

Approved: August 16, 2018

Posted: August 21, 2018



Town Council Meeting Minutes

Thursday July 19, 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 Boyd, Councilor Harrington, Councilor Healey, Councilor Thornton, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

Regular meetings of the Town Council will be conducted on August 16th, September 13th and September 27th at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation Department invites you to join them on Friday, July 26th for their next free Movie Night in the Park which will be held at Abbie Griffin Park. The movie "The Lion King" will begin at 8:15 p.m. The movie night is sponsored by the Merrimack Lions Club. Free popcorn will be given away to all attendees.

Merrimack Police would like to remind everyone that National Night Out is Tuesday, August 7th. Bring the family for fun, food, and games to Abbie Griffin Park. The movie "Despicable Me 3" will begin at dusk. Keep an eye on the Merrimack Police Facebook page for more details.

PFAS Update

Citizens for Clean Water will meet at 7:00 p.m. on July 31st in the conference room of the Merrimack Public Library.

The New Hampshire Drinking Water and Groundwater Commission met earlier in the day and began its review of over 80 applications for loan and/or grant funding for specific water quality/infrastructure projects from communities throughout the State.

The Merrimack Village District (MVD) submitted a pre-application for a \$225,000 grant for design and engineering on an artificial recharge assessment project. They are looking to enhance the yield of the video capacity of the MVD well field for MVD wells 4 and 5 and reduce and dilute the concentration of PFAS compounds that have contaminated the local aquifer and caused the production wells to be taken offline. Diluting PFAS concentration will lengthen the carbon life used for treating and removing the PFAS compounds from the wells. The application will be vetted by a team of 5 over the coming weeks. It is anticipated dates of public meetings will be announced.

Councilor Boyd stated the desire for a copy of the grant application to be posted on the Town's website. He would look to add to that information around meeting dates for the various grant applications being considered.

Approved: August 16, 2018

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Recommendations will be made in September with final decisions scheduled for the Commission's October meeting.

Councilor Boyd reiterate the application by the MVD is related to wells 4 and 5 which are vital to our community. He is pleased that they are looking to do a design and engineering component on learning what they need to do to rid PFAS from the system. Councilor Harrington suggested the Council submit a letter of support for MVD's grant application.

The Trust Fund has a balance in excess of \$200 million. Councilor Boyd stated he would like to see identification of a specific allocation each year, and ideally that it is the interest generated from that fund that would be expended. Loans will have an interest rate of 2-3%. The philosophy with grant approval is to support a project that requires additional funding to ensure it can move forward.

Councilor Healey questioned if there has been discussion of when remediation on wells 7 and 8 might take place. Councilor Boyd stated there has not.

MOTION made by Councilor Harrington and seconded by Councilor Boyd to submit a letter of support on behalf of the grant application. MOTION CARRIED 7-0-0

Highway Garage Project Update

Assistant Town Manager/Finance Director Micali stated the project is on schedule. This past week steel was erected. On the maintenance garage area of the project, the structural steel is nearly completed and will be followed by installation of roof purlins and steel siding. The Administration portion of the building is underway. Framers have been onsite for the past two weeks. Once they receive the go ahead the walls will go up. Utility installations into the garage subfloor are scheduled to begin in the first week of August. The project is progressing and remains on schedule for a November opening of the new highway garage.

Comments from the Press and Public

Nancy Murphy, 20 Brenda Lane

At the last meeting spoke of having received an email response from Lisa Morris, Director, Department of Health & Human Services (DHHS) addressing ongoing discussions regarding a request for access to blood testing and a health study for Merrimack residents. Director Morris indicated DHHS has decided not to offer PFAS blood testing to any New Hampshire resident "at this time" believing that "medical monitoring of PFAS exposure and associated health impacts was best served by the relationship between a patient and their healthcare provider."

Merrimack Citizens for Clean Water members have had ongoing discussions with DHHS and have made DHHS aware of the limited PFAS awareness, knowledge, and understanding currently held by healthcare providers in our State. DHHS has met with the membership and other entities and discussed plans to improve physician awareness. New Hampshire has been seriously affected by PFAS exposure both in the Seacoast area and in Merrimack. Healthcare providers must get up to speed if they are to oversee biomonitoring for exposed residents.

Additionally, residents will now have to pay out of pocket or request that their insurance cover the cost of PFAS blood testing. This may limit accessibility to biomonitoring for some people. Residents here are victims of PFAS exposure caused by an industrial polluter who is not providing remedy to the individuals affected.

Director Morris drafted a letter intended for physicians regarding PFAS and biomonitoring. On July 6th, the draft was sent to Ms. Murphy and other interested parties for review and feedback. Ms. Murphy commented it is due to patient health provider and biomonitoring access complications that she and other members of Merrimack Citizens for Clean Water continue to advocate for DHHS' assistance in these matters.

Wendy Thomas, 10 Wildcat Falls

Read the following statement into the record:

A new study by the Centers for Disease Control and Prevention has found that the pediatric cancer rates are the highest in the northeast with New Hampshire having the highest rate in the country. The study, recently released, showed that there were 816 cases of pediatric cancer in New Hampshire recorded between 2003 and 2014. That is a rate of more than 205 per 1 million, which was the highest rate in the United States. The CDC says that geographical variation in pediatric cancer might be influenced in part by the following factor: difference in exposure to carcinogenic chemicals or radiation.

Just as a reminder, PFAS are linked to kidney and testicular cancer as well as high cholesterol, ulcerative colitis, thyroid disease, pregnancy induced hypertension, and other illnesses in a still growing body of research.

Clearly, we are going to be learning a lot more about how carcinogenic man-made chemicals in our drinking water affect our and our childrens' health. It will be up to us to act accordingly on that information when it becomes available.

Katharine Hodge, 44 Belmont Drive

Spoke of a drain pipe spotted on the Flatley property, which is now draining into the river. The New Hampshire Department of Environmental Services (NHDES) has been notified and is expected to follow-up. Flatley is still registering at 1,400 ppt. She has been informed they will not be doing further testing. She is uncertain why. She requested that be followed up on. She suggested the Town follow up on both issues.

Ms. Hodge spoke of emails sent to the Town Manager. Town Manager Cabanel indicated she would review the emails and respond. She noted her frustration with the lack of interest by NHDES in the Flatley site and that she has been speaking with them about this matter since the onset.

Ms. Hodge spoke of Watson Park noting NHDES information indicates Elementis still owns the property. Town Manager Cabanel stated the Town does own Watson Park. Harcross/Elementis Chemical still has responsibility for any kind of contamination that may come up.

Ms. Hodge asked who authorized the yellow ribbon that was put up at Watson Park and the reasoning for it. Kyle Fox, Director, Public Works Department (PWD), indicated the department was performing a site inspection of Watson Park earlier in the day, and noted a large washout at the top of the hill where people go down the slope. They roped it off until the issue can be addressed (5-6' deep hole). When asked if the trash was cleaned, he indicated it is cleaned every Monday. Ms. Hodge questioned if the tape was also erected to keep people from traversing the top part where they had noted large holes. Director Fox stated it is there to prevent people from falling into the new hole that was caused by heavy rains on Tuesday.

Laurene Allen, 16 French Court

Spoke of the Environmental Protection Agency (EPA) Regional Meeting conducted on June 25th noting a discrepancy between New Hampshire's response to industrial contamination and the other states in Region 1.

The signing of Bills, NHDES can hire a Toxicologist. They are to review the Agency for Toxic Substances and Disease Registry (ATSDR) report by January and make a recommendation for New Hampshire maximum contaminant levels (MCLs). She stated concern with statements made since the Bill signing and the conference that are basically; we are going to weigh out costs, and regulation is a problem. Clark Freise, Assistant Commissioner, NHDES, spoke on a radio program and also made a statement on July 2nd that he feels the 70 ppt is a lifetime protective advisory.

We have a report that was paid for by taxpayers. It is pretty clear the science has been there; it is National Institute of Health (NIH) Science. She is getting overtures that it may not be looked at properly. She stated concern and questioned if the Town could consider making its wishes known. The report states the risks over 11 ppt for PFOA and 7 ppt PFOS are significant and that is the recommendation.

She has heard for the past two years that we are going to follow the Federal Government, and this is a Federal Government generated report. She would assume the State would want to be precautionary. We need to look at intervention and prevention. We are an impacted community. Our contamination zone is 1.5 miles. That number was not determined based on data. They stopped those parameters because that is what was agreed to by Saint-Gobain. That is not capturing our true contamination area.

She stated concern that she is unsure who the Toxicologist is, his/her background, whether he/she is an industry backed scientist. Perhaps if someone official asks, those questions will be answered. He/she is going to review this report, and she is concerned with what will be concluded.

In the meantime, DHHS has been denied (twice this year) a half position for a Toxicologist that they hoped would expand the CDC biomonitoring program to include Merrimack. They have been denied a Toxicologist for this purpose and NHDES has been given one for the purpose of reviewing a report and advising them on what the MCL should be. She would like to see the Town follow up.

Ms. Allen commented the amended language of the Bill says it will be revisited in 5 years. The original language said annually. She does not want to take the chance that in January they will say this is what we think and here is why.

If those numbers are taken as a given that really means that we don't know about our private wells in Town, people have not been notified and given the option of testing, and that well 2 is the only well currently that meets that maximum risk level criteria. That is frightening. She requested the Council join with some residents in coming up with a statement as to what our expectations are. She would like the Town to be kept informed and part of the process.

Councilor Boyd stated he spoke with Director Morris earlier in the day and was informed they received approval for a half-time Clinical Toxicologist.

Wendy Thomas 10 Wildcat Falls

Stated what Ms. Allen said was that the contamination site that Saint-Gobain acknowledges is 1.5 miles from the epicenter. She resides 3.5 miles from Saint-Gobain and recently received a letter from Saint-Gobain asking permission to test her well water.

Recognitions, Resignations and Retirements

1. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present an award to Robert Kelleher in recognition of his retirement after more than 17 years of full-time service with the Town of Merrimack Police Department. Robert retired on May 31, 2018.

Denise Roy, Chief, Merrimack Police Department, spoke of Officer Kelleher's character. He made his mark not only on the Department, but through all of the community outreach he has done. A great patrolman, but an even better community service officer. She expressed her gratitude to Officer Kelleher for his service to the community and stated he is an amazing person and she could not be luckier to call him her friend.

Councilor Albert commented he worked with Officer Kelleher during all of his 17 years on the force; something that has been an honor. He thanked Officer Kelleher's family for sharing him with the community.

Officer Kelleher was presented with a plaque in recognition of his loyal and dedicated 17 years of full-time service to the Town of Merrimack.

2. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present an award to Theodore M. Dillon in recognition of his retirement after more than 20 years of full-time service with the Town of Merrimack Police Department. Ted retired on May 31, 2018.

Chief Roy commented she remembers Lieutenant Dillon's first day. Although difficult to now say good-bye, he will remain part of the department's family. She spoke of his coming up through the ranks to become a Lieutenant, how she counted on him, and her understanding that every decision he made was always in the best interest of the Town and department first and foremost.

Approved: August 16, 2018

Posted: August 21, 2018

Councilor Albert spoke of having worked with Lieutenant Dillon for all of his time on the department. He referred to him as a consummate community police officer; he grew up in this Town, made it a career of 20 years, and raised a beautiful family in this Town. It is a tough call to become a police officer in your hometown.

Lieutenant Dillon was presented with a plaque in recognition of his loyal and dedicated 20 years of full-time service to the Town of Merrimack.

3. Merrimack Crimeline Appreciation Plaque Presentation

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

The Town Council to present a plaque to the Merrimack Crimeline for their ongoing support of the Merrimack Police Department.

Chief Roy spoke of Merrimack Crimeline and how they assist the department. The department needs community partners, and their #1 supporter in that is Crimeline. They help through fundraising for the K9, provide cash rewards for tips for crimes that are solved, and the perpetrators brought to justice. They have joined the Police Department family just because of the mere fact that they care. They care about every single Police Office and every single citizen and business in Merrimack.

They are a unique group. There are not many people who will meet once a month to discuss all the things they can do to be proactive. They sponsor the anonymous tip line. Through the department's website and Crimeline's website, individuals can submit anonymous tips. She spoke of the level of appreciation the department has for each and every member of the Crimeline.

A representative of Crimeline thanked the Council for the recognition. He commented on the services provided; anonymous tip line both online and through the phone line, they work with the Police Department on Neighborhood Watch, provide a magic show every year. This year is the 10th year, and the amount of donation to the K9 program is over \$16,000.

A plaque was presented to Crimeline in appreciation of the generosity and continued support of the Merrimack Police Department.

4. Bear Christensen Charitable Trust Appreciation Plaque Presentation

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

The Town Council to present a plaque to the Bear Christensen Charitable Trust for ongoing support of the Merrimack Parks and Recreation Department.

Chairman Rothhaus stated the Christensen's have, for many years, made contributions to the community. The Council wished to express appreciation. As a token of that appreciation, a plaque was presented in recognition of ongoing support of the Parks and Recreation Department.

Representative Chris Christensen remarked, although the Bear Christensen Charitable Trust, the Trust was supported and created by the citizens of Merrimack, so it is the citizens giving back to themselves, and they appreciate that they are allowed to be part of that.

5. Recognition of Town Committee Member

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

The Town Council to present a certificate to the following individual for his volunteer service to the Town of Merrimack: Anthony Pellegrino - Zoning Board of Adjustment Appointments

Chairman Rothhaus noted Mr. Pellegrino was unable to be in attendance. The recognition will be included on the August agenda.

Appointments - None

Public Hearing – None

Legislative Updates from State Representative - None

Town Manager's Report

The Planning Board, on Tuesday, conditionally approved the 6th Phase of the Bowers Landing Planned Residential Development, which will add 65 detached condominium units to the project (located off Bowers Landing Drive, between D.W. Highway and Manchester St).

The Planning Board also held the initial public hearing for a project by NeighborWorks of Southern NH to develop 45 townhouse-style residential units on property that was formerly approved for 57 units of elderly housing, located off D.W. Highway and Angelo Drive (near Horseshoe Pond). The project will be back in front of the Board for a continued hearing on August 7.

The Town recently reached out to residents for nominations for a new Boston Post Cane holder. Carsten “Bud” Hahn, the previous holder, passed away earlier this year at the age of 101. We are happy to report that we have found the new holder and hope to present the honor at next month’s Council meeting on August 16th.

Highway Division employees Dean Stearns and John Trythall participated in the NH State plow rally, a competition that tests the skills of operators of dump trucks with plows. The competition pits drivers from around the State against each other performing three tasks: Pre-Trip inspection of the vehicle, Written knowledge test, and finally an obstacle course driving test where the operators must make difficult maneuvers through a slalom course with the trucks, and then do them again in reverse. We are proud to report that John and Dean finished first in the competition with a whopping 385 out of 392 points. They will now compete in the regional tournament held in Boxboro, MA this fall.

Construction on the Wilson Hill Road culvert replacement project is scheduled to begin tomorrow. The contractor will be moving equipment in and starting tree and brush clearing. Drivers should expect alternating one-way traffic during the day. Wilson Hill Road is scheduled to be closed at the culvert near the Town Line with Amherst beginning on Monday, July 23rd. The closure is expected to last 5 days, weather permitting. Once the road is opened there will be another week or two of work with daily lane closures of alternating one-way traffic.

Approved: August 16, 2018

Posted: August 21, 2018

We are pleased to announce that temporary handicapped parking signs have been added to the Town Hall lower level parking lot to facilitate easier access to the summer concert series at Abbie Griffin Park. Fifteen parking spots have been designated handicapped parking on Wednesdays from 5:00 - 9:00 p.m. There are 16 remaining spots for general parking.

Vice Chairman Koenig informed the viewing audience of an opening on the Zoning Board of Adjustment. Anyone interested in serving on the Board is encouraged to submit a letter of interest within the next week. It is hoped a new member will be appointed at the Council's August meeting.

Consent Agenda - None

Old Business – None

New Business

1. Sale of Town-Owned Property Discussion

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to consider the sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5.

Dawn Tuomala, Deputy Director/Town Engineer, PWD, stated Mr. Bailey approached the Town Manager regarding this property a few months ago. The parcel is approx. 68' x 64' and is comprised of two different tracts of land. It is surrounded by a lot (owned by Mr. Bailey). Research shows the entire area was actually one larger tract of land that had been split and then split and divided. Mr. Bailey's parcel, which fronts on Depot Street has a description that goes right around the parcel of land that the Town owns. However, there are exceptions within his Deed (both of the tracts of land that the Town owns).

The site has a brick pump house the back side of which has a large concrete pad. The pump house lost its roof some time ago. Research indicates Mr. Bailey's property is the only one remaining that talks about the Town pieces, exclusions, etc. Deputy Director Tuomala stated extensive research was done, and she is comfortable with what she was able to locate. She was unable to locate the second Deed to the Town, but knows it exists prior to 1882.

The matter was before the Council as the result of a request by the Baileys to purchase the property. Deputy Director Tuomala noted a prior instance where the Town allowed for the sale of another land locked parcel.

Chairman Rothhaus spoke of having visited the property and that he was informed the concrete slab is where they stored the water. There is water flowing out of it now. Deputy Director Tuomala commented in all of the Deeds they refer to it as a spring. They don't call it a well. In the Deeds dating back to the 1800s they refer to it as the large spring. There were also other exceptions given to other wells and other springs, but the tract at that point was large, and it could have been anywhere. This has always been referred to as the large spring.

Councilor Thornton commented what was before the Council was consideration of the sale of the property; however, in the summary that was sent to the Town Manager (dated July 13th), Deputy

Approved: August 16, 2018

Posted: August 21, 2018

Director Tuomala recommends the Town Council contact legal counsel to ensure Town and State laws are followed. He questioned if the request was for the Council to follow-up with legal counsel. Deputy Director Tuomala indicated she would follow whatever direction the Town Manager provided her.

Assistant Town Manager/Finance Director Micali spoke of the sale of the other land locked parcel referenced. With that parcel, a notice was sent to all abutters. A two-week deadline was cited for bid submittals. The high bidder was notified and given X number of days to make the payment. When that occurred, the Deed was transferred over. The two ways to dispose of Town owned property is through auction and sale. Were the Council to approve the sale, certified letters would be sent to all abutters. Town Manager Cabanel commented on having been contacted by one of the abutters indicating there may be an interest.

Councilor Albert questioned if MVD has had any involvement with the pump house. Assistant Town Manager/Finance Director Micali spoke of the roof issue that was brought to the Town's attention a few years back. When made aware of its collapse, the Town went in and did some clean-up. At that time, they reached out to Anita Creager, Chair, Heritage Commission questioning, if the well had any significance. She indicated she was unable to find anything in her records that would indicate it was of historic value.

Councilor Albert questioned if the Council would be required to remove the structure with the sale. Town Manager Cabanel stated the sale would indicate "as is". The Town would also have the property & liability insurance carrier take a look at it from that perspective as well.

Deborah Veillette, 11 Depot Street

Read the following into the record:

"In addressing the Town Council tonight, I Gary Bailey, would like you to be aware of my request to take over this property. I took the initiative to take care of Lot #6E1-15-1 seven years ago. I was also given a key to the pump house to oversee the care of the property by Adam Jacobs five years ago when I originally requested to take over this property. I have been maintaining the parcel since then, with the Town's permission. Merrimack removed some rotting trees, at my suggestion to Adam, for safety purposes at that time. Presently, while maintaining the property, I have made a small dirt road for access to help with the upkeep, which includes pruning, cleaning, and checking on the trees for rot, maintaining the pump house, which has no roof, as best as I possibly can.

I have verbal estimates for all the work needed, from trained professionals. These estimates are for a new roof for the pump house along with major brick repairs, cleaning the brush, and rotted trees around the parcel. The estimated total is at least \$11,000, which is due to property neglect for many years.

I will make the lot eye pleasing and the Town will be collecting tax monies that I am sure you would prefer to have. This is a win/win situation for all parties. If given the land, which was originally on our Deed, I will follow through on my commitments to put the parcel in proper order. As anyone can see in the Town records, my bills are always paid on time, and I am a stand up person.

It was brought to my attention that the water pipes laying alongside the property may be asbestos; I am not 100% sure. But I would request that if they are found to be asbestos the Town remove the hazardous asbestos pipes that were left on the property as long as I have owned mine. At this time, I welcome any questions that you may have, and I thank you for all your time."

Gary Bailey, 11 Depot Road

Stated the only major problem they have at the moment is the water pipes. He thought they were concrete but was told they are not. They could be asbestos. They are 7-10' long by about 6" in diameter. There are 4-5 pipes. They are in the water (stream that runs between the buildings and eventually into the river).

Councilor Healey questioned if there is a plan to utilize the water. Mr. Bailey stated he is uncertain. He commented it would be great to use the building as a little workshop. When it was first erected it fed water to the first homes in Merrimack. It would be nice to erect a plaque or something similar or at least place a roof on it. He commented with a new roof and brickwork, clearing of the debris, etc. it would look beautiful and would be something Merrimack would value.

Councilor Harrington commented on the prior practice suggesting that is the path to take. Councilor Boyd indicated concern with the issue of asbestos and the mitigation that would be required. The Town would be asked to incur the cost to address that. Town Manager Cabanel spoke of additional work that needs to occur. If the Council has an interest in Town staff pursuing this, the materials can be tested to determine if asbestos, and, if that is the case, an estimate could be sought. When all of the information is known it could be brought before the Council.

Mr. Bailey questioned the will of the Council with regard to a cost share (50/50) for the cost of removal, if found to be asbestos.

MOTION made by Councilor Thornton and seconded by Councilor Harrington to consider the sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5, contingent upon findings and legal concerns that may result from further review of the parcel. MOTION CARRIED 7-0-0

2. Watson Park Fencing Proposal

Submitted by Town Manager Eileen Cabanel

The Town Council to discuss and consider fencing options for the Watson Park parking lot.

During the Retreat, the Council spoke of updates/enhancements desired for Watson Park. Councilor Albert spoke of fencing he had seen in another park that he believed would make Watson Park more attractive as well as prevent the parking that occurs on the parcel itself. During the 4th of July holiday, a deplorable mess was left at Watson Park, which spurred the discussion of having a fence erected. Funds are available from the FY18 budget.

The plan, along with a few fencing options, went before the Parks and Recreation Committee. The Committee stated the desire for the appearance to be a little less industrial and more attractive. They also wanted to make the parking lot area larger. The difficulty in this parcel is the restrictions imposed. Any work on the property requires a Soil Management Plan be prepared and approved by the State. The Soil Management Plan Director Fox has done for the other amenities being discussed for

Approved: August 16, 2018

Posted: August 21, 2018

Watson Park includes this area, and would, therefore, negate the need to postpone the fencing to have such a plan done.

Although important for the park to be looked at as a whole, at this time, there is not a Soil Management Plan for the entire park. It is believed Director Fox will seek to get the 80% Federal match to have a plan done as part of the Souhegan River Trail project. It is hoped that plan could be inclusive of the entire parcel.

Town Manager Cabanel stated her support of the plan, as endorsed by the Parks and Recreation Committee.

Director Fox stated he and Matt Casparius, Director, Parks and Recreation Department, attended the meeting of the Parks and Recreation Committee the prior evening. The committee was provided with information on numerous types/designs of fencing. The Committee made two motions. The first was to expand the parking area (additional 10 spaces). If maintaining existing configuration, it would equate to about 50' additional length.

When erecting fences around fields the primary purpose is to keep vehicles off the parcel. They locate 5' gaps in the fence to allow pedestrians key access points to the park. At the end of the parking area would be a 10' steel gate. That allows Town staff to get past the fence to maintain the parks as well as emergency vehicle access. The second motion was with regard to the style of fencing. The Committee was in favor of the look of the fence at the Abbie Griffin Park. That is a vinyl fence that is not very sturdy. The department promotes something that provides that look, but is more durable, e.g., instead of hollow vinyl rails, wooden rails with vinyl sleeves. When asked if the proposed extension would infringe on the volleyball court/ice rink area, Director Fox stated it would only be 50' longer. It would not impact that area. Councilor Albert stated concern with the durability given the amount of use the park gets. Director Fox stated he would not bring an option forward that was not durable.

Both the kiosk and the porta potty and enclosure would have to be relocated with the increase to the parking lot. Councilor Boyd questioned the depth of the kiosk into the ground noting mitigation that was done onsite and the requirement that no digging be done beyond 2'. Director Fox stated any activities that occur on the property have to comply with the Approval Use Required (AUR) document. In that document, it states that anything the Town does on the property requiring excavation deeper than 2', requires a Soil Management Plan. A consultant was hired to develop a Soil Management Plan for a number of different projects the Council has been discussing, e.g., volleyball courts, skating rink, bringing water down to the skating rink, and for this fencing project. The NHDES approved it a few weeks ago.

Councilor Boyd spoke of the fencing at Bishop Field, which he believes to be a more appropriate style of fencing for Watson Park. Chairman Rothhaus stated the desire to understand the maintenance aspect and the cost. Councilor Thornton stated agreement with Councilors Boyd and Albert with regard to the durability aspect. He questioned maintenance. Director Fox stated the maintenance to be minor. The style fencing can be found at Veterans Park and a number of other parks around Town; kind of the park standard.

Councilor Healey stated agreement with Councilor Boyd that the white at Abbie Griffin looks really good. For this area, she prefers the more natural look. She questioned how far up the driveway the extension goes. She spoke of having a family member who tried to go to Watson Park during the 4th of

July weekend to walk her dogs. There was an overabundance of cars from Massachusetts, and they were all parked on the lawn. She believes fencing needs to travel up more toward the road. Director Fox stated that is what is being proposed; the cost of linear footage was based on bringing the fence up the slope to the butterfly garden, they would leave a gap for the butterfly garden, but then it would continue further up towards D.W. Highway.

Councilor Harrington remarked this is a parking lot and cars will end up denting the fence. Although she likes the white, it is really not functional for what is needed.

Vice Chairman Koenig stated he does not believe the pattern that was shown as an example really exemplifies a Town Center. What he was hoping was to move towards a better pattern instead of these 2 x 6 rails going across 10' long spans to 6 x 6 posts; to do something that looks a little more New England, a little more split rail fence with the diagonally placed 4 x 4 rails. They can be wood, painted brown, etc. With the cost of maintenance with snow plowing, concern about cars bumping into them, etc. it may be better to go with the heavier duty posts.

He believes within 10 years we will want to expand that parking lot or modify it and will have to pull this fencing up and redo it. He does not believe fencing that will last 50 years is needed. Since the Parks and Recreation Committee has already requested it be extended he definitely believes there is a need. He has concerns regarding who is using the parking lot. He is of the opinion the fencing at Bishop Field is more industrial and doesn't really fit the Town Center as well.

Councilor Albert spoke of the winter maintenance and plowing of the lot. He questioned if a front-end loader may have to be used to address snow once the fence is erected. Director Fox stated the fence would be constructed in such a way that they would be able to maintain the lot, e.g., would not crowd the fence right up to the asphalt area (likely leave 5' all around).

Director Fox indicated he would visit a fence company and bring back ideas that are durable, long lasting, and attractive.

Councilor Harrington questioned chaining the picnic tables, etc., noting the items were moved during the 4th of July holiday. Director Fox stated they can be chained; however, that would not guarantee the items would not be moved. Director Fox spoke of a new style (heavier) table that will be seen in the parks.

Councilor Albert commented one way to protect a specific area is to create better visibility. He questioned if there is a means of mitigating some of the brush along the shore to create that visibility. Director Fox stated the area can be walked with Chief Roy and her staff to determine if there are areas where pruning would be advantageous. Once the Souhegan River Trail project is completed the whole area by the Chamberlain Bridge will be cleared of brush. Chief Roy has been copied on the emails relating to increased activity at the park and has indicated patrols will increase in the area.

3. Investment Policy

Submitted by Finance Director Paul T. Micali

The Town Council to review and consider the approval of the Town's Investment Policy, for the investment of public funds held by the Town Treasurer, in accordance with RSA 35:9 and RSA 41:29 for FY 2018-19.

State Statute requires review and approval of the Investment Policy on a yearly basis. The policy has remained unchanged and is fairly restrictive. Assistant Town Manager/Finance Director Micali stated he does not talk to any bank if they are not offering 100% collateralization of Town funds. Were a bank to come forward with an unbelievable rate, the investment policy allows the Town the ability to consider unsecured deposits and investments.

MOTION made by Councilor Harrington and seconded by Councilor Koenig to approve the Town of Merrimack Investment Policy for the investment of public funds held by the Town Treasurer, in accordance with RSA 35:9 and RSA 41:29 for FY 2018-19. MOTION CARRIED 7-0-0

4. Fiscal Year End Review

Submitted by Finance Director Paul T. Micali

The Town Council to consider the authorization of a request to transfer \$7,500 from the Fire Department's budget to the Welfare Department's budget to cover Welfare's overspent budget, in accordance with RSA 32:10.

Town Manager Cabanel remarked it had been expected the Police Department's budget would be over because of the approval of the new officers. As a result of the timing of retirements and new hires, that is not the case. A similar scenario played out in the Fire Department resulting in a year-end surplus. The Town is required by law to follow certain standards in order to provide housing for people who are homeless. That aspect of the Welfare budget was over-expended. The request is to transfer \$7,500 from the Fire Department's budget to the Welfare Department's budget.

Assistant Town Manager/Finance Director Micali spoke of the current housing market and the number of eviction notices. It is more cost effective to cover the cost of rent than to cover the cost of an individual becoming homeless.

Councilor Boyd spoke of recent information in the Union Leader regarding an uptick in welfare payments across the State. He questioned if this is the beginning of a trend Merrimack will have to consider during budget discussions. Town Manager Cabanel responded that discussion has taken place, and it is not believed to be a trend. She spoke of new work force housing coming online. Councilor Boyd stated concern he sees this as a trend.

Councilor Albert questioned the vetting process for financial aid in the form of rental payments. Town Manager Cabanel stated there to be incredibly stringent rules. She commented on the percentage of assistance provided to property owners and the value of liens noting assistance is not a gift. Councilor Albert stated concern with the possibility of additional activity resulting from the increased housing.

Councilor Boyd voiced concern with the possibility of covering the costs at the extended stay. Town Manager Cabanel stated that has not been done once.

MOTION made by Councilor Thornton and seconded by Councilor Healey to authorize the transfer of Seven Thousand Five Hundred Dollars (\$7,500) from the Fire Department's budget to the Welfare Department's budget to cover Welfare's overspent budget, in accordance with RSA 32:10. MOTION CARRIED 7-0-0

Minutes

June 28, 2018

The following amendments were offered:

Page 2, Line 30; delete “is”

Page 5, Line 35; replace “Repurpose” with “Repurchase”

Page 6, Line 3; replace “must” with “much”

Page 10, Line 9; following “precedent”, insert “and that a waiver determination should have been made by the Council prior to the interview scheduling”

Page 13; Replace “Mr. Tarr” with “Mr. Carr”

Page 13, Line 22; replace “Site” with “Sight”

MOTION made by Councilor Koenig and seconded by Councilor Harrington to accept the meeting minutes of the Town Council meeting of June 28, 2018, as amended. **MOTION CARRIED 6-0-1**

Councilor Boyd Abstained

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Vice Chairman Koenig stated the Planning Board has been meeting regularly. NeighborWorks is coming forward to try and put something on the YMCA property, and the Planning Board is looking at that carefully to understand how to best handle that.

The Planning Board received a presentation from Tim Thompson, Director, Community Development Division, which he had provided the School Board, on the number of school-aged children expected to be coming in as a result of the different housing projects occurring around Town. When adding up all of the approvals that have gone through, it is over 1,000 units, not very many of which have started going forward. There is a lot of future availability around Town.

Town Manager Cabanel commented on having found that discussion interesting and questioned if the Council would like to receive the presentation.

Vice Chairman Koenig remarked there are a few developments that are somewhat in limbo. Across from Harris Pond there was a fairly large development that has not gone anywhere, and likely will have to be resubmitted given the amount of time that has passed. There were lawsuits filed by neighbors, etc., which appear to have been resolved to some level.

Another is Chestnut Hill, which is the development off of Old Blood Road. It was approved but appears to have been delayed by the expense of developing that area. There is a requirement to fix the sewer line up Madeline Bennett and Baboosic Lake so that everybody could be tied into it. That is a very expensive venture for 74 lots.

Approved: August 16, 2018

Posted: August 21, 2018

Chairman Rothhaus stated the desire to recognize the many volunteers at the MYA during this their 50th anniversary.

Adjourn

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

The July 19, 2018 special meeting of the Town Council was adjourned at 9:22 p.m.

Submitted by Dawn MacMillan