

Approved: March 28, 2019

Posted: April 1, 2019



Town Council Meeting Minutes

Thursday March 14, 2019 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 Boyd, Councilor Harrington, Councilor Healey, Councilor Thornton, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Albert was excused.

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

The Annual Meeting of the Merrimack Village District will take place at the James Mastricola Upper Elementary School All-Purpose Room at 7:00 p.m. on Tuesday March 26th.

Voting Day is Tuesday, April 9th from 7:00 a.m. - 7:00 p.m. The three (3) polling locations are the James Mastricola Upper Elementary School, Merrimack Middle School, and St. John Neumann Church. Residents who are uncertain of their polling location can contact the Town Clerk's Office at 424-3651 or visit the NH Secretary of State's website.

Regular meetings of the Town Council will be conducted on Thursday, March 28th, April 11th and April 25th at 7:00 p.m. in the Matthew Thornton Room.

On Saturday, March 30th from 9:00 a.m. - 12:30 p.m., the Library will be hosting the Annual Free Computer Clinic with the Michael LoVerme Memorial Foundation. Call the Library to make an appointment with volunteer computer experts who can help you with any technology questions you may have.

Dog licenses are due by April 30th. To license, the Town Clerk's office will need current rabies information and a neuter/spay certificate, if applicable. The Town Clerk's office will be open on Saturday, April 13th from 9:00 a.m. - Noon for dog licensing.

The NH Department of Health and Human Services will be hosting a PFAS Community Health Fair on Wednesday, April 3rd, from 5:00 - 8:00 p.m. in the Merrimack High School cafeteria. The purpose of the fair is to respond to community concerns by providing an opportunity to meet with State agencies, local providers, PFAS experts, legislators and advocacy groups. This is an informal event, where people are encouraged to walk around and ask questions of the various participating groups.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements – None

Appointments

1. Annual Review with the Highway Safety Committee

Submitted by Highway Safety Committee Chair/Police Chief Denise Roy

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

Denise Roy, Police Chief / Chair, Highway Safety Committee, spoke of requests that have come through for stop signs, which were not feasible, and of the efforts that go into evaluating each request. She thanked the Director and Deputy Director of the Public Works Department (PWD) for ensuring the committee continues to follow all DOT regulations when considering requests.

Last year the committee discussed the bus company's move to D.W. Highway. From the start of the school year, that change has been monitored in terms of how it impacts the neighborhood, traffic flow, etc. There have been no issues in terms of backups due to the buses.

The committee has responded to a few speeding complaints. The new speed signs have worked out phenomenally, and they have been able to put the minds of the neighbors at ease. Although the appearance can be that there is a problem with speed, there generally is not. Being able to see the speed at which they are traveling has slowed motorists. Chief Roy spoke of the benefits of the portability of the units.

The largest item addressed over the past year was related to the Hilton Drive area. Hilton Drive is in the north end of Town (south of the Homestead restaurant). Traffic has increased tremendously (particularly between 4:00 - 6:00 p.m.) in that area both north and south, and it is very difficult for the neighbors to get in and out of the neighborhood. The Committee has had many meetings regarding this, which have included representatives from the State and the Nashua Regional Planning Commission (NRPC). The Town is extremely limited as to the actions it can take as that portion of the road is State controlled. The NRPC has agreed to conduct a traffic study (springtime).

A current issue is Island Drive and the amount of traffic in that area.

A discussion that seems to come up yearly is the intersection at Greeley Street/Amherst Road/Camp Sargent. They have reached out to Fidelity and have done traffic enforcement to try to educate motorists on not blocking that intersection, but, because of the pattern of those lights, it is very difficult to control.

Councilor Boyd commented on an uptick of patrols along Continental Boulevard and Industrial Drive addressing motorists driving above the speed limit. He thanked the department for those efforts. He questioned if there have been discussions with the State around the potential for calming opportunities at exit 13 (northbound) off the F.E. Everett turnpike. Chief Roy stated that to be an issue that was discussed early in the year. A representative from the Governor's office was onsite and rode through the area to witness the issue. The property is that of the State (located in Bedford). The State is of the opinion there is sufficient sight distance and signage. They do not intend to take any action.

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Asked if there are any specific areas in Town that have experienced an uptick in speed, Chief Roy responded the area of Camp Sargent Road has come up during the year. Residents were concerned the traffic was a result of the mall. They were able to put the speed spy equipment on Camp Sargent Road, and discovered there were some cars that were exceeding the speed; however, it was not when the mall was open.

Chief Roy commented on the number of buildings being constructed in Town, and the expectation traffic will increase. It will be watched, and any issues brought forward will be addressed.

Councilor Boyd questioned, if the community is fortunate to lose the tolls at exit 11, is it foreseeable there could be an uptick in traffic trying to bypass getting on to exit 10; coming down Camp Sargent Road to gain access to exit 11. Chief Roy responded, if only one of the tolls were removed, she would anticipate an uptick in traffic in that area, which is already heavily congested.

Councilor Harrington noted the sign placed before turning onto Camp Sargent Road that reads “next set of lights turn left for the mall”. That sign has helped.

Vice Chairman Koenig questioned what the committee might be able to do in preparation for the widening project on the F.E. Everett Turnpike. Chief Roy remarked it is something the Town should be involved in regarding what is to come. In terms of the committee, she believes they need to continue with the monthly meetings to ensure they stay apprised of when changes will occur to allow for announcements to be put out to motorists. Although still a way out, there is the need to be on top of this from the onset.

Public Hearing

1. Public Hearing - Consideration of Changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code

Submitted by Public Works Deputy Director/Town Engineer Dawn Tuomala

The Town Council will hold a public hearing to consider the acceptance of recommended changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code, to change yield sign to a stop sign on Daniel Webster Drive, pursuant to Charter Article V.

Town Manager Cabanel noted the proposed change would replace a yield sign with a stop sign on Daniel Webster Drive.

Chairman Rothhaus declared the Public Hearing open at 7:24 p.m.

Dawn Tuomala, Deputy Director, Public Works / Town Engineer, reiterated the request would change the code by removing a yield sign and putting in place a stop sign at Daniel Webster Drive / Daniel Webster Highway. A request was made by a resident concerned with the intersection. She met with the resident and they went through her concerns.

The Manual on Uniform Traffic Control Devices (MUTCD) is the guide used for street signs, etc. Section 2B.06 states in part:

“At intersections where a full stop is not necessary at all times, consideration should first be given to using less restrictive measures such as YIELD signs (see [Sections 2B.08](#) and [2B.09](#)).

The use of STOP signs on the minor-street approaches should be considered if engineering judgment indicates that a stop is always required because of one or more of the following conditions:

- A. The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day;”*
- B. A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway; and/or*
- C. Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.”*

Deputy Director Tuomala indicated there are approx. 16,000 cars on D.W. Highway. There are, on average, five crashes/year in that area (not necessarily at that intersection). Given that and that every other intersection onto D.W. Highway is either a streetlight or a stop sign, the request is made that the yield sign be changed to a stop sign.

Vice Chairman Koenig commented he has never experienced a problem at that intersection. People he knows that reside on Island Drive have indicated they do not wish to see extra signs there. They were unhappy, initially, with the sign on Island Drive. Now being considered is signage on D.W. Drive. Testimony was received that a stop sign at Pond View Drive may be a better solution. As was discussed at the last meeting, that entire intersection should be redesigned. He questioned if this is stepping out a little too far too fast, and if that would be considered or if it is believed a stop sign is that important that the Council should change the Code and move forward with it at this point.

Deputy Director Tuomala indicated she does. Vice Chairman Koenig commented the resident who initiated the complaint spoke before the Council not regarding the stop sign but turning off D. W. Highway. This action will do nothing to alleviate that concern. He questioned if the concern raised regarding moving southbound on D.W. Highway and trying to turn onto D.W. Drive is being addressed. Deputy Director Tuomala responded “yes”. Vice Chairman Koenig questioned if the stop sign would impact that. Deputy Director Tuomala responded that it helps in coming out the other direction. She noted the resident expressed many concerns, which were all reviewed. The remaining issues can be addressed at the intersection; however, replacing a yield sign with a stop sign requires the authorization of the Council.

Vice Chairman Koenig reiterated he is not convinced a stop sign is necessary in that location. It will require more sight distance and more distance before motorists can enter traffic from a dead stop. Deputy Director Tuomala stated her belief a stop sign will help in certain circumstances where motorists are trying to pass, if trying to make a left-hand turn. She reiterated every other intersection onto D.W. Highway is either a stop sign or a streetlight.

Councilor Thornton stated his agreement with replacing the yield sign with a stop sign.

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Chairman Rothhaus stated agreement with the remarks of Vice Chairman Koenig regarding the increased difficulty of merging into traffic from a dead stop. He believes motorists will enter traffic in a yield-type fashion even with the stop sign in place.

Councilor Harrington stated her concern with the cut-through traffic, which would hopefully be discouraged by a stop sign.

No public testimony was offered.

Chairman Rothhaus declared the Public Hearing closed at 7:34 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to move the item to the Consent Agenda. **MOTION CARRIED 5-1-0** Councilor Koenig voted in opposition

2. Public Hearing – Group Petition for Keno Vote

Submitted by Michael Kelly

The Town Council will hold a public hearing to receive public input on a Group Petition received, pursuant Charter Article 10-1, B, SB 191 and RSA 285:51, I. The Petition states, “Shall the Town vote to allow Keno games to be operated as prescribed by State law within Merrimack?”

Chairman Rothhaus noted the Petitioner was unable to be in attendance.

Chairman Rothhaus declared the Public Hearing open at 7:35 p.m.

Maura McCann, Marketing Director, New Hampshire Lottery, commented the Lottery just celebrated its 55th birthday. The lottery in New Hampshire was the first legal lottery in the United States.

Keno has been on sale since December of 2017. Last year the NH Lottery had a record-breaking sales year at more than \$337 million, which resulted in more than \$87 million earmarked to aid education in the State. From 1964 on, more than \$2 billion has been raised to support education. State law indicates the net profit from the sale of Keno is to support full-day kindergarten. Prior to Keno, the State provided approx. \$1,800/student for kindergarten. Once Keno came on board, an additional \$1,100/student was added.

When Keno launched, pursuant to the law, each town and city must approve the sale of the game. In December of 2017, only cities were able to vote to approve the sale. There were about 6 communities (approx. 40 locations) that approved it. For about 6 months there was just shy of \$9 million in Keno sales or \$1.5 million earmarked for education as a result of the net profit. Now, in a new fiscal year, they are at more than \$17 million in Keno sales at more than 160 locations across the State.

The net profit is at about \$3.3 million. Over the past week, during town meetings, 16 additional towns said yes to Keno. When achieving an optimum amount of sales locations, it is anticipated sales will be well over \$40 million with approx. \$8 - 9 million in net profit to support kindergarten.

Councilor Thornton spoke of having read that the Senate just passed legislation indicating Keno will not support full-day kindergarten. The article stated “The connection between Keno and Kindergarten in New Hampshire could be coming to an end. The Senate voter 24-0 in favor of SB266-FN, which

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would finance full-day kindergarten grants entirety from educational funds and divert Keno revenues to school building aid.” He questioned what that would mean in terms of what Keno would fund.

Ms. McCann stated she was not able to answer questions specific to that. The lottery is charged with raising the money to support whatever the Legislature dictates. Currently, it is to fund full-day kindergarten. Each month the net profit from the sale of lottery tickets goes over to the Educational Trust Fund through the State Treasurer’s Office.

Asked for an explanation of Keno, Ms. McCann stated it to be a game like bingo. It is specifically allowed at establishments that have a liquor pouring license. Keno tickets are purchased from a machine. There is a selection of 1-80 numbers where players could bet anywhere from 4 to 12 numbers for a drawing. Twenty winning numbers are selected of the 80 numbers available. Based on the ticket, those numbers that match the winning numbers determine a prize won. Keno is on sale 24 hours/day if an establishment is open. Drawings are held from 11:05 a.m. until 1:00 a.m. and occur every 5 minutes.

Ms. McCann spoke of the benefit of Keno to businesses that offer it. The current sales commission for Keno is \$0.08 on the \$1 for each ticket sold. Legislation was introduced to decrease that commission. It did not prevail. A business owner that offered testimony on the proposed legislation stated, over the past few years, her costs have been rising. She has used the profits from Keno to help offset those costs through the sales commission and the increased business generated by its availability (up to 10%).

The UNH Survey Center was asked to conduct a survey; to speak to Keno retailers and ask them the impact it has had. They did report they are seeing new faces coming through the door, current customers stay a little longer. Three quarters of the Keno locations indicated they will sign on for another year and pay for their Keno license.

Chairman Rothhaus commented what surprises him about the new legislation is that it comes barely a year after it was put in place.

Councilor Healey questioned the cost of a license for Keno, and was told it is \$500/year. Asked for additional information, Ms. McCann stated the vendors are provided machines at no cost. The number of machines is determined by the establishment’s sales. The larger locations have more than 1 machine. Along with that come monitors that are placed on the walls and show the electronic drawings that take place every 5 minutes. The lottery supports the locations with a variety of advertising pieces. Some commercials are airing to support the game of Keno.

No public testimony was offered.

Chairman Rothhaus declared the Public Hearing closed at 7:49 p.m.

3. Public Hearing – 2019 Milfoil Grant Funds for Horseshoe Pond & Naticook Lake

Submitted by Planning and Zoning Administrator Robert Price

The Town Council to consider the acceptance and expenditure of up to \$4,437 of the grant from NHDES for milfoil control via Diver Assisted Suction Harvesting (DASH) in addition to the Town’s matching share of \$13,313 this fiscal year for DASH for variable milfoil control efforts in

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portions of Horseshoe Pond and Naticook Lake. This totals \$17,750. We ask that the Town's share be expended from the Milfoil Capital Reserve fund. This request represents funding to allow for treatment in 2019 to control milfoil.

Chairman Rothhaus declared the Public Hearing open at 7:50 p.m.

Town Manager Cabanel noted the Diver Assisted Suction Harvesting (DASH) has been utilized as milfoil control (treatment) for the past several years. Treatment options include chemicals, harvesting, or a combination of chemicals and harvesting. Regular maintenance helps avoid costly responses.

The percentage the State contributes is decreasing. The local cost is \$13,313. There is sufficient funding in the Milfoil Trust to pay the Town's portion.

No public testimony was offered.

Chairman Rothhaus declared the Public Hearing closed at 7:52 p.m.

MOTION made by Councilor Koenig and seconded by Councilor Healey to accept and authorize the expenditure of up to Seventeen Thousand Seven Hundred Fifty Dollars (\$17,750) for the Milfoil treatment program at Horseshoe Pond and Naticook Lake of which Four Thousand Four Hundred Thirty Seven Dollars (\$4,437) is from a grant from NHDES for milfoil control via DASH and the Town's portion is \$13,313 to be funded from the Milfoil Expendable Capital Reserve Fund; and furthermore, the Town Council authorize the Town Manager or her designee to execute any and all documents, which may be necessary

ON THE QUESTION

Vice Chairman Koenig commented on the nature of maintenance noting milfoil is not going away. It is an invasive species, which means any small amount left behind grows exponentially throughout the year. When addressing the issue was not kept up, it reached the point of requiring chemical treatment. Chemical treatment in the water seems to him to be a very invasive measure.

Councilor Healey reminded the viewing audience of the need for those using the waterways to check anchors, propellers, trailers, etc. to ensure the items are clean and vegetation is not moving from one area to the next.

Councilor Harrington noted residents have been very active in the maintenance of the waterways. She is of the opinion it is the responsibility of the Town to participate in those efforts by taking these measures.

MOTION CARRIED 6-0-0

Legislative Updates from State Representatives

Representative Nancy Murphy spoke of SB300, relative to removing the tolls at exit 11. She and Representatives Thomas and Barry testified before the Finance Committee requesting the tolls be removed. The Department of Transportation objected to the request indicating it would result in the

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loss of approx. \$5 million/year, and Merrimack had agreed and still has outstanding debt that would not be paid off for a number of years (4).

Town Manager Cabanel stated she tried to obtain information on the tolls; revenue, expenditures, when bonds were due, etc., and found it very difficult. When Senator Daniels was before the Council, he had the numbers. She was unable to get the debt schedules. They said they are very old. She requested the information and the response was they would need to speak to the finance individual in NH DOT to release the information. It is public information, and a Right-to-Know request may be needed.

Some 6± years ago, the Council hired an individual to conduct an extensive report that consolidated every effort to do the tolls. The mystery letter was found that allegedly said Merrimack wanted to pay in order to get the tolls. It was a very simple statement written by the Town Manager at the time. He said we understand that this may be the way to pay for the debt on the tolls. She stated her belief one of the tolls went in in 1989 and the other around 1991. The debt being cited relates to that change that occurred. If a 30-year bond, and the project opened in 1989, it is paid.

She discussed with the individual at NHDOT mention made that the State counted on the revenue from the tolls, regardless of whether it was a net loss in terms of revenue, to be able to leverage more federal funds for the entirety of the highway system, and was informed that is not the case. However, the individual would not put that in writing.

Town Manager Cabanel commented on the frustration that this continues to go on, that the proper information cannot be obtained, etc. She asked that she be provided with the information and was told the pieces and parts that were asked for could be provided.

Representative Murphy questioned how it could be that they could determine the bond would not be paid until 2024. Town Manager Cabanel stated she asked that question. She also asked what could be done. They leverage the funds; do they do the work on the Turnpike system. She was informed the federal funds cannot be spent on the turnpike system. They leverage it from the point of view of saying it is a source of revenue and because the exits are coming onto secondary roads that aren't the turnpike and going onto the highways. She also asked if the revenue were to go away would we be hitting a threshold that would change the percentage of the State, and was informed it would not.

Representative Murphy questioned what she could specifically ask. Town Manager Cabanel stated they could sit down and discuss it in greater detail.

Representative Murphy stated HB736, which she sponsored and Representatives Stack and Thomas as well as others co-sponsored, would establish a commission to study environmentally triggered chronic disease. Merrimack is #1 in the State for pediatric cancer, breast cancer, esophageal cancer, and bladder cancer. The bill went to committee and the Department of Health & Human Services sent the Director of Legislative Services, John Williams, to discuss an amendment, which she was not particularly fond of. The amendment would include language relative to their running out of resources, which she saw as an opt-in/opt-out. Having worked at DHHS, she recognizes there is a shortage of staff and resources; however, understands there are ways to reallocate resources. The amendment is included in the bill, which passed full committee with by partisan support and no objections. It went to the House floor today and passed.

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Another bill she sponsored and Representatives Stack and Thomas co-sponsored as well as a Representative from Bedford, is a bill more specific to Merrimack; commission to investigate and analyze the environmental and public health impacts related to releases of Perfluorinated Chemicals (PFCs) in the air, soil, and groundwater in Merrimack, Bedford, and Litchfield. It was introduced to the Committee on Resources a week ago. DHHS requested the same amendment. That received full bipartisan support, and will go to the Consent Calendar.

There was some confusion as to whether she had signed off on her original bills, which required her to go to Rulemaking. As a result, her bills were submitted late. Concerned with this bill, she requested Senator Tom Sherman (Seacoast) sponsor her bill. Senate Bill 85 had a hearing on Tuesday in the Senate. DHHS requested a similar amendment. Senator Sherman shared her concerns with the amendment; however, the amendment was included. She is uncertain which of the bills will pass the House.

Representative Murphy co-sponsored a bill relative to CACR8, a Constitutional Amendment related specifically to health that would have given communities the right to govern and enact local laws to protect health. It did not pass.

Representative Murphy spoke of the PFAS Community Fair. She has requested the State come prepared to provide information on the types of private home filtration systems. These discussions are ongoing in Town, and there are many who are confused by the many offerings on social media, etc. NHDES will have that information available.

Representative Murphy noted Presidential Candidate Kirsten Gillibrand would be in Town the following day. She will be at a PFAS roundtable at Town Hall around 1:50 - 2:00 p.m. The public is invited.

Representative Murphy remarked as a member of the Criminal Justice and Public Safety Committee, she was invited to breakfast with the Governor earlier in the day. She took the opportunity to discuss the water issue and express her concern with the Maximum Contaminate Level (MCL), which she does not feel to be protective. She stated these chemicals have never had to be proven safe as would be the case with a drug or food, and suggested the State should be looking at a precautionary principle based on public health and what is occurring in the State in terms of ranking relative to cancers. She suggested they sit down with a group of people who are really invested in this, and that the State should be looking to other states that have much more protective MCLs such as Vermont. His response was that he is all for more protective MCLs, based on science. She indicated it was based on science to which he responded it was based on politics. He has had the discussion with the Governor and the MCLs in Vermont are based on politics. Those levels will never go lower now that they are set.

Councilor Boyd commented there is supposedly a report regarding how Vermont got down to 20 ppt. That report cannot be located. Google searches regarding a scientific report of how Vermont arrived at 20 ppt are unsuccessful. Other states, e.g., Maine, Minnesota, have had a number of reports done that allowed them to arrive at the numbers they did.

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Town Manager's Report

The 27th Annual Winter Carnival was held at Wasserman Park on Saturday, February 23rd. We had 29 different businesses & community organizations join us at this event by providing a wide variety of games, crafts and other outdoor activities. We were thrilled to have perfect weather this year and actually had snow on the ground for this event for the first time in 5 years. We are estimating that we had approx. 1,000 attendees at this year's event. Special thanks to the Public Works Department for getting the park roads plowed and sanded for the event as well as a thank you to the Merrimack Police Department volunteers for handling parking and traffic.

The Bedford Road Bridge Replacement project is ready to enter the construction phase. The contract for the project, near Pearson Road, has been awarded to E.D. Swett of Concord, NH. Construction is expected to begin in early April with the contractor removing the old bypassed concrete bridge and installing the temporary detour. Traffic will then run through the detour via alternating one-way traffic, controlled by temporary traffic signals. The existing bridge will be replaced once the traffic is on the detour road. We expect traffic to be on the new bridge by the end of 2019. Final work on the project, including the removal of the detour road, will occur in the spring of 2020. The contractor will be installing temporary utility poles for the traffic signals next week. This project is funded through the State Aid Bridge Program which allows the Town to be reimbursed 80% of the cost of the project. Please refer any questions to PWD Administration at 424-5137.

Chairman Rothhaus questioned the total cost of the project, and was informed the final bid was approx. \$3.5 million (bridge construction alone).

Councilor Boyd asked the Town Manager to request the Director of the PWD reach out to the Towns of Amherst, Bedford, and Goffstown to make them aware of the construction, understanding it is a major pass-through to get to the Turnpike.

Consent Agenda - None

Old Business - None

New Business

1. Donation to Parks and Recreation Easter Egg Hunt

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation from Santander Bank in the amount of \$500 to the Parks and Recreation Department's Annual Easter Egg Hunt, pursuant to RSA 31:95-b and Charter Article 8-15.

Chairman Rothhaus commented on the continued support the Town receives from Santander Bank. Councilor Harrington requested they be presented with a plaque in recognition of their continued support.

MOTION made by Councilor Boyd and seconded by Councilor Thornton to approve the acceptance and expenditure of a donation from Santander Bank in the amount of Five Hundred Dollars (\$500) to the Parks and Recreation Department's Annual Easter Egg Hunt, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 6-0-0

2. Municipal Property Tax Relief – Meals and Rooms Tax Distribution

Submitted by Town Manager Eileen Cabanel

Town Council to discuss Meals and Rooms tax distribution and presenting the request to the Merrimack delegation.

Town Manager Cabanel remarked this is an example of the State giving monies to communities for Rooms and Meals taxes. A formula was established, which has continually diminished and then been put on hold. The information provided with the agenda relative to funding received by communities is an example of the type of data the Town receives from the New Hampshire Municipal Association.

Assistant Town Manager/Finance Director Micali commented when passed in 1967, the intent was that 60% of the revenue collected would go to the State and 40% to the municipalities. His predecessor had a meeting with the current Governor's father, who was in office at one time, about a furlough that had to be placed on the revenue sharing. There was a guarantee that the share would once again reach the 60/40 split. In 2001, the split was 82/18, in 2010, 71/21, was suspended in FYs 10, 14, 16, 18, and 19. In FY20, we are at 79/21. There is a catch-up provision; if the State's Rooms and Meals revenue goes up by \$5 million the first \$5 million is supposed to come back to communities. That has been suspended. Were that provision enacted for this FY, it is believed Merrimack would receive \$95,000 in additional revenue.

Councilor Healey questioned if the tax is based on communities having hotels, and was informed it includes every community. The formula used is based on population and assessed values.

Councilor Harrington questioned what was being proposed in terms of looking to the Legislative Delegation regarding this matter. Assistant Town Manager/Finance Director Micali stated that could be done. The idea would be for this to be included as part of the Governor's budget. Town Manager Cabanel suggested the Council send a letter to the Governor, through the Delegation, on behalf of the Town, and include it collectively with a group of members of the New Hampshire Municipal Association, which is lobbying hard for this.

MOTION made by Councilor Healey and seconded by Councilor Harrington that a letter of support and explanation be sent to the Municipal Association, Town of Merrimack Representatives, State Senators, and Governor's Office on behalf of the Town Council. MOTION CARRIED 6-0-0

3. Annual Audit Engagement

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

The Town Council to consider appointing a new auditing firm, in accordance with Charter Article 816.

Assistant Town Manager/Finance Director Micali noted Plodzik & Sanderson PA have been the Town's Auditors for five years. The Town went out to bid. Three bids were received, one of which

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was from the current firm who expressed the intent to change partners. A legal opinion was sought. The opinion provided was the spirit of the Charter is to change companies to get a fresh set of eyes on the books.

Assistant Town Manager/Finance Director Micali indicated he also reached out to Tom Mahon, Chair of the Charter Committee, who also indicated the spirit was to change firms every five years.

Although the remaining bidders had the same total cost for a three-year period, Graham & Graham had a lower cost in the first two years. He recommended the Council utilized Graham & Graham for the next fiscal year.

MOTION made by Councilor Thornton and seconded by Councilor Healey to appoint the auditing firm of Graham & Graham, in accordance with Charter Article 816. MOTION CARRIED 6-0-0

Minutes

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The following amendments were offered:

Page 3, Line 4; capitalize "Officer"

Page 5, Line 33; replace "Rothhaus" with "Koenig"

Page 10, Line 46; replace "Luke" with "Loop"

MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the minutes of the Town Council meeting of February 28, 2019, as amended. MOTION CARRIED 4-0-2 Councilors Thornton and Rothhaus Abstained

Comments from the Press - None

Comments from the Public - None

Comments from the Council - None

Adjourn

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

The March 14, 2019 special meeting of the Town Council was adjourned at 8:34 p.m.

Submitted by Dawn MacMillan