

Approved: May 24, 2018

Posted: May 29, 2018



Town Council Meeting Minutes

Thursday May 10, 2018 at 7:00 PM, in the Matthew Thornton Room

Chairman Rothhaus called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Koenig, Councilor Albert (participated electronically), Councilor Boyd, Councilor Thornton, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Harrington was excused.

Pledge of Allegiance

Life Scouts Anthony Milani, Troop 272, and Rohan Sreenivasan, Troop 424, led in the Pledge of Allegiance.

As Councilor Albert was participating electronically, in accordance with [RSA 91:A:2 III](#), Chairman Rothhaus requested he state for the record; where he was, why his attendance in person was not reasonably practical, who, if anyone, was with him, and whether or not he was able to hear the proceedings.

Councilor Albert responded he was out of Town on vacation, his attendance in person was not reasonably practical given his location, no one was with him, and he could hear the proceedings.

Chairman Rothhaus stated, for the record, those present at the meeting were able to hear Councilor Albert and reminded the Council all votes would be taken by Roll Call.

Announcements

Regular meetings of the Town Council will be conducted on Thursday, May 24th, June 14th and June 28th at 7:00 p.m. in the Matthew Thornton Room.

The Town Council will conduct its Annual Retreat on Friday, May 25th from 9:00 a.m. to 4:00 p.m. at Buckley's Great Steaks located at 438 D.W. Highway.

The Transfer Station, Wastewater Treatment Facility, Highway Garage and Highway Maintenance will be closed on Wednesday, May 23rd for employee training.

PFOA Update

Councilor Boyd noted the Council was made aware of a communication by a Merrimack resident to Clark Freise, Assistant Commissioner, NH Department of Environmental Services (NHDES) requesting specific groundwater testing be conducted at Watson Park. Town Manager Cabanel responded in an email to Assistant Commissioner Freise requesting NHDES act and consider the request.

Highway Garage Project Update

Chairman Rothhaus stated the Council and the Highway Garage Building Committee broke ground on May 5th. This week the site contractor mobilized their equipment to begin work on the project. The

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Public Works Department (PWD) will be taking progress photos of the work, which can be found on their Facebook page at Facebook.com/Merrimack DPW.

Comments from the Press and Public

Wendy Thomas, 10 Wildcat Falls Road

Commented she recently had to replace her water tank, and in doing so gained samples of the sludge that sits at the bottom of tanks. It will be tested for PFOAs.

She has not yet been able to install the filtration system because of difficulty locating a plumber having the knowledge and expertise to install it. For the moment, her family continues to consume bottled water (approx. 25 gal./wk.). She stated her desire to ensure her family has water that is not contaminated with manmade chemicals. It is not easy, and it is not without expense.

Recognitions, Resignations and Retirements

1. Digital Federal Credit Union Appreciation Plaque Presentation

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

The Town Council to present a plaque to the Digital Federal Credit Union (DCU) for their ongoing support of the Merrimack Fire and Police Departments.

Chairman Rothhaus spoke of the support the Digital Federal Credit Union (DCU) has provided the Town's public safety departments. A plaque was presented to DCU in appreciation of the generosity and continued support of the Merrimack Fire and Police Departments.

A representative of the DCU accepted the plaque and remarked DCU is pleased to support its community in any way it can.

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

1. Deliberation to Fill the Town Council Vacancy

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council until the April 2019 election, pursuant to Charter Article 4-5.

Chairman Rothhaus noted two of the candidates were unable to be in attendance and provided written statements.

Councilor Boyd indicated he did not feel comfortable acting on this matter without full membership in attendance. The fact that two of the candidates who have applied for the position were not in attendance added to his reluctance to move forward. He questioned if the matter could be tabled until the May 24th meeting.

Town Manager Cabanel referred to Charter Article 4-5, which reads in part: "The Town Council shall act to fill a vacancy no later than 21 days after the vacancy has been officially declared."

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Councilor Boyd stated the Charter requires the Council to act but does not say what that action be. He suggested taking the action of tabling would satisfy the spirit of the Charter.

Councilor Albert noted there were 5 members of the Council participating and stated his opinion the Council should move forward with the action.

MOTION made by Councilor Boyd to table the appointment until the Council's May 24, 2018 meeting

A Roll Call was taken, which resulted as follows:

Yea:

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Nay: Councilor Boyd, Councilor Koenig, Councilor Thornton, Councilor Rothhaus,
Councilor Albert

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MOTION FAILED

Chairman Rothhaus invited Mr. Jason Kimball to address the Council and public.

Jason Kimball, 20 Turkey Hill Road

Stated he was born and raised in this Town. The Town is his home and means everything to him. He stated his belief in democracy; our Founding Fathers got it right. He ran for Council against three incumbents garnering 1,129 votes. He stated the desire to serve his community through participation on the Council. He worked for the Town for 17 years. He would like to serve to ensure younger generations will have a home here. He spoke of the events the Town puts on and the efforts made for its residents to foster the environment the Town has.

Mr. Kimball commented on the level of support he had while campaigning, which he found humbling. He touched again upon his love for and commitment to his home and community.

He talked about opportunities he sees for combining efforts such as the new highway garage and its proximity to the location where the lost and found for livestock once was; there is an opportunity, as part of the working being done at the garage, to clean up the area of the former lost and found and erect a sign to preserve the memory of that little piece of Merrimack history.

Mr. Kimball commented on being retired, his desire to serve the community, and on some of the opportunities he would like to see the Town take advantage of, e.g. solar panels on Town owned buildings.

Chairman Rothhaus read the following statements into the record:

Rosemarie Rung, 21 Ministerial Drive

“I appreciate the opportunity to be considered for the open position on the Merrimack Town Council and thank the Council for allowing this statement to be shared with you and the public since I am unavailable to be there in person. My family and I have had the good fortune of calling Merrimack our home for nearly 35 years. It has been a pleasure for me to spend most of those years in community service from volunteering in schools, assisting at elections, working on various non-profit boards and Town committees to serving on the School Board. However, I have never been on the Town Council or its predecessor, the Board of Selectmen.

The combination of bringing a new perspective to this body coupled with my experience would offer unique advantages, in my opinion, particularly this year as the Council faces growth in infrastructure (with the Turnpike widening), the concerns over PFOA contamination, contract negotiations among others.

On a personal note, it would be an honor and privilege to complete Jackie Flood’s term of office as her grace, dedication, and countless contributions to Merrimack are a deep source of inspiration not only to me, but also to many others who call Merrimack home. Thank you again for your consideration.”

Barbara Healey, 68 Back River Road

“First and foremost, I would like to personally thank each Council member for their time, consideration, and effort spent to appoint a new Town Councilor to replace Councilor Flood. I apologize for not being here this evening; my husband and I are away on a trip that could not be cancelled. Due to the unanticipated nature of the vacancy, I thank the Council for allowing me to submit these comments in my absence.

Although I was not born and raised in Merrimack, my husband and I purchased our home nearly 8 years ago, and our family has been living in Town since then. In all of the places our family has lived, we are impressed with the sense of community and citizen participation that we see exhibited here in Merrimack. I would like to be able to participate and give back to our Town as well by serving as a Town Councilor.

I am retired but have served in management positions throughout my career. I earned a Bachelor of Science Degree in Nursing at Southeastern Massachusetts University now known as UMass Dartmouth, I served as a Major in the United States Army Nurse Corps both on active duty and in the individual ready reserves. I feel that my prior work experience has provided me with skills that could benefit the Town. In addition to being an RN, my experience includes diverse skills such as budget creation and management, project management, personnel management, training and development, policy and guideline creation, IT business application design, and application production support.

I have also helped establish recycling programs in two towns where we resided by assisting in organizational meetings and with educational materials. Our Town is blessed to have a Town Council with members that truly care about the Town of Merrimack. Our Council has faced many challenges during this past year, and some of these will continue as challenges in the near future.

The purity of our drinking water will continue as an issue, criminal activity involving drugs and the resulting drug overdoses will continue to be a challenge for our police and emergency medical personnel. Growth of the Town continues as new homes, apartment buildings, and hotels are built and

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new businesses are created, which will consume our municipal resources. Residents of Merrimack will need a Town Council that works for them as it has in the past; one that is making positive changes in our Town not just for today but for the future of Merrimack and its children.

The decisions made by the Council should continue to be sound decisions that make beneficial and fiscally responsible changes to our wonderful Town. To be done well, it involves research, communication, patience, attention to detail, and of course the consideration of any consequences of these decisions to the Town and its people.

I believe being a Town Council member means working collaboratively with residents, Town staff, and of course fellow Council members to resolve the issues and challenges that Merrimack will face. I am a person that is passionate about our Town and truly cares about the people that live here. Of course, I live here as well. I understand some of the frustrations of my neighbors because I face the same problems and issues they do every day. I want to take an active role in working on issues that trouble our citizens as well as be involved with planning for today and the future.

I would welcome the opportunity to serve the Town of Merrimack as a Town Council member and serve on any committees that could use my guidance and expertise. As many of the committees deal with the new and unfamiliar topics, I look forward to new learning opportunity. If the decision is made that I am not awarded a seat on the Town Council, I look forward to working with you in the future in my newly elected position on the Ethics Committee. Thank you for your time and consideration."

Chairman Rothhaus noted the Council conducted its interviews a few weeks prior. Each of the candidates have a great deal to bring to the table.

Councilor Boyd spoke of being impressed with the depth and breadth of experience the candidates possess. He felt the individuals were tremendously forthcoming and presented themselves extremely well. They each have a great deal to give to the Town of Merrimack. He stated his hope those who are not asked to join the Council would consider volunteering for some of the vacancies in Town.

Vice Chairman Koenig remarked the Council had the opportunity to speak with three people that have a lot to offer. It is a difficult position to try to decide who to bring forward on the Council. There are good candidates with good ideas and sincere interest in the Town of Merrimack. He spoke off being particularly impressed with Ms. Healey's attitude and approach. She has learned a great deal about the community she has moved into, is interested in helping that community, and has a breadth of experience outside of the community.

Councilor Thornton spoke of having met with Ms. Healey and having had the opportunity to listen to Mr. Kimball this evening. He stated agreement the candidates bring a lot of passion. Passion, heart, and new ideas are what is needed on the Council.

Councilor Albert echoed the comments of his colleagues and thanked all the candidates for stepping forward. Out of 27,000 people and 18,000 registered voters in the Town, these three people stepped up and volunteered to fill the position. They are all good candidates.

Chairman Rothhaus called for each Councilor to identify his/her candidate of choice.

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Councilor Albert cast his vote for Rosemarie Rung. Councilor Thornton cast his vote for Barbara Healey. Councilor Koenig cast his vote for Barbara Healey. Councilor Boyd cast his vote for Barbara Healey. Councilor Rothhaus cast his vote for Barbara Healey.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to invite Barbara Healey to fill the vacant position on the Town Council

A Roll Call vote was taken, which resulted as follows:

Yea: Councilor Boyd, Councilor Albert, Councilor Thornton, Councilor Koenig,
Councilor Rothhaus

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Nay:

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MOTION CARRIED

The Council returned to the regular order of business.

Appointments

1. Annual Review with the Planning Board

Submitted by Planning Board Chair Robert Best

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

Public Hearing

Robert Best, Chairman, Merrimack Planning Board (Board), noted the Planning Board welcomed two new members; Daniel Ricker and Neil Anketell.

Within the last 12 months, the Board had the opportunity to vote on the approval of the redevelopment of the oldest Shaws site. It is scheduled to open in June with a Planet Fitness and a few other tenants. Student Transportation of America relocated their bus terminal to a construction site behind Vault Storage. There have been countless small subdivisions. There is an elderly housing development (47 units) under consideration on East Chamberlain Road. The big apartment complex at Exit 11 (280 apartments) came before the Board. There was a review of Merrimack Parcel A, which is at the foot of the hill at the Outlet Mall where they will have apartments, hotel, and retail and commercial space (372,800 sq. ft.). NeighborWorks is another project for 50± homes on the other side of D.W. Highway. That was originally proposed as elderly housing and is now being discussed as family housing.

Mr. Best remarked there are a lot of things going on in Town and a lot of things housing related. He commented on the demand for the subdivisions and developments for housing noting, on a regional planning level, what is heard loud and clear is that New Hampshire is 10,000 housing units short of what is needed. There have been quite a few approved in past years and quite a few approved this year. He spoke of being part of a town that is on the move for trying to solve some of the need for housing.

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Mr. Best spoke of the main topic discussed during the last annual review; sidewalks and a Town-wide Pedestrian and Bicycle Master Plan. When last before the Council, the Board was given the authority to access services from the Nashua Regional Planning Commission (NRPC) to begin the process of making that Master Plan. Mr. Best displayed some of the work done by the NRPC. The map was present at all voting locations during the last election. The NRPC inventoried where sidewalks exist today and where the roads are more or less suitable for bicycle traffic along D.W. Highway. After they surveyed what we have, there were a few suggestions they could make for very small changes that would make a big difference such as a crosswalk in one place or another.

The NRPC has a methodology for examining the speed cars go, the distance people are from the traffic, the width of the road, what is around there, etc. to estimate the level of stress that a pedestrian or bicyclist would experience on the road. There are a lot of areas where it is a little stressful for walking and even more stressing for riding where the NRPC identifies the road as suitable for the most confident and enthusiast riders and not too many areas where bicycling is appropriate for younger kids or people with less confidence.

What was done is step 1 in the process. The Board used the map and the work of Nelson Disco to develop a very short survey questioning what people thought of this, and what suggestions they may have for more new things to be proposed in the next phase of a plan.

Maps were set up at all three polling places. Of the 3,000 people who voted, 239 surveys were filled out. Only 23 of them indicated they didn't favor the idea of sidewalks or bikes. The Board has never before had nearly 250 people weigh in on this with some specifics about what they thought and locations.

Mr. Disco has taken it a step further in analyzing and compiling the results. He had not brought them to share with the Council as he believed they should be shared first with the Board. He will ensure the information is made available to the Council in advance of its Retreat.

The survey is posted on the Town's website through the Community Development Department if residents are interested in participating. Mr. Best commented he suspects the process will lead to something more of a proposal for a Town-wide plan that will help get on the right track in terms of sidewalks. Chairman Rothhaus commented that would help the Council see what the necessities might be, and as time goes on perhaps they could chip away.

Councilor Albert stated the question he has been asked concerning the residential properties being constructed is whether they would be tax contributing or a tax drain. People see these apartments as becoming a tax drain.

Mr. Best responded on some of the properties in the developments there is an analysis the applicant must do, which is tested by peer review, to prove that they are a net benefit in terms of the tax revenue that would come from them. They do the calculation not just based on what the tax revenue coming in will be, but they estimate what the expenses for the utilization of services would be, and that changes based on whether it is elderly housing, family housing, studio apartments, etc.

One of the key pieces to that puzzle is always how many children will be in a development. There is some reliable research that predicts based on free standing housing, multi-unit housing versus

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apartment complexes, etc. The results are that the financial analysis ends up being pretty accurate in terms of the number of children. With 1 or 2-bedroom apartments, it is a small number of children that end up in a community, e.g., the 280-unit community that is going to be by Exit 11 has something like 20 children. The public looks at it and says there are 280 apartments there will be at least 100 children, and statistics don't support that.

Town Manager Cabanel spoke of the changes that have occurred regarding utilization of TAP grant funds and the Souhegan River Trail, which were discussed at the Council's April 26, 2018 meeting. Kyle Fox, Director, Public Works Department (PWD), will bring the information forward to the Board.

Town Manager Cabanel commented she believes communities, for a long time, have been considering tax burden while at the same time there has been so much out there about how much older our communities are getting. At some point the reverse needs to start being thought of; we need to attract the younger generation. You need a balance to have a vibrant community.

Councilor Boyd spoke of a site plan off Wilson Hill Road as it relates to the impact on wells. He noted the Town recently got the DOT to come to Merrimack and synchronize the lights at Executive Park Drive. He questioned if there are technical pieces that can be foreseen regarding future development in general in terms of projects being able to hook up to water, appropriate synchronization of lights, etc. What is the big concern Merrimack will be facing 3, 5, or 10 years down the road?

Mr. Best responded from the Board's standpoint when you deal with water or sewer, sewer generally has capacity and with the water they challenge the applicants to get an answer from the MVD. If the MVD gives them a green light the Board has no authority or knowledgebase that would allow for challenging that. There are some places like Wilson Hill where the water doesn't go there, and you must look at wells and what is available. The Board has not seen too many of those with the subdivisions. He remarked if you see all this housing come online you will have a population jump in Town, maybe 10% and that is a big jump for a brief period. When it comes to what impact that will have on traffic, lights, etc., the Board does its best to analyze that. When they are looking at something like the development at Exit 11 they have them do traffic studies and predictions. They were responsible for getting the DOT to synchronize those lights. If that was 5 miles down Amherst Road for a 280-unit subdivision, assuming all the zoning would allow it, the Board wouldn't have necessarily tied that into that intersection and said you have to analyze the traffic at Exit 11. It is only because of its proximity to it that it was even something that was on the Board's radar.

Mr. Millns commented as part of the Exit 11 project, they are not just synchronizing the lights they are putting in a system that has never before been used in the State. The changing of the lights is controlled by the amount of traffic going through and not a certain number of minutes.

Mr. Best commented the Board always gets traffic studies and has engineers that come and say they have a book that tells them how the cars will flow, and how many people will come. They always analyze that and have it peer reviewed, but he always holds a little level of skepticism for that because you are predicting the future. Other members of the Board and members of the public are always surprised at the numbers that are put forward. In this case, the Board sent them out to find a comparable development with one entrance to count cars. They did it. It proved that their numbers were not only accurate but conservative. It allowed the Board to rely on the data it was receiving.

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Councilor Boyd spoke of being pleased with the Planning Board's recommendation of Timothy Tenhave to sit on the NRPC. He commented during his tenure on the NRPC, there have been 2 individuals that could not make the 4 mtg./year commitment to the NRPC. He spoke of the increased role the NRPC has taken on, and requested, when making future appointments, the Board require a commitment from its representative that he/she will be at those meetings.

Public Hearing - None

Legislative Updates from State Representative - None

There being no objection, the Council went out of the regular order of business to take up Item #s 2 and 3 under New Business.

Councilor Albert's electronic participation was interrupted at 8:15 p.m. due to weather conditions.

3. Consideration for Eagle Scout Project at Wasserman Park

Submitted by Parks and Recreation Director Matthew Casparius

Boy Scout Rohan Sreenivasan from Troop 424 is proposing a solar powered lighting project on the park roads at Wasserman Park. This is a continuation of an earlier Eagle Scout project that was done 2 years ago but which completes the loop on the park roads. With more activities occurring in the Function Hall in the evenings, these lights are important to help people find their way back to the parking lot.

Life Scout, Rohan Sreenivasan stated he is a Freshman at Merrimack High School. He joined scouting in 2008. He is currently a Life Scout. His Eagle Scout project is the detailed planning and installation of solar powered lights in pathways in Wasserman Park. Proposed is the installation of 11 different lights along two sections in Wasserman Park. The lights will be identical to those already in place.

A previous Eagle Scout project installed solar powered lights on another side of the park. Life Scout Sreenivasan's project would continue that and complete the circle. The project is the #1 priority of the Director of the Parks and Recreation Department for this park. The lights will be 12' posts (10' above ground, 2' below) in a 2" x 2" hole (post is 4" wide and 4" long). Four lights will be placed between the community garden and volleyball picnic area and the remaining 7 between the softball field and tennis courts.

The holes will be dug by the Town and in coordination with Dig Safe. Cement will be utilized to keep the posts in the ground. Anticipated costs include lights (\$600), the copper caps (\$40), concrete (\$50), posts (\$160), and food for volunteers. Total cost estimate (including 15% contingency) is \$1,088.61. The hope is that fundraising can occur over the summer months and the lights can be installed in the fall.

Fundraising efforts include bake sales, car wash (if needed), and a GoFundMe Page.

Councilor Boyd questioned if the scout is working with the PWD noting the stretch of road between the basketball courts and the fields is on a downslope. Life Scout Sreenivasan responded he is working with the department to ensure the holes that are dug are level and noted the list of materials needed includes a level.

Vice Chairman Koenig stated a desire to understand that the scout has investigated and how he determined a 2' deep hole is sufficient with 10' above ground. Life Scout Sreenivasan noted a previous project done in that manner. In addition, Matt Casparius, Director, Parks and Recreation Department has indicated that is acceptable. The existing lights have been in place for a year. Town Manager Cabanel offered the services of the Director of the PWD to investigate the issue.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the Eagle Scout project at Wasserman Park proposed by Life Scout Rohan Sreenivasan, Troop 424, which is a solar powered lighting project on the park roads at Wasserman Park. This is a continuation of an earlier Eagle Scout project that was done 2 years ago but which completes the loop on the park roads. With more activities occurring in the Function Hall in the evenings, these lights are important to help people find their way back to the parking lot. Furthermore, that the Chairman be authorized to sign the Boy Scout paperwork necessary to approve the project and furthermore that the Town Manager or her proxy also be authorized to sign anything necessary to complete the project paperwork. MOTION CARRIED 4-0-0

2. Consideration for Eagle Scout Project at Wasserman Park

Submitted by Parks and Recreation Director Matthew Casparius

Boy Scout Anthony Milani from Troop 272 is proposing to build an information kiosk at the entrance to the Quarry Trail at Wasserman Park, which will be used as a central location for posting trail information by the Conservation Commission on their network of trails in Wasserman Park.

Life Scout, Anthony Milani addressed the Council, and stated his proposed Eagle Scout project to be the construction of a kiosk at the entrance to the Quarry Trail at Wasserman Park. Matt Caron, Vice Chairman, Merrimack Conservation Commission, suggested the project.

The kiosk will house maps of the trails. The Conservation Commission will benefit from the project as will the Parks and Recreation Department as the kiosk will be located on their land. Users of the trails will be provided a station containing useful information. Life Scout Milani provided examples of kiosks located within Veterans' Park noting the final design of the proposed kiosk would be a combination of the designs utilized at Veterans' Park and the Horse Hill Nature Preserve.

The kiosk will be constructed offsite and brought to Wasserman Park. The Parks and Recreation Committee has offered to provide an auger to be used to dig the holes so that the kiosk can be placed. It will be constructed with pressure treated lumber, a shingled roof, will be 8' tall, 4.3' wide, 2' into the ground (minimum), it will have corkboard and plexiglass for display and a lock and hinges on the back of the display case. The display case will house trail and map information and signs. Total estimated cost (inclusive of a 15% contingency) is \$673.68.

Fundraising includes a bake sale and donations from family members. The expectation is that work will commence in the August timeframe, installation in September, and a dedication ceremony in October.

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Vice Chairman Koenig stated appreciation for the statement that the kiosk would be planted a minimum of 2' into the ground noting the kiosk will be exposed to a great deal of lateral pressure. He spoke of the frost line and noted 2' is often not sufficient. There is the need to be mindful of that.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the Eagle Scout project at Wasserman Park submitted by Life Scout Anthony Milani, Troop 272, who is proposing to build an informational kiosk at the entrance to the Quarry Trail at Wasserman Park, which will be used as a central location for posting trail information by the Conservation Commission on their network of trails in Wasserman Park. Furthermore, that the Chairman be authorized to sign the Boy Scout paperwork necessary to approve the project and furthermore that the Town Manager or her proxy also be authorized to sign anything necessary to complete the project paperwork. MOTION CARRIED 4-0-0

The Council returned to the regular order of business.

Town Manager's Report

The PWD hosted a very successful Open House on Saturday. Hundreds of people attended and were treated to many activities including the Touch-A-Truck event and a compost giveaway. The department is thankful to everyone for helping to fill the backhoe bucket with non-perishable food items that will go to support a local food pantry.

Consent Agenda - None

Old Business

1. Chapter 111, Conservation Areas, Merrimack Town Code Process and Procedure [Tabled at the March 22, 2018, Town Council meeting]

Submitted by MCC Member Tim Tenhave

Town Council to consider and possibly approve a process by which Chapter 111, Conservation Areas, of the Merrimack Town Code may be revised.

Tim Tenhave, Merrimack Conservation Commission, stated when last before the Council he presented the propose process. It was decided he would meet with the Town Manager and her staff to ensure everyone was in sync on the project and understood all the details. He believes the meeting to have been very productive. No changes were recommended to the process as proposed. Being sought was the Council's approval of the process outlined.

Town Manager Cabanel commented what she found to be very interesting when Mr. Tenhave came before the department heads was that everyone seemed very excited about the concept of it. Each department has experienced being approached for additional information on parcel(s). They understand the value of what will be collaboratively accomplished through this process.

Councilor Boyd asked for clarification the process involves four phases and a period of 12-15 months and was told that is the expectation.

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MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the process by which Chapter 111, Conservation Areas, of the Merrimack Town Code may be revised, as presented. MOTION CARRIED 4-0-0

2. Town Council Committee Assignments [Tabled at the April 26, 2018, Town Council meeting]

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig

The Town Council will determine committee assignments for the current year.

MOTION made by Councilor Koenig and seconded by Councilor Thornton to table the item until the Council's May 24, 2018 meeting. MOTION CARRIED 4-0-0

New Business

4. Short-term Disability (STD) Insurance Non-Union

Submitted by Finance Director Paul T. Micali

The Town Council to consider the approval of the recommended change to the Personnel Policy Manual maximum short-term disability weekly benefit amount from \$700 to \$2,000.

The weekly benefit amount for Short-Term Disability (STD) is 70% of the base wage up to \$700/wk. It has been set at that amount for 12 years. Twenty seven out of the 44 non-union employees earn wages greater than \$1,000/wk. and are required to utilize sick and/or vacation time to make up the difference. Employees earning less than \$700/wk. are compensated at the 70% rate where those earning more than that amount are not.

This was discussed during the budget process along with a proposal to expand the benefits so that the 70% would apply to everyone. Requested is an increase to the maximum weekly benefit from \$700 to \$2,000. The cost associated with the requested change, which is included in the budget, is \$9,000.

Councilor Boyd questioned the total premium cost for the insurance and total number of times it has been utilized in the past year. Town Manager Cabanel was unaware of the total number of times the insurance has been utilized by non-union employees over the past year. She noted there have been quite a few employees within the Police, Fire, and Public Works Departments that have utilized it for a variety of reasons.

Councilor Boyd commented Chief Currier has mentioned members of his department were out on STD because of issues occurring in the workplace. Town Manager Cabanel remarked if it is a work-related incident, it would be covered under Workers' Compensation Insurance.

Vice Chairman Koenig questioned if union employees have this benefit in their contract with identified limits, and was informed the highest benefit in the union contracts is \$700/wk. and the lowest is \$600/wk. Those limits need to be negotiated during contract negotiations.

Assistant Town Manager/Finance Director Micali added, there is contract language that permits employees to receive STD payments as total compensation; they are not required to utilize sick and/or vacation time to make up the difference. He stated his belief there were 2-3 non-union employees who

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utilized the benefit over the last year. The aggregate the Town will pay in STD payments beginning in July (for all STD insurance throughout the Town) is \$9,000/mo. The additional cost associated with the increase in the limit for the non-union employees is \$9,000/year.

Vice Chairman Koenig questioned how the \$2,000 figure was derived. He asked what the increase to the premium cost would be were there no limit in place. Assistant Town Manager/Finance Director Micali stated the \$2,000 was used for expansion so that as wages increase there is flexibility.

Vice Chairman Koenig remarked \$700/wk. represents 70% of a \$52,000/year salary and \$2,000/wk. represents 70% of a \$148,000/yr. salary. He questioned whether \$2,000 is the right number or if the number should be unlimited so that it represents 70% of whatever the salary is. He asked and was told STD is for a period of up to 26 weeks after which it transitions to Long Term Disability (LTD). LTD is a benefit the employee can choose to participate in at his/her own cost. The Town pays 100% of the cost associated with STD.

Councilor Boyd questioned the number of non-union employees that would qualify for \$2,000/wk. He questioned if \$2,000 is too great a number, and if the Town could lower its premium cost by putting in place a lower cap. Assistant Town Manager/Finance Director Micali stated there to be no difference in the cost to the Town based on a \$1,500 cap and a \$2,000 cap.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the recommended change to the Personnel Policy Manual maximum short-term disability weekly benefit amount from Seven Hundred Dollars (\$700) to Two Thousand Dollars (\$2,000).

MOTION CARRIED 4-0-0

5. 3rd Quarter Financial Review

Submitted by Finance Director Paul T. Micali

Finance Director Paul Micali will review the key financial information of the quarter ending March 31, 2018.

Assistant Town Manager/Finance Director Micali spoke of the comparisons used in financial reporting to see how we are doing during the year. The largest expenditures, outside of salary, are chosen to make that determination. The two largest are health insurance and retirement costs. Through March of 2018 the cost of health insurance is \$1,976,610.73, which is nearly flat from the same point in time in the previous year (\$1,937,751.73). Last year through March, the Town had 4 vacancies in the Fire Department. The rates the Council approved in contracts two years ago are starting to take effect. It is hoped the benefits will be seen in 2019/2020 when we look to renew.

Councilor Boyd questioned if there is data available regarding participation in the Smart Saver Program and was informed some utilization has been seen. The impact should be seen in the July/August timeframe at which point most of the groups will have been on the insurance program for a full year. Town Manager Cabanel spoke of the opportunity for employees to be compensated for savings achieved through shopping for services, e.g., the cost of an MRI can be vastly differently from one location to another. She stated her belief the program is successful. She is uncertain the savings have been quantified at this time. There are statistics relative to the number of inquiries.

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The cost associated with retirement is \$1,702,161.43. At this same point in time last year, the cost was \$1,618,305.37. In July of 2017 the Town experienced an increase in rates. The increase in the Fire Department was related to filling of the vacant positions and bringing on board 4 new Firefighters. The Police Department currently has a considerable number of vacancies.

In terms of overtime, the Fire Department is at \$390,744.90 where at this time last year it was at \$507,271.39. That is the result of the filling of position. Overtime in the Police Department is at \$239,872.21 where it was at \$131,417.01 at this same time last year. The Chief was granted the overtime to run the Special Investigative Unit.

The Town has long-term contracts for electrical and gas. Assistant Town Manager/Finance Director Micali spoke of the major streetlight upgrade that was done, which has resulted in a large savings. The cost has gone from \$232,094 to \$113,532. The Solid Waste Department also replaced their lights with LEDs resulting in a savings of \$15,161.

Councilor Thornton noted the increase in lighting costs for the Parks and Recreation Department (from \$49,023 to \$52,348) commenting the department has fields that are lit. Assistant Town Manager/Finance Director Micali stated the Town is looking into the technology, which was not available two years ago. The company the Town contracts with is working on that technology as well as LED interior lights. In fact, they brought four such lights in-house for the Town to try. They are located in the office of the PWD Director. There is no discernable difference outside of the cost reduction of 50-75%. The Town is asking to look into the cost of retrofitting lights in small areas, e.g., hallways and bathrooms that are on all the time. It is not yet known if the technology has caught up to provide for savings with field lighting.

When asked if consideration will be given to adding LED lighting within other departments, he stated all exterior lights at the Fire and Police Department facilities have gone to LED packs. The Fire Department lights are tied to their alarm, and it is uncertain if they can be replaced.

After rebates received, the cost of the lighting project was in the area of \$83,000. The return on investment was 1-1½ years.

Vice Chairman Koenig questioned a comment made regarding replacing lights found not to be working, and was told the lights are all under warranty, and there have been instances where failures were associated with the power going to the light rather than the light itself.

The cost of natural gas has increased across the board. The Town is on a long-term contract. It is a +/- rate. Normally, if contracting for 100,000 therms/month and utilizing only 80,000, Eversource would look to sell the remaining therms to recapture some of the Town's cost, but if going over the 100,000 the rate at which the Town is billed is greater than the rate for the initial 100,000. With a +/- rate, the Town is charged for only what it utilizes and at a single rate whether below or above the 100,000 therms/month.

Revenues for auto registrations continue to grow (approx. \$200,000 above last year's pace). It is projected revenue from auto registrations will reach \$5.2 million. Vice Chairman Koenig commented it is cyclical although does not look that way in the set of years utilized for the comparison. If plotting back another 10 years it would be interesting to see where the last peak was and how fast it came

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down. That would help predict how fast the revenue could be lost if it cycles back again. Assistant Town Manager/Finance Director Micali stated his recollection it was around 2007-2008 that the curve came down. It began climbing again in 2011. Town Manager Cabanel suggested avoiding large jumps in the projections for auto registrations going forward.

Revenue from interest rates has gone from \$121,769.60 at this time last year to \$376,018.22. There is talk that the Federal Government will increase the rate 3 more times over the next year.

Assistant Town Manager/Finance Director Micali stated the Town has sufficient appropriations to make it through the year. There are a few departments he is reviewing closely.

Minutes

The following amendments were offered:

Page 4, Lines 5 and 7; replace “infiltration” with “filtration”

Page 6, Line 3; delete “fines from the”

Page 6, Line 6; replace “was happy to help” with “agreed with the plan”

Page 6, Line 39 and Page 7, Line 4; replace “Chairman” with “Councilor”

Beginning on Page 4, Line 15, in each instance it occurs; replace “Vice Chairman Rothhaus” with “Chairman Rothhaus” and “Councilor Koenig” with “Vice Chairman Koenig”

Page 10, Lines 1-3 and Page 13, Lines 7-8 and 46-47; correct the formatting
Page 12, Line 19; replace “pins” with “bins”

Page 15, Line 32; insert a comma after “veterans”

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept the meeting minutes of the Town Council meeting of April 26, 2018, as amended. MOTION CARRIED 4-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd remarked the Council has been fortunate to receive Eagle Scout project presentations over the years. He spoke of work being done by the Girls Scouts and encouraged those active with the Girl Scouts in Merrimack to come before the Council when having something they wish to present to the community.

Adjourn

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MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the meeting. MOTION CARRIED 4-0-0

The May 10, 2018 meeting of the Town Council was adjourned at 9:45 p.m.

Submitted by Dawn MacMillan