and with Mr. St. Cyr of Primex set about to put that together. The result of that work has been provided to the Council. The final version has been signed off on by Primex. Written approval has been received from the Department of Labor. The same inspector that had conducted the previous inspection has reviewed the document, and stated it complies with the RSA, and has given her approval.

There is the need for it to be formally adopted as a Town policy, and made available to the department heads and employees of the Town.

Chairman Harrington spoke of the size of the document, and questioned if there is any planned education for the various departments so that they understand the content of the policy and how it affects the individual departments. Mr. Boland stated that to be a good idea and something the Joint Loss Management Committee can talk about, and come up with a plan. They do plan to have an employee acknowledgement form.

Mr. St. Cyr commented the Department of Labor does mandate that all employees are supposed to know what is in this particular program. The sign-off sheet does in fact make the employee acknowledge that they are supposed to be aware of what is in there.

Councilor Mahon questioned if the policy is applicable to volunteers, and was informed it is. Councilor Mahon noted that is not identified within the policy. Mr. Boland responded the volunteers, depending on what they are doing for scope of work, e.g., if there was a committee performing an assigned task by the Town, would have to follow this particular safety program. Contractors would fall under the OSHA law.

Councilor Mahon stated he has made some comments in the copy he was provided and pointed some things out. As an example he noted a valid driver's license is required, and questioned if the job descriptions were reviewed to see if a valid New Hampshire driver's license is required. If there isn't then there is disconnect between the safety policy and the individual's job description. He remarked a New Hampshire Town usually specifies a New Hampshire driver's license because there is finagling that goes on sometimes with out-of-state licenses where individuals have licenses in both states even though they are not supposed to.

Councilor Mahon stated he reviewed the Administrative Rules, which use a lot of terms such as "should". He remarked whomever put the policy together just lifted that right out of the Administrative Rule. In his opinion there should be more restrictive language in the policy, e.g., will or shall.

Mr. St. Cyr responded, on the licensing issue, the Department of Labor's guidelines for implementation of safety programs doesn't address licensing. That may be something that can be separated from this and be part of the policy manual perhaps so that it doesn't cloud the safety program. He stated his belief the word shall is used because the intent is to have people trained, and what do you do when people can't show up to that particular training. It has to be addressed in a more formal manner. He stated his belief in terms of the intent of the law, shall means that they will be trained at some point. The Department of Labor doesn't mandate the training. If a new member of the PWD were to be hired, there isn't a mandate that that person has to be trained within a year, etc. He believes that to be one of the reasons why that language is a little cloudy.

Councilor Mahon stated there could be language added to clarify that. Mr. St. Cyr agreed it could be strengthened. Councilor Mahon suggested that be considered. Mr. St. Cyr added it can be made that the training is mandatory as a condition of employment just as the Town can mandate the use of seatbelts even though the State Statute doesn't require it.

Vice Chairman Rothhaus commented he is surprised that Primex does not require the Town to do that training. He remarked when an employee is hired, he/she should know the safety policy right out of the gate, and then they sign off that they understand the information provided.

Town Manager Cabanel stated that to be the reason why the Town is putting together a comprehensive plan, because we didn't have one before. All of the other areas of training that go along with orientation for new employees do occur. Each department has had their own individual policies that

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they went over with employees, but they were weak, which is the reason the Department of Labor required this comprehensive plan.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to approve the Safety Policy. MOTION CARRIED 6-0-0

2. Special Event (Voting) Parking Management

Submitted by Police Chief Mark E. Doyle

To enact a Traffic management plan, with the Council's approval, specifically relative to parking restrictions along Baboosic Lake Rd; McQuestion Road; and Madeleine Bennett Lane to prohibit parking during voting hours, from 7:00 a.m. to 8:00 p.m. on November 8, 2016. (See Attached document & diagram for specific Parking restrictions along those named roads)

Chief Mark Doyle, Merrimack Police Department, spoke of having put together a special event management plan in order to accommodate the anticipated traffic volume and limited parking that the Police Department will be challenged with during voting, specifically at the Middle School venue. Upon the Council's review and acceptance, the traffic management plan would be adopted for that period of time on November 8th.

The intent is that the management plan be in effect one hour prior to the polls opening and one hour after the closing of the polls. The request should have been stated as 6:00 a.m. to 8:00 p.m.

Chief Doyle commented the challenges the department will face with traffic volume would be exacerbated should there be random parking along access roads. That is a conversation he has had with the Town Clerk/Tax Collector and the Moderator. There is the desire to ensure the plan is put in place to look to mitigate potential traffic concerns. They felt it to be appropriate and responsible to put the plan in place to prevent random parking in and around that area.

Chief Doyle displayed a map that was provided with the agenda, and stated the goal is to provide emergency vehicle access to the venue, should that be necessary, through that major intersection at Baboosic Lake Road, McQuestion Road, and Madeleine Bennet. In order to be able to safely provide for access they have to ensure the roadways are clear at least for the areas that are delineated in red in and around the venue. The plan should mitigate the impact and keep the roadways clear of those potential hazards associated with parking along those major thoroughfares during that period of time on November 8th.

What the plan would do is prohibit parking along the north side of Madeleine Bennett Lane from Baboosic Lake Road at the intersection of Madeleine Bennett along the entire north side (only) of Madeleine Bennett all the way up to the cul-de-sac. And then again only on the south side of Madeleine Bennett from the area of the road that divides into two lanes; one for straight through, which will travel down Baboosic Lake Road and offers a right-turn lane. The intent was to prohibit parking along that section of the road just during that period so that it prohibits anyone from blocking the right hand turn lane. It would give access not only to the school for emergency access vehicles along the north side of the road, but also provide some parking if needed, along the south side of Madeleine Bennett from the cul-de-sac where the driveway to the Middle School is eastward all the

way to that point where that lane is actually added for the right turn lane. That will be kept clear to the intersection.

It will also prohibit parking on both the east and west sides of Baboosic Lake Road from the point north of the intersection with Madeleine Bennett and McQuestion Road to the stream crossover; roughly 150 yards. And then again on both sides of the road from Baboosic Lake Road to the entrance to Danbury and from the entrance to Danbury to that stream crossover, again keeping that section of the road approaching and coming from the intersection of Baboosic Lake Road, free and clear of any traffic.

It will also prohibit traffic from parking along the north and south sides of Baboosic Lake Road from the intersection of Madeleine Bennet Lane to the intersections of Jessica and Maidstone Drive all the way from the intersection at Baboosic Lake Road and Madeleine Bennett eastward on both the north and south sides of Baboosic Lake Road to the intersection of Jessica and Maidstone and then along both east and west sides of McQuestion Road from the intersection of Baboosic Lake Road and Madeleine Bennett Lane to the intersection of Merrymeeting Drive, and along the north and south sides of Danbury Drive from Baboosic Lake Road to the intersection of Madison Lane, which is primarily and strictly all residential area.

The goal is to ensure that while doing this it will keep that area at that major intersection free and clear. There will be a lot of traffic going into and coming out of that polling location. They want to make sure they can get folks in to vote, get them to park, and get as many people out as quickly and expeditiously as possible.

The department has planned for 7 officers to be at that location alone throughout the entire day. Having run this through during the Primary in September, they believe that the flow of the traffic plan worked very well; motorists had one way to come in and go out. What they discovered really did work was when they had cars coming into that location, if that primary parking lot was full, they could still move cars around the back side of the building. They could park along the west side of the building and there was more overflow parking near the field, and a little bit of parking in the front of the school. The officers will be strategically placed around that particular venue to ensure voters are able to get in and get back out onto Madeleine Bennett and get back home as quickly as possible.

When asked about the number of parking spaces, Chief Doyle stated his recollection there are either 133 or 153, which doesn't include the area of Bishop Field. They can, in quick order, ensure that is a location that could be provided for overflow parking if needed. There will be volunteers up there as well as the patrol officers.

Vice Chairman Rothhaus stated he is pleased with the plan, and stated his assumption it was intentional that the southerly side of Madeleine Bennett was open for parking as that road is wide enough to accommodate that without any problem. Chief Doyle stated that to be the case. Vice Chairman Rothhaus questioned if there is enough room in front of the school; if parking will be allowed there. Chief Doyle stated there will be parking available, not necessarily on the road itself, but there are about a dozen parking spaces that will be able to be used. The desire is to keep all of the road surfaces clear. They will not allow motorists to park on the access areas in and around the school.

Councilor Koenig questioned where the election workers would park, and was informed they would park in the open lot. When that was done in September there were spots available in that location; the entire parking lot was not filled with election workers.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to enact the November 8, 2016 election traffic management plan specifically relative to parking restrictions along Baboosic Lake Rd; McQuestion Road; and Madeleine Bennet Lane to prohibit parking during voting hours, from 6:00 a.m. to 8:00 p.m.

ON THE QUESTION

Councilor Boyd questioned, and was informed signs would be posted along the particular roads.

Councilor Koenig commented it appears to be a large amount of Danbury Road that will be blocked off, and questioned why the plan goes that far out there when not as far out down McQuestion, etc. Chief Doyle stated his only concern with Danbury Road is he does not want to inconvenience the residents where people could be parking on their front lawns. Although not expecting it to happen, he believes an ounce of prevention is worth a pound of cure in this case.

Councilor Flood asked for clarification of whether Bishop Field would be utilized for parking. Chief Doyle responded it will be open. It will not be provided as parking, but folks could park in there. They want to make sure they are not suggesting it will be a parking area and then have people expect there will be someone in there to park the cars. It is wide open, and if they allow people to park in there it ends up with cars parked three in front of each other, etc. What they want to do is simply say it is available in the event it looks like it will be needed for overflow. There is one entrance in there, and the goal is to blockade it and put a barricade in front of that entrance to the area.

Councilor Mahon commented because of what happened at the High School during the Primary, e.g. got there in the morning and it snowed, there were no markings that could be seen. The officers had a difficult time trying to sort things out. He questioned if consideration has been given to asking the PWD to have a few people available that they could put down there to direct motorists as to where to park. Chief Doyle stated that is a great idea, and he will talk to Director Fox about it. They will have volunteers there as well, and they should be able to assist the department if there is the need to get cars in and out of there.

MOTION CARRIED 6-0-0

4. Dog Park Rules and Regulations

Submitted by Parks and Recreation Director Matthew Casparius

Town Council to consider the proposed rules and regulations for the new Dog Park located at Wasserman Park, as recommended by the Parks and Recreation Committee.

Matthew Casparius, Director, Parks and Recreation Department, remarked, as they move forward with the construction of the park (late November completion), the Council has been provided with the proposed rules for governing the park for its consideration. The rules were developed after reviewing rules established for other dog parks around the region. It is believed the proposed rules are fair and reasonable, and cover the Town as is necessary.

He commented he has spoken with a number of other Directors, e.g., Derry, Dover, and their experiences have been that dog owners tend to be very good about policing themselves. Everyone he spoke with stated they have had very few issues.

Councilor Boyd spoke of Rule #10, which reads: “No female dogs in season (heat) permitted.” He suggested the rule either refer to “season” or “heat” and that the word “are” be added before the word “permitted”. With regard to Rule #15, he suggested “should” be replaced with “shall”.

Chairman Harrington remarked the inclusion of the dog park in the listing in Chapter 142 means the Ordinances that govern all parks will also govern the dog park, e.g., no alcoholic beverages.

Councilor Flood noted a kiosk will be placed at the site, and suggested park rules be posted as well as the rules for the dog park. She suggested both words “season” and “heat” be left in the rules as she believes some people use one of the words and others the other. With regard to the recommended change for rule #15, she suggested where the language states in part: “...any dog that is aggressive or bites another dog or person must be removed and the incident should be reported ...” was likely already thought through, and with the word “must” before “be reported”, she felt it was strong enough. Vice Chairman Rothhaus stated agreement of use of the word “should” in this particular instance. Councilor Boyd commented when victims of dog bites go to a hospital, the hospital is automatically obligated to report to local authorities. Chairman Harrington stated her belief it should be mandated, and she agrees with the recommended change.

Vice Chairman Rothhaus suggested if the word “shall” were to be used there would be a requirement to have/identify a consequence of not doing so. Councilor Mahon commented some of the other towns, in the event of repeated instances, will ban the dog. At this point, he has no problem with that. If going to that extent there is the need to notify the Police Department as the individual may challenge it. The Police Department would be able to review the records to identify if the instance were in fact a third offense, and could then enforce it. He remarked some require a dog bite to be reported to the Health Department or Health Officer. The proposed rules instead require reporting to the Police Department. He commented there would not be an individual present to consistently check tags to ensure rabies shots are up to date.

Councilor Mahon commented the retractable dog leashes are thin nylon lines that can result in injury, particularly to a child.

Town Manager Cabanel stated her appreciation for Councilor Mahon’s approach to these rules. Consideration had been given to having the rules stand alone, and then to putting them into the Ordinance itself. At his suggestion the rules were looked at as a second document, and reference would be made to the Ordinance so that they could be modified easily in the future.

Councilor Flood commented the park was a citizens’ initiative and it was citizens who took over and did a fabulous job in every way. The rules could be made three pages long, but she believes the Council should trust dog owners to use common sense. Councilor Mahon commented he does not disagree. Councilor Flood stated she is pleased with what has been proposed, and believes it addresses what is necessary. When it comes to issues such as aggressive dogs, users of the park will police that.

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Councilor Mahon commented there are many dogs that are not socialized, and when they get in the presence of other dogs they get aggressive and they don't care who is in the way.

Vice Chairman Rothhaus stated his belief the rules presented are all, generally speaking, very good. He understands the concern around long leashes. He believes the Council should state this is what is not allowed, e.g., aggressive dogs are not allowed. Beyond that users are kind of using the park at their own risk. If the individual or their dog is bit by an aggressive dog, he is pretty confident they will report it. Town Manager Cabanel stated agreement. He suggested the sentence be amended to read: "Aggressive dogs are not allowed in the park."

Councilor Koenig noted rule #2 reads: "Handlers are responsible for any injuries caused by their dogs.", and questioned if owners would not have responsibility. Town Manager Cabanel suggested avoiding mandating who would be responsible. Councilor Koenig remarked there is mention of dogs being allowed into the small dog area, but no language that addresses small dogs being kept out of the large dog area.

Christine Lavoie, Member, Parks and Recreation Committee, commented the group has successfully held dog park playdates for the past two years without issue. Some of the ways they address those situations is working together as owners to collectively assess. At the current playgroup, they run both small and big dogs. There will always be issues of first timers, young puppies, etc., and there is another area where they are separated. They ask owners to make them aware of new dogs or social issues being worked on, and they take strives.

Councilor Koenig stated his appreciation for the work being done. He commented rule #13 states: "Dogs weighing more than 30 lbs. are not allowed in the "Small Dog" area." That is a specific and precise limit on the small dog area, but there is no language relative to the large dog area. Ms. Lavoie stated the expected was that it is size driven. Most dog parks are split that way; there is usually an area for dogs under 25 or 30 lbs.

Councilor Mahon commented this isn't just for Merrimack dog owners. Because of the conditions associated with funding, anyone is allowed in. He spoke of local residents having more of a connection with one another, and that that is a distinction between this park and other parks.

Councilor Flood stated agreement with replacing the word "Handlers" with "Owners" in Rule #4. Vice Chairman Rothhaus remarked in an instance where a dog were to cause injury the situation would be addressed between the parties.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to amend the rules by deleting Rule #2 in its entirety, in Rule #15 by deleting all language following "Aggressive dogs are not allowed in the park.", and by renumbering the rules as appropriate, and approve the proposed rules and regulations for the new Dog Park located at Wasserman Park, as amended. MOTION CARRIED 6-0-0

5. Proposed Changes to Chapter 142, Parks and Recreation Areas [First Reading]

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the proposed changes to Chapter 142 – Parks and Recreation Areas, of the Town Code, pursuant to Charter Article V.

Director Casparius stated there are three updates that were recommended: § 142-1 Legislative Intent - added Merrimack Dog Park as an officially named park and also adding Bishop Field, § 142-9 Animals - currently states dogs have to be on a leash, and the proposal is to add the exception of inside of the dog park, and § 142-15 Wasserman Park Beach - adding the new parking lot at the bottom of the hill as a place that people can park as it is currently not listed.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to move to a Public Hearing. MOTION CARRIED 6-0-0

6. Direction for 2017/2018 Budget

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

To ask the Town Council to contemplate budget parameters for the 2017/2018 budget season, which will be discussed at a future meeting.

Town Manager Cabanel commented as the Administration is developing the budget, there is the desire to inform the Council of some of the items they are aware of and to gain direction with regard to setting parameters for the budget.

A PowerPoint [presentation](#) was provided highlighting some of the known items. The Guaranteed Maximum Rate (GMR) for health insurance is 9.1% (\$250,000 or \$0.08). Retirement contributions have gone up significantly (\$220,000 or \$0.07) (numbers for two years; FY18 and FY19). The amount paid for the Fire Department is 31.89% (of wages and overtime), the Police Department 29.43%, and all others 12.15%. A small increase has been made to the employee's share. Fire and Police employees contribute approx. 11% and everyone else contributes 7%. There is an increase in property and liability with a not to exceed number of 10% (\$15,000). There is an increase in Workers' Compensation Insurance with a not to exceed number of 10% (\$20,000 or \$0.01). Town Manager Cabanel remarked Primex is the only game in town. Many municipalities are looking at private insurers, which she has cautioned them about because there are certain immunities that are given to municipalities by Statute if belonging to a risk pool that is made up of members of municipalities. If utilizing a private entity it is considered "for profit" and there are no immunities. The immunities help to keep the costs down. Vice Chairman Rothhaus questioned if Primex is a regulated entity. Chairman Mahon stated Primex is reviewed annually. Assistant Town Manager/Finance Director Micali stated if Primex were to increase the rate resulting in a balance at year end, the balance would be returned to the members.

Councilor Mahon commented the rates associated with Workers' Compensation insurance were supposed to have decreased next year. Looking at the figures provided it indicates either the pool had some bad experiences or the Town had some bad experience. Town Manager Cabanel noted the number provided is a not to exceed number. Final numbers have not been provided. She stated her belief the Town's experience has been good. Although there have been a lot of claims this particular

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year, it evens out over a period of three years. There are five union contracts that are in their second year, and there is a cost associated with that (\$160,000 or \$0.05).

Electrical rates are expected to increase by 25% due to a long-term contract ending (\$50,000 or \$0.02). There will be no increase in natural gas rates due to the long-term contract that ends on 8/31/2018.

Things to consider include the potential for a bond for the Highway Garage. Were that to be placed on the ballot and pass, the first payment would not be due until FY19. The union contract for the Police Officers has expired. A proposal will be brought forward sometime in November. With regard to State revenues, it is unknown what will occur with Rooms & Meals or the Highway Block Grant.

The rebate for the LED streetlights will be a reduction of \$50,000 or -\$0.02. Use of fund balance to offset the tax rate is listed because should the Council decide to not use another \$300,000 to reduce the tax rate, it would increase by \$300,000 or \$0.09. That practice has to continue on in order to avoid that. The Police contract is unknown. The total identified would be an increase of \$0.29.

Town Manager Cabanel questioned the will of the Council with regard to direction. Councilor Boyd remarked he would want to continue to pursue the practice of reducing the tax rate by \$300,000 from fund balance, and would want to see that included in the proposed budget. Chairman Harrington commented that was based upon having a revenue excess in the current year. Town Manager Cabanel stated there was \$1.5 million in excess revenue. The discussion was if \$300,000 were utilized each year over the period of five years, it would be manageable. Vice Chairman Rothhaus commented next year the Council members might not agree with that approach, but recent conversation was if there is excess revenue that is greater than what is believed necessary, the funds would be available for future years.

Vice Chairman Rothhaus commented the stability of the tax rate is something he wants to be taken into consideration, and he wants to understand the needs of the Town, e.g., where shortfalls might exist, items that require addressing, etc.

Councilor Boyd requested a discussion take place around overtime in the Fire Department. He believes it important to re-evaluate that. Town Manager Cabanel stated a lengthy discussion of that occurred earlier in the day at a staff meeting, and she has spoken to the Fire Chief about that as she believed it would be a topic that would come up. The addition of the overtime to ensure a straight 8 group of people will be reviewed to see if adding four firefighters might have been a better format. What has been faced this particular year, so far, is an enormous amount of overtime because so many people have been out. There have been 6 people out, sometimes for 4, 6, 7, or 8 months for various injuries. This particular year is almost impossible to isolate out. Councilor Boyd questioned if the Chief could come before the Council to discuss the issues the department faces prior to budget discussions. Chairman Harrington stated if the will of the Council, there is no reason why that could not occur.

Councilor Boyd stated the desire to have discussion of existing bonds and whether there would be benefit to paying off the Greens Pond bond ahead of time, e.g., were the Highway Garage bond to pass. Town Manager Cabanel noted the Greens Pond bond, and most of the bonds are not callable, e.g., cannot be called back and re-sold at a lesser interest rate unless the bond bank chooses to do so.

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There is one last payment in the coming fiscal year (\$270,000; principle only). There would be a \$270,000 hole in the following year. Were the decision made to bond in FY19 there would be room to do at least a \$270,000 payment. Were the bond taken out in FY18 the first payment would come due in FY19.

7. Review of 2017/2018 Budget Schedule

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

The Town Council to review the 2017/18 budget schedule.

A copy of the schedule was included with the agenda packet. Assistant Town Manager/Finance Director Micali noted three meetings have been identified for January, 2017 with a proposed start date of January 9th.

8. Review of the Municipal Tax Rate

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

Town Council to receive an update of the 2016 tax rate.

Town Manager Cabanel provided a PowerPoint [presentation](#). She noted the Town is in the process of getting the entire tax rate approved and authorized by the Department of Revenue (DOR). When the Deliberative Sessions were held the information provided was based on presumptions relative to revenue, which can change as did the value of the Town, which changed the tax rate significantly. The municipal tax rate for the Town's portion is \$4.91; a \$0.58 or 10.56% decrease from last year. The major part of the difference is due to the significant increase in the assessed value (up by \$335,582,805 or 11.31%).

In 2015 the tax rate was \$5.49 for the Town. An increase of \$0.09 was anticipated for a total of \$5.58. The new assessed value has decreased the tax rate for the Town's portion by \$0.55. Town Manager Cabanel commented residents should understand although values have increased the tax rate has decreased. She reiterated the numbers being discussed are the Town's portion of the tax rate.

Utilizing \$300,000 of fund balance reduced the tax rate by \$0.09. Revenue from the Rooms & Meals tax is \$92,000 higher than anticipated, which decreases the tax rate by \$0.03.

Assistant Town Manager/Finance Director Micali stated the DOR has set the tax rate at \$22.79 for 2016, which reflects a decrease of \$0.58 for the Town/municipal portion, a decrease of \$1.25 for the school portion, and \$0.10 decrease for the County for a total decrease of \$1.93.

Minutes

Approve the minutes from the Town Council meetings of October 13, 2016.

The following amendment was offered:

Page 21, Line 44; replace "-1.25%" with "-1.5%"

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MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept the meeting minutes of the Town Council meeting of October 13, 2016 as amended. **MOTION CARRIED** 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Vice Chairman Rothhaus announced that the previous evening at 9:05 p.m., after 35 hours and 35 minutes, little Finlay Jackson Rothhaus came into our world!

Adjourn

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

The October 27, 2016 meeting of the Town Council was adjourned at 9:38 p.m.

Submitted by Dawn MacMillan