

Approved: July 19, 2018

Posted: July 23, 2018



## Town Council Meeting Minutes

Thursday June 28, 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, Councilor Harrington, Councilor Healey, Councilor Thornton, and Assistant Town Manager/Finance Director Paul Micali. Councilor Boyd and Town Manager, Eileen Cabanel were excused.

### Pledge of Allegiance

Scouts representing Troop 424 led in the Pledge of Allegiance.

### Announcements

The Merrimack Concert Association Holiday Concert at Abbie Griffin Park will take place on Tuesday, July 3<sup>rd</sup> from 6:30 - 8:00 p.m.

On July 4<sup>th</sup>, at 8:00 a.m. a Sparkler 5K Road Race will begin and end at the Merrimack YMCA. Manchester Street will be closed from 7:30 - 10:00 a.m. There will be lane closure on D.W. Highway between BAE and Henry Clay Drive. The Merrimack Rotary Club Pancake Breakfast will take place at the High School from 8:00 - 11:00 a.m. The Merrimack Rotary Independence Day Celebration will be held at the Mastricola School fields from 12:00 - 9:00 p.m. The parade begins at 1:00 p.m. stepping off at 515 D.W. Highway and ending at the High School. At approx. 9:00 p.m., the annual fireworks display will occur.

Regular meetings of the Town Council will be conducted on Thursday, July 19<sup>th</sup> and August 16<sup>th</sup> at 7:00 p.m. in the Matthew Thornton Room.

The summer reading challenge, Library Rocks, has begun for all ages. Avoid the dreaded summer slump and read to win raffle prizes. Sign up on the Library's website and track the hours or books read on the Beanstack app.

The Parks and Recreation Department invites you to their Free Movie Night in the Park on Friday, July 13<sup>th</sup> at Abbie Griffin Park. The movie Back to the Future will be shown beginning at 8:30 p.m. Free popcorn will be given to all attendees.

Assistant Town Manager/Finance Director Paul Micali read the following letter regarding the Wilson Hill Road culvert into the record:

*"Repair of the culvert on the Wilson Hill Road that carries an unnamed brook north of Wilson Hill Road is scheduled to begin the week of July 23<sup>rd</sup>. The embankment on both sides of the road has been eroding and as a result the guardrail is severely leaning from the road. The erosion is causing voids at the edge of the pavement. The condition is being monitored daily. Emergency measures have been put into place should they be required. Due to the depth of the culvert and the amount of roadwork that will need to be done, the road will need to be closed to all vehicle traffic for the week of July 23<sup>rd</sup>, Monday through Friday, and the project is anticipated to take approximately two weeks to complete."*

**Approved: July 19, 2018**

**Posted: July 23, 2018**

*Work in the area is anticipated to start before July 23rd and continue through July 27<sup>th</sup>. Traffic is anticipated to be altering one way during the day and will be open at night outside of the five-day completion work. For the one week of shutdowns, the residents in the area will need to seek alternate routes. We will also issue a press release and put information on our website and the DPW Facebook page. Additionally, we have contacted Amherst Public Works and let them know of the upcoming closures as well."*

### **PFAS Update**

Councilor Harrington stated she, Barbara Healey, Eileen Cabanel, Town Manager, Sarita Croce, Assistant Director, Public Works Department (PWD)/Wastewater, Phillip Appert, Pretreatment Manager, PWD/Wastewater, two representatives of the Merrimack Village District (MVD) and concerned citizen representatives attended the two-day Environmental Protection Agency (EPA) Regional Meeting, which began on June 25<sup>th</sup>. She found it to be very informative. There were representatives from the states included in the EPA Region 1; New York., Rhode Island, Connecticut, Maine, Vermont, and New Hampshire. Testimony prepared by the Council was provided (will be posted to Town's website).

A good deal of information was presented to help generate development of the Federal standard for PFOS. They are asking that PFOS be declared a hazardous substance. New York has done so, and as a result has been able to acquire additional resources and funding. Each state presented its experiences with PFOS contamination including remediation activities and public outreach.

The Town's media department videotaped the meeting (available for viewing on the Town's website). Assistant Director Croce is a Chemical Engineer and has drafted a summary of the two-day event. Councilor Harrington stated the desire for that summary to be posted to the Town's website.

Councilor Albert spoke of having attended a meeting with the PFAS Joint Advisory Committee along with MVD Commissioner Don Provencher. They met for about an hour and a half. He found the meeting to be very productive and thoughtful. Questions arose that he submitted to the Town Manager in the hope she can obtain answers.

### **Highway Garage Project Update**

Assistant Town Manager/Finance Director Paul Micali noted site work is well underway and construction of the new building has begun. Contract reinforcing steel for the footings was installed earlier in the week, and steel and concrete for walls is being constructed. The structural steel for the frame of the garage building area has been delivered and will be erected once the concrete cures (around July 16<sup>th</sup>). Work on the administration portion of the building (stick frame) is scheduled to begin the week of July 9<sup>th</sup>. The project remains on schedule. The expectation is that staff will be moved into the new facility by Thanksgiving.

### **Comments from the Press and Public**

Wendy Thomas, 10 Wildcat Falls Road

Read into the record testimony she forwarded to the Regional Meeting:

*“When my 6 kids were little, and they were diagnosed with Chronic Lyme Disease and auto-immune issues, I worked with my Doctor to do everything I could to help them manage their illness. Along with their medications, I made sure they got quality sleep, plenty of sun, exercise, ate clean food, and drank a lot of water. That is what Moms do, we look out for and protect our kids. We have a well, and so I assumed that my family was drinking clean, pure, good, New Hampshire water. Imagine my dismay and abject anger to find out that while I was doing everything in my power to help my kids heal, Saint-Gobain was dumping chemicals in our water that may have made my kids sicker or that may have interfered with their healing.”*

Ms. Thomas stated the Department of Health & Human Services’ (DHHS) Report, which she referred to when last before the Board, has been released. The study shows the chemicals known as PFOA and PFOS are dangerous to humans in much smaller quantities than the Environmental Protection Agency (EPA) had previously stated. The report states the suggested safe value for PFOAs in drinking water is 11 ppt. Her well, which is located 3.5 miles away from Saint-Gobain, tested at 45 ppt. There is water in Merrimack testing over 2,700 ppt. She questioned when the Town and its elected officials and the State are going to say enough is enough.

Nancy Murphy 10 Brenda Lane

Spoke of being part of Merrimack Citizens for Clean Water. On June 23<sup>rd</sup> she oversaw a PFAS pollution protest on D.W. Highway with the intention to raise awareness and call attention to the ongoing problem of contamination of our air, water, and soil. There were about 40 people in attendance and a good deal of media attention.

She spoke of having attended, along with a number of members of the Citizens for Clean Water group, the Regional Meeting. She provided comment at the time and is thankful the Town videotaped the event.

She spoke of inquiries she has seen on public forums relative to blood testing. She mentioned that during her public input. She meets periodically with Lisa Morris, Director, DHHS. Requests have been made, over the past year, for access to blood testing and a health study for Merrimack. She was informed they were working on it, and it should be happening by the spring. She followed up in the spring and received a letter that was not quite responsive. Fortunately, Director Morris was the author of the letter and attended the Regional Meeting. She was able to discuss it with her over the course of the two days. The decision has been made by the DHHS *“In reviewing the core functions of public health mentioned above, and our belief that the need for medical monitoring is best served by the relationship between a patient and their healthcare provider, we have decided not to offer PFAS blood testing at this time.”* Ms. Murphy indicated she followed up with Director Murphy and the Toxicologist that has been hired for her office to ask about a grant she was aware of that purchased biomonitoring equipment for the DHHS, which actually gives them the availability to do the testing themselves. Unfortunately, she believes it was purchased by funds earmarked for substance use. It was earmarked for that, the staff is earmarked for that, and it cannot be used for anything else.

Ms. Murphy stated her intent to talk to the Governor noting Pease had over 2,000 blood tests and Merrimack had 217.

Approved: July 19, 2018

Posted: July 23, 2018

**Recognitions, Resignations and Retirements** - None

**Appointments**

**1. Annual Review with the Agricultural Commission**

Submitted by Agricultural Commission Chair Bob McCabe

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

Bob McCabe, Chair, Agricultural Commission, spoke of a busy winter and a number of continuing education courses that were offered to the public. During the colder months, the Commission reviewed and updated the rules and regulations of the summer market and community garden and did some mailings to potential and returning vendors. The Commission meets the 2<sup>nd</sup> Wednesday of each month in the Matthew Thornton Room. The Commission discusses many topics of agricultural, ways in which the Commission can avail itself to the public, e.g., scholarships, and participates in workshops available through the UNH Cooperative Extension. The Commission works with the Department of Agriculture Natural Resources Conservation Service.

The Community Garden opened during the first week of May. Ron Miner, III prepared a video of the opening of the garden for Merrimack TV. Fifty two garden plots were sold at the Community Garden at Wasserman Park. The Summer Market opened June 13<sup>th</sup> and will run through October 10th (every Wednesday at Vault Motor Storage).

The Commission has supported 4H participants through donations to the 4H Cooperative for Hillsborough County. If there are Merrimack children interested in participating in 4H, the Commission can connect them with the appropriate people. The Commission, for the past 3 years, has donated to the Hillsborough County Fair in New Boston (gift cards for Blue Seal). The Commission is looking to provide college scholarships for residents interested in agriculture.

Councilor Albert asked for additional information on the educational aspect. Don Miner, Member, Agricultural Commission, spoke of having attended workshops relative to the Farm Modernization Safety Act to become a trainer for local farmers if there is a need. It is more of a safety program. There are concerns with how we raise crops, grow animals, clean and prepare them for sale, etc. The cost for the garden plots was stated to be \$10 resident/\$15 non-resident (10 x 10). Vice Chairman Koenig questioned and was informed there remain plots available, and there is still time to plant. There is an application that must be filled out. All garden plots are numbered. Plots can be offered at no charge to a non-profit, e.g., Boys Scouts, Girl Scouts. The soil is tested each year (near perfect), water is available onsite.

**Public Hearing** - None

**Legislative Updates from State Representative** - None

**Town Manager's Report**

**Approved: July 19, 2018**

**Posted: July 23, 2018**

Merrimack's Media Division recorded the two-day Environmental Protection Agency (EPA) Regional Meeting. The ten-hour event is a four-part series, can be viewed on Merrimack TV throughout the weekend, and is available online at MerrimackTV.com or on the You Tube channel.

**Consent Agenda** – None

### **Old Business**

**1. Disposal of Tax Deeded Properties [Tabled at the June 14, 2018, Town Council Meeting]**

Submitted by Town Manager Eileen Cabanel

The Town Council to consider the disposal of tax deeded properties, pursuant to RSAs 80:88, 80:89, 80:90 and Chapter 66 of the Town Code.

**MOTION made by Councilor Koenig and seconded by Councilor Harrington to remove the item from the table. MOTION CARRIED 6-0-0**

Assistant Town Manager/Finance Director Paul Micali stated the parcel was taken through the tax deeding process. Every avenue of outreach is pursued with the property owners prior to such action. The Town now owns the property. The request was for approval to place the property on the market for sale.

Chairman Rothhaus stated the previous owner of the property approached the Town Manager indicating he has a buyer and would like to be permitted to sell the property. Because the Town had already taken the property there was a need for an agreement, which has been put in place. The property will be sold. Upon completion of the sale, the Town's costs will be covered by the seller. The Town will be made whole and the former property owner will be able to maximize the sale of his property rather than the property going to auction.

Vice Chairman Koenig noted the previous owner always has the first right of refusal to redeem the house (minimum of 30 days). They have to pay certain fees and expenses in order to do that. The previous owner is in that situation. He has a right to redeem the property and will incur fixed costs that are all legally defined in law. The Town is simply agreeing to do it and to work with him to facilitate his being able to pay his bills. Were the Town to put the property up for auction it is believed likely the sale price would be lower. If the property were put up for auction the Town would recover its costs and the previous owner would receive the remainder.

**MOTION made by Councilor Thornton and seconded by Councilor Harrington to approve the terms of the Repurchase Agreement between the Town of Merrimack and the prior owner concerning property that was tax deeded by the Town and located at 33 Pearson Road and to authorize the Town Manager or her designee to execute the agreement on behalf of the Town. MOTION CARRIED 6-0-0**

### **New Business**

**1. NH 101A Widening Project**

Submitted by NH Department of Transportation Project Manager Jennifer Reczek

**Approved: July 19, 2018**

**Posted: July 23, 2018**

The Town Council to be presented with a review of the NH 101A Widening Project, which was initiated in 2010 and presented at a public informational meeting on July 27, 2015. This project also includes an agreement for intersection improvements at Boston Post Road and Craftsman Lane.

Jennifer Reczek, Project Manager, NH Department of Transportation (NHDOT), stated the project started in 2010 under the previous project manager. In 2015, a public informational meeting was conducted. The project has not changed much since that time.

The initial corridor work for 101A was proposed as a By-pass back in 1985. The bypass option was abandoned, and an updated corridor study was done in 2002 to look at improvements to the existing roadway rather than a bypass. That corridor study resulted in numerous recommendations between Milford and Nashua largely to improve the operational capacity of the highway. This project in Merrimack was added into the Ten-Year Plan (2015-2024). It was originally slated for FY24 for construction.

The corridor needs identified were capacity deficiencies, poor pedestrian accommodations, and Craftsman Lane used as bypass through residential areas (safety concern).

A consultant has carried the project through an alternatives analysis. The preferred alternative was presented in 2015. At that point the project came to a pause. Action Item #22, from the corridor study, is the widening of 101A from Boston Post Road to Continental Boulevard. The proposed work would add a third eastbound through-lane (currently 3 westbound through-lanes), a 2<sup>nd</sup> right-turn lane from Continental Boulevard to 101A westbound, right-turn lane from 101A westbound to Continental Boulevard, and stormwater treatment for MS4 compliance (comes into effect in 2020 and requires treatment of all water that falls on new or improved impervious surfaces).

Action Item #7 is sidewalk connectivity between the Turnpike and Boston Post Road. Proposed work would add eastbound sidewalk between Continental Boulevard and Boston Post Road, crosswalk across 101A at Continental Boulevard, and bike accommodations incorporated at Continental Boulevard intersection.

Councilor Albert questioned the crosswalk; specifically, if it would be controlled by an electronic signal button and was informed it would be. He questioned if it is believed that would impact the flow/timing of traffic. Ms. Reczek responded it does have the potential. There are different ways to phase it, e.g., on-demand, incorporate into existing phasing. Signal timing has not yet been determined. There has been discussion of tying into the Nashua system and trying to time signals to work together. Because of the nature of the roadway (three lane), there is the need for a dedicated pedestrian signal. Councilor Albert spoke of the heavy traffic at that intersection, and noted concerns with delays, particularly during rush hour.

Action Item #14 is Craftsman Lane traffic calming. Proposed work would reconfigure Boston Post Road/Craftsman Lane intersection, create 90-degree intersection and discontinue public Right-of-Way through church parking lot. Chairman Rothhaus requested clarification the church has been part of that discussion. Ms. Reczek stated they were part of the discussions in the past. They spoke with them prior to this meeting and reviewed the existing plan with them.

**Approved: July 19, 2018**

**Posted: July 23, 2018**

In terms of current status, the new consultant contract was approved (12/17) and re-evaluation of environmental impacts has completed. A Public Hearing is scheduled for 9/18 to provide the NHDOT the ability to acquire right-of-way as needed for the project. Once that occurs, they will begin working with the church, in particular, on the details of how that works and discuss design elements. There are modifications that can be made to the configuration based on their preference to the drive access, which piece of existing Town right-of-way gets discontinued. They were looking at one of the stormwater treatment areas and considering moving that to the opposite side of the intersection to where they would be removing the end of Craftsman Lane. They are scheduled to advertise in the fall of 2020 with construction in 2021-2022.

Ms. Reczek commented traffic control in the area will be a challenge. They have not delved into the details of that but are expecting a longer than absolutely necessary construction to ensure the operational capacity that is needed throughout the process. Estimated construction cost is \$4.1 million.

Assistant Town Manager/Finance Director Micali stated Dawn Tuomala, Deputy Director/Town Engineer, PWD, met with the church. He requested Ms. Reczek contact them and provide the presentation to their Board of Directors before the Public Hearing. Ms. Reczek stated “we can certainly do a presentation for the church” and questioned whether the Council would like to see another public informational meeting conducted for Merrimack residents prior to the Public Hearing.

***The consensus of the Council was for an additional public informational meeting to be conducted prior to the Public Hearing scheduled for September.***

Vice Chairman Koenig stated his surprise and remarked he had never heard of any of the additional plans being discussed. He expressed his hope NHDOT was talking to the Town’s PWD as well as the church. Ms. Reczek stated they were. Vice Chairman Koenig commented being discussed is bartering Town right-of-way back and forth. It surprises him that he is just hearing of that. He stated his recollection of some discussion and that he has seen the large number of flags in the area, but the scope that is being discussed is different than what he believed to be occurring.

Ms. Reczek stated the preliminary work that was done was done under another project manager. She does not know if they had other Town Council meetings. She is aware of the public meeting in July of 2015 that presented the same concept. There were discussions at that time. As the project is beginning to be brought back to life and to continue the final design stages they are bringing forward an update. She stated she met with the PWD in May to discuss whether they had any concerns, e.g., if there was any information she did not have from previous discussions.

Councilor Koenig suggested the Merrimack Planning Board be kept up to speed on the plans. He suggested that would be another presentation to make. Chairman Rothhaus commented he is aware Kyle Fox, Director, PWD, is involved.

Councilor Thornton commented on the estimated timeframe for construction being 2021-2022 noting also occurring in that timeframe is the widening of Route 3. He stated concern with the amount of construction that will be occurring on the highway and the traffic pattern changes that could result. Ms. Reczek stated that to be something that is looked at as they get closer to advertising. With the most recent ten-year plan process there have been a lot of projects moving around. Once that gets

**Approved: July 19, 2018**

**Posted: July 23, 2018**

signed into law it is something that will have to be looked at and evaluated. They will have to look at this project to ensure there are reasonable detours or alternatives for traffic.

Councilor Healey spoke of wording in the agreement such as “improvements to the intersections” and asked for clarification of the improvements. Ms. Reczek spoke of the property swap and reconfiguration of the intersection. She noted she has been unable to locate any agreement with the Town for them to do the work on the Town road. That is the other reason for being before the Council; to initiate that discussion.

Councilor Albert questioned if, in the review of the Craftsman Lane/Boston Post Road area, they looked at Boston Post Road and Seaverns Bridge Road. Ms. Reczek stated, as part of this project, they did not. The Action Items referenced came out of the corridor study. She does not believe that to be an intersection that was addressed as part of the corridor study. The study was looking at the operation along 101A and coming up with recommendations for capacity improvements, safety improvements, bicycle/pedestrian accommodations along that corridor. The intersection was identified because of its relevance to bypassing the lights on 101A.

Chairman Rothhaus noted language in the agreement relative to the Town assuming responsibility for sidewalk maintenance. He noted 101A is a State right-of-way that is maintained by the State. Ms. Reczek responded 101A is maintained by the State. The State, as course of policy, does not maintain sidewalks.

Chairman Rothhaus stated, if we have a segment of sidewalk the State is putting in that the Town now has to maintain because it cannot decline to maintain it, he would rather the State not put the sidewalk in. For the Town to send its equipment to that section of Town is burdensome and if the sidewalk that is on 101A is not maintained the connection there just doesn't seem worth it given the expense. Ms. Reczek stated the sidewalks along 101A are currently maintained by the Town.

Assistant Town Manager/Finance Director Micali stated there are three levels of maintenance on sidewalks; schools and school zone (priority #1), communities or roadways near shopping centers (priority #2), and neighborhoods (priority #3). As long as we have a maintenance plan for sidewalks and we follow that plan, if we do take these sidewalks over, they would be put into those categories. He stated the Council should be aware, if in 20 years the sidewalk crumbles, etc. the Town is responsible to fix it. If they are repaving 101A they would not cover the cost of fixing the sidewalks. When asked if that is correct, Ms. Reczek stated it is. There is a private sidewalk in that area that is owned and maintained by the church. That will not be maintained by the Town.

Councilor Harrington referenced Item #17 in the Project Agreement: “As the project is finalized, should the scope of the project result in costs exceeding the amount budgeted, the DEPARTMENT and TOWN agree to review the project costs for consideration of additional funding needs and determine the appropriate funding sources.” She questioned the meaning of the language. Ms. Reczek commented some of their projects in some locations tend to scope creep where they start with one thing and end up building 3 times as much. If the project were to increase significantly in costs the department would have to take a hard look at that, and because the Town has this segment they would want to have that discussion with the Town as well. Ms. Reczek stated she does not foresee that being an issue with this particular project.

**Approved: July 19, 2018**

**Posted: July 23, 2018**

Councilor Harrington stated she agrees and understands, but the Town was being asked to sign a contract. She wished to understand if the Council was agreeing with the language to go into negotiations around funding. Ms. Reczek stated “the intent is not to necessarily ask the Town to fund it, but should we find that the cost is higher than we can afford would be looking at what things might we be able to remove from the project whether that is particular items or a segment of roadway.” Councilor Harrington requested that be specified more clearly; something that indicates it is not monetarily related, it is project modification related. The current language seems to imply there might be a monetary aspect. Vice Chairman Koenig noted it does not state the Town would be responsible for it.

Ms. Reczek remarked “depending on the community, there are some places where the Town desires certain things that are outside the scope or intent of the project.” #17 lends itself or relates in some ways to #10, based on past experience, where if the Town were to request something that is beyond the scope that they would ask the Town to participate in those items.

It was suggested the language could be amended to read: “As the project is finalized, should the scope of the project result in costs exceeding the amount budgeted, the DEPARTMENT and TOWN agree to review the project.”

It was suggested the agreement be further amended in #10 by adding “and revisions shown on June 28, 2018.”

Vice Chairman Koenig commented on the language included in #18; sort of says the State is harmless and yet the Town has to hold the State harmless. It was indicated the language is boilerplate.

Assistant Town Manager/Finance Director Micali suggested #18 is against anything that the Town does. Typically contractors have to give the Town indemnity holding the Town harmless if they get sued. He stated the need for legal counsel to review the agreement.

## **2. Committee Appointments**

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

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

Bob McCabe - Agricultural Commission (Full member)  
Bess-Arden Parks - Agricultural Commission (Full member)  
Arthur “Pete” Gagnon - Agricultural Commission (Alternate member)  
Matt Caron - Conservation Commission (Full member)  
Tim Tenhave - Conservation Commission (Alternate member)  
Chip Pollard - Heritage Commission (Full member)  
Michelle Creswell - Parks and Recreation Committee (Full member)  
Julie Poole - Parks and Recreation Committee (Full member)  
Dan Ricker - Planning Board (Full member)  
Neil Anketell - Planning Board (Full member)  
Jackie Flood - Town Center Committee (Full member)  
Fran L’Heureux - Zoning Board of Adjustment (Full member)  
Kathleen Stroud - Zoning Board of Adjustment (Alternate member)

Approved: July 19, 2018

Posted: July 23, 2018

Assistant Town Manager/Finance Director Micali noted, per policy, the Council is to interview re-appointments to the Conservation Commission, Planning Board and Zoning Board. If considering re-appointing members absent an interview, the Council would have to first waive the interview requirement.

Councilor Koenig stated a desire to motion to waive the interview requirement noting being considered are re-appointments and appointments to the Planning Board who were interviewed very recently.

**MOTION made by Councilor Koenig and seconded by Councilor Thornton to waive the requirement for interview of the appointments to the Conservation Commission, Planning Board and Zoning Board**

**ON THE QUESTION**

Councilor Harrington stated she does not disagree with the premise particularly with regard to the very recent appointments to the Planning Board. She spoke of feeling foolish when interviewing an individual who has served for decades. Her only concern is with setting precedent and that a waiver determination should have been made by the Council prior to the interview scheduling. Chairman Rothhaus stated his understanding there are also no others looking to be appointed/re-appointed.

**MOTION CARRIED 6-0-0**

**MOTION made by Councilor Harrington and seconded by Councilor Thornton to appoint Bob McCabe and Bess-Arden Parks as Full Members and Arthur “Pete” Gagnon as an Alternate Member to the Agricultural Commission, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Thornton and seconded by Councilor Koenig to appoint Matt Caron as a Full Member and Tim Tenhave as an Alternate Member to the Conservation Commission pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Thornton and seconded by Councilor Albert to appoint Chip Pollard as a Full Member of the Heritage Commission, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Albert and seconded by Councilor Healey to appoint Michelle Creswell and Julie Poole as Full Members of the Parks and Recreation Committee, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

*Oath of Office was administered to Michelle Creswell by Chairman Rothhaus.*

**MOTION made by Councilor Koenig and seconded by Councilor Thornton to appoint Dan Ricker and Neil Anketell as Full Members of the Planning Board, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Harrington and seconded by Councilor Thornton to appoint Jackie Flood as a Full Member of the Town Center Committee, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**MOTION made by Councilor Thornton and seconded by Councilor Healey to appoint Fran L’Heureux as a Full Member and Kathleen Stroud as an Alternate Member of the Zoning Board of Adjustment, pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**

**3. Consideration for Eagle Scout Project at Wasserman Park**

Submitted by Parks and Recreation Director Matthew Casparius

Boy Scout Ethan Burns from Troop 424 is proposing to restore the “Chapel in the Grove” at Wasserman Park for his Eagle Scout Project.

Life Scout Ethan Burns stated his project to be the restoration of the benches and concrete structure of the Chapel on Lake Naticook. The project includes: painting over old craft paint/graffiti, removal of nearby brush and small trees, cutting and removing of fallen tree, removing all old wooden benches and building and installing 14 new wooden benches. A few photographs were displayed of the concrete structure and benches.

Estimated total cost is \$860.00. Total anticipated project hours; 250. Fundraising is anticipated during the month of August with project commencement in September. Councilor Healey questioned fundraising activities, and was informed the troop typically does car washes, online fundraising, e.g., GoFundMe.

When asked, Life Scout Burns stated how to best secure the benches is still being researched. It will most likely be a playground anchor system that could be screwed onto the wooden benches and into the ground. Councilor Koenig noted the project calls for 5’ benches to be constructed out of 8’ boards. Life Scout Burns stated the remaining board would be used for the legs. The proposed new benches would replace the same number of benches and would take up nearly the same amount of space. Councilor Koenig suggested the benches that would be removed and remain in usable condition could be used in the vicinity of the Dog Park or other places around Wasserman Park.

**MOTION made by Councilor Koenig and seconded by Councilor Albert to authorize Life Scout Ethan Burns, Troop 424, to restore the “Chapel in the Grove” at Wasserman Park as part of his Eagle Scout project. MOTION CARRIED 6-0-0**

**4. Consideration for Eagle Scout Project at Wasserman Park**

Submitted by Parks and Recreation Director Matthew Casparius

Boy Scout Ben Haddad from Troop 424 is proposing to build a Gaga Ball Pit for Wasserman Park (for Naticook Day Camp) along with some benches for placement outside of the Gaga Ball pit for his Eagle Scout Project.

Life Scout Ben Haddad stated his Eagle Scout project to be construction of a gaga ball pit (25’ in diameter), constructed of twenty four 2” x 10” x 10’ pressure treated boards, tops for the walls to prevent splinters and stone dust for the bottom. Also constructed would be two benches to go around the pit.

**Approved: July 19, 2018**

**Posted: July 23, 2018**

Gaga is a fast paced, high energy sport played in an octagonal pit. Dubbed a kinder gentler version of dodge ball, the game is played with a soft foam ball, and combines the skills of dodging, striking, running, and jumping, while trying to hit opponents with a ball below the knees.

Involved in the project would be the leveling of the land where the pit would be located, construction and installation of the pit and benches. Total project cost is estimated at \$1,700. Total estimated hours; 370. Fundraising activities are planned for July to August (bake sale, car wash, pizza sales at school) with construction concluded by the end of September.

**MOTION made by Councilor Harrington and seconded by Councilor Koenig to authorize Life Scout Ben Haddad to build a Gaga Ball Pit for Wasserman Park (for Naticook Day Camp) along with some benches for placement outside of the Gaga Ball pit for his Eagle Scout Project.**

**MOTION CARRIED 6-0-0**

**5. Donation to the Parks and Recreation Department Camp Scholarship Fund**

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$420.00 from the Bear Christensen Trust for the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

Assistant Town Manager/Finance Director Micali remarked the Bear Christensen Trust has made the donation for as many years as he can remember. Councilor Harrington requested a future agenda item be presentation of a plaque in recognition of the continuing support.

**MOTION made by Councilor Albert and seconded by Councilor Koenig to approve the acceptance and expenditure of a donation in the amount of Four Hundred Twenty Dollars (\$420.00) from Bear Christensen Trust for the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.**

**MOTION CARRIED 6-0-0**

**6. Request to Allow Issuance of Building Permits on a Portion of Old Blood Road**

Submitted by Meridian Land Services Environmental Department Manager Tom Carr

Seeking Town Council approval to allow for driveway access and building permits on Class VI Old Blood Road in accordance with prior Zoning Board of Adjustment and Planning Board approval and RSA 674:41.

Tom Carr, Environmental Department Manager, Meridian Land Services, stated the request to be for the ability to access two lots off of the Class VI Old Blood Road Right-of-Way, which was approved by the Zoning and Planning boards. He commented the staff memo provided with the agenda is very comprehensive of the history of the project and the request. He displayed a drawing of the area. Mr. Carr stated the request to be for the Council to sign the Notice, Agreement and Release of Municipal Liability and Responsibility so that the building permits could be obtained.

Councilor Albert questioned if the expectation is that Lot 45-1 would be developed. Mr. Carr responded the lot has been sold and will be developed.

**Approved: July 19, 2018**

**Posted: July 23, 2018**

Vice Chairman Koenig noted two years has elapsed since the project received approval and questioned if it was simply a matter of having now reached the point of working on the project. John Tenhave, North View Homes & Development, responded he has been involved with many projects over the past two years, and is now getting to this project. Vice Chairman Koenig noted the original approval stated there to be 6 months to complete all requirements and questioned if that occurred within that required timeframe. Mr. Tenhave stated that to be the case.

Vice Chairman Koenig stated the Zoning Board was told the project would come out to Marty Drive and the Planning Board was told it would come out to Baboosic Lake Road. Mr. Tenhave remarked when at the Planning Board there was an outcry from the residents of Marty Drive to not access on Baboosic Lake from that location. The Zoning Board approval was to grant access on the Old Blood Road Right-of-Way, but it was non-specific as far as which side it had to be. Hearing the outcry from the residents of Marty Drive, they went to the other access route, which is off of Baboosic Lake Road.

Vice Chairman Koenig remarked the Council was being asked to approve something it has not been involved in. It was mentioned this was done in another area, and there is the desire to avoid precedent setting. He would not want to approve the request because it was done in another location, he would look to provide approval based on the merits of the proposal. Although he understands there was public outcry, he also understands it is considered a safer access on Marty Drive than to come out on Baboosic Lake Road with another driveway. He questioned if that was considered in the decision.

Mr. Tenhave stated it was considered. The Planning Board and Director Fox agreed the better way would be going through Baboosic. What they were looking to do was accommodate the wishes of the Planning Board, Director Fox, and the abutters.

Vice Chairman Koenig remarked he was simply trying to understand what would be accomplished by the request; bringing a 16' driveway out to the intersection of Baboosic Lake and Bean Road. He is guessing no one seems to think that is a problem, but it seems to him like an issue where people might think they should be able to go through there. It is not a road, but you can't sign it as not a road because it is a road. Mr. Tenhave stated there would be signage indicating it is not a through road and with the addresses of the two lots that will be serviced. Vice Chairman Koenig commented were it developed as a road with driveways off of it at the end, there could be a sign that says dead end or something similar.

Mr. Carr questioned if what was being asked was bringing it up to road standards. Vice Chairman Koenig commented it is a road right now, just a Class VI. Mr. Carr stated it is a Class VI Right-of-Way. This is no different than if someone had a common driveway access whether on private land or a Town right-of-way. Sight distance is excellent, there are no safety or slope issues.

Vice Chairman Koenig questioned the input from abutters on Baboosic Lake Road. Chairman Rothhaus commented the Public Hearings occurred with the Planning and Zoning Board presenting it as coming out onto Marty Drive. Those abutters attended and provided feedback. He would want to understand if the same notice was provided to the abutters on Baboosic Lake Road. He remarked when using Class VI roads as an entrance to home(s) he has looked to ensure abutters are aware of the intent. Assistant Town Manager/Finance Director Micali stated the house across from Bean Road that abuts this road just sold. It was noted the previous owner of that home did attend the public meetings. Mr. Carr noted the option of either side was presented during the public meetings.

Approved: July 19, 2018

Posted: July 23, 2018

Vice Chairman Koenig questioned if the Fire Department has expressed any concerns with what would be a 600' driveway. Mr. Carr stated their input is why the driveway is 16' wide, has a full turnaround at the end (hammer head designed specifically for a fire truck to turn around). They were fully involved with it and had to sign off.

Councilor Albert stated his understanding individuals who currently utilize Old Blood Road for biking and walking will continue to have access to that trail and was informed that is the case. The property is still owned by the Town. Chairman Rothhaus stated his desire to ensure that road remains open.

**MOTION made by Councilor Thornton and seconded by Councilor Harrington to allow for driveway access and building permits on Class VI Old Blood Road in accordance with prior Zoning Board of Adjustment and Planning Board approval and RSA 674:41**

#### **ON THE QUESTION**

Chairman Rothhaus spoke of the need to understand residents were notified. Vice Chairman Koenig indicated abutters were notified for both the Zoning and Planning Board meetings. When asked if the resident on Mary Paul Lane was notified, Mr. Tenhave indicated he was uncertain. The driveway of that residence abuts where the driveway goes (not the property being developed).

Vice Chairman Koenig stated his guess that because the project was before the Planning Board with the idea that the driveway would go there that they would have notified anyone that would have abutted in any way, shape or form. He would suspect at least the residents of 2 Mary Paul Lane would have been notified.

**MOTION CARRIED 5-0-1**

*Councilor Koenig Abstained*

#### **Minutes**

June 14, 2018

*The following amendments were offered:*

Page 11, Line 7; replace "antidotal" with "anecdotal"

Page 11, Line 9, replace "conservation" with "conversation"

**MOTION made by Councilor Koenig and seconded by Councilor Harrington to accept the meeting minutes of the Town Council meeting of June 14, 2018, as amended. MOTION CARRIED 6-0-0**

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

**Approved: July 19, 2018**

**Posted: July 23, 2018**

Councilor Albert commented on the great turnout at the Alzheimer's The Longest Day event. Assistant Town Manager/Finance Director Micali spoke of an email the Town Manager received from Mr. Bergin indicating it was the best year they have had.

### **Adjourn**

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

*The June 28, 2018 meeting of the Town Council was adjourned at 9:22 p.m.*

Submitted by Dawn MacMillan