

Approved: March 27, 2014

Posted: March 31, 2014



## Town Council Meeting Minutes

Thursday, March 13, 2014, 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 Yakuboff, Councilor Boyd, Councilor Dwyer, Councilor Harrington, Councilor Koenig, Councilor Mahon, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

### Pledge of Allegiance

Chairman Rothhaus lead in the Pledge of Allegiance.

### Announcements

Regular meetings of the Town Council will be conducted on Thursday March 27, 2014 and April 17, 2014 at 7:00 p.m. in the Matthew Thornton Room. Voting day is Tuesday April 8, 2014 from 7:00 a.m. - 7:00 p.m. in the All-Purpose room at the James Masticola Upper Elementary School.

Town Manager Cabanel expressed gratitude to all residents who attended the Deliberative Session. She spoke of television broadcasts available for view on the Merrimack TV page of the website; including segments on the Highway Garage (Article 2 on the ballot for the April 8<sup>th</sup> Town election) and the default versus proposed budget. Tours of the Highway Garage, located at 80 Turkey Hill Road, will be held on Saturday, March 22<sup>nd</sup> from 10:00 a.m. - 4:00 p.m. All are encouraged to attend.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

### Town Manager's Report

All Asbestos has been removed from the Wasserman Park Dining Hall burner and the red house on Bishop Street. Demolition may begin as soon as next week. Once a definitive date is established the Council will be informed.

Consent Agenda - None

*There being no objection, the Council went out of the regular order of business to take up Item #1 under New Business.*

### **1. Committee Appointment**

*Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David G. Yakuboff, Sr.*

The Town Council to consider the recommendations to appoint the following individual to Town Council Meeting Minutes – March 13, 2014

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committees, pursuant to Charter Article 4-8:

**Dan Ricker – Agricultural Commission (Full Membership)**

Councilor Dwyer commented the Council is typically provided with a recommendation from the interview committee. Vice Chairman Yakuboff informed the Council when the appointment process was undertaken, there was difficulty getting all parties together for an interview. He referred to Section III, A, 2 of the Appointment Policy for Boards, Committees and Commissions (changes accepted and approved by the Council on October 10, 2013), which states in part: “At the discretion of the Appointment Committee, full members seeking re-appointment, or alternate members seeking re-appointment as an alternate or appointment as full members may not be required to interview.” He noted Mr. Ricker had been interviewed previously for another committee, and the feeling was it would be acceptable to simply bring the appointment forward.

Councilor Boyd remarked he would have appreciated receiving a copy of Mr. Ricker’s letter expressing interest in the position. Chairman Rothhaus informed the Council he had the opportunity to speak with Robert McCabe, Chairman, Agricultural Commission, who made him aware of his desire to ensure members appointed are of a particular caliber. Director Micali stated Mr. McCabe has informed him he has had the opportunity to speak with Mr. Ricker.

Vice Chairman Yakuboff remarked when Mr. Ricker was interviewed previously the opportunity was provided for a lengthy discussion. It was during discussion of his background that it became apparent his skillset was fitting for the Agricultural Commission.

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to appoint Dan Ricker as a full member of the Agricultural Commission, pursuant to Charter Article 4-8.**

**MOTION CARRIED 6-0-1 Councilor Koenig Abstained**

Old Business

**MOTION made by Councilor Mahon and seconded by Councilor Yakuboff to take from the table the item on the O’Gara Drive Tennis Courts. MOTION CARRIED 7-0-0**

**1. O’Gara Drive Tennis Courts [Tabled at the February 18, 2014 Town Council Meeting]**

*Submitted by Town Council Chairman Finlay Rothhaus*

The Town Council to discuss the condition of the O’Gara Drive tennis courts and the Town’s agreement.

Chairman Rothhaus informed the Council he had spoken with Christopher Ortega, Chairman, Merrimack School Board, prior to the Council’s last meeting during which he had informed Mr. Ortega his presence was not required. He had not believed it necessary as he had believed the Council would reach a decision as to whether or not and at what level to invest in the tennis courts.

Mr. Ortega informed the Council at the January 6<sup>th</sup> School Board meeting, the state of the tennis courts was discussed. At that time, the Board requested he make an inquiry of the Town Council relative to the plan for the ultimate repair or replacement of the tennis courts.

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Vice Chairman Yakuboff remarked the letter addressed to Chairman Rothhaus from Chairman Ortega makes mention of a review of the agreements conducted by the School District's legal counsel and an opinion generated providing a number of possibilities for amending or terminating the agreements. He commented it appears to him termination of the agreement is a major issue for discussion, and questioned whether Mr. Ortega agreed with that impression. Mr. Ortega stated he did not. He stated the Board requested its legal counsel look into what recourse the School Board has as it relates to existing contracts. As a result, options were offered. What the School Board is asking, at this point, is simply, what is the plan to bring the tennis courts into conformance with the contract. He added, if there is something else to be considered he and Mr. Powell could bring it back to the Board for consideration.

Vice Chairman Yakuboff remarked there are two parts to the issue; termination of the agreement and use of the property or, something he would not be in favor of, replacing the tennis courts. He noted the documented issue of instability of the site. He suggested, in order for the School Board to come to a determination of how to utilize the property, termination of the agreement by both parties would have to occur as well as the Town Manager identifying an alternate location for recreational activity.

Mr. Ortega stated his agreement with almost everything stated except for the sequence. He remarked the agreements in place are between the School District and the Town and the Town and the Federal Government, through the National Park Service. Vice Chairman Yakuboff stated the agreement between the Town and the Federal Government has nothing to do with the School District. Mr. Ortega stated either the Council needs to repair or replace the tennis courts, enter into some alternate agreement, or terminate the agreement. He stated the sequence to begin with a determination of what to do with the tennis courts.

Chairman Rothhaus noted the Council has been provided with proposals (few years old), which range in cost from \$29,000 to \$183,000. The proposals represent varying levels of repair to a total rebuild of the tennis courts. At the most expensive cost, total rebuild, the property would continue to be a problem in outlying years. He stated his opinion the discussion that needs to take place amongst the Council is what direction to take with regard to the current location and the tennis courts. Should the Council reach a decision to no longer utilize the property, a determination would be necessary from the School Board as to whether the desire would be to leave the pavement in place, for the site to be brought back to its natural condition, etc.

Councilor Dwyer stated a desire for the School Board to make their position known. He would like to see the discussion come to a conclusion and the future of the tennis courts be known. He stated his hope the School Board would recognize the reports provided, which identify the structural fault, and perhaps determine another use for the property and make a request of the Council to locate tennis courts in an alternate location. He reiterated he is not clear what outcome the School Board would like to achieve.

Mr. Ortega responded the point is that direction is not for the School Board to state; it was not their agreement to build the courts in that location. The Town built the tennis courts and entered into an agreement that said they would be maintained there or replacements would be provided. The question is simply what is the Council's plan for either improving or replacing those courts.

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Chairman Rothhaus stated the Town's agreement with the School District states the tennis courts will be located there, have to be in usable and safe condition, maintained, etc. Because of the unsafe condition, the courts are closed, which is what he believes is the concern of the School District. Mr. Ortega stated if the courts were usable the High School Tennis Team would take advantage of them as would physical education classes from the High School and Masticola schools. Chairman Rothhaus stated his belief if the Council comes to the decision the location is not suitable for the tennis courts, which is the opinion he is of, then he would imagine the School District would wish for the property to be made available for whatever use they deem appropriate, which is a decision for the School Board to make. He stated his desire for the Council to make such a determination.

**MOTION made by Councilor Yakuboff and seconded by Councilor Dwyer to remove the tennis courts on O'Gara Drive**

**ON THE QUESTION**

Councilor Boyd questioned whether the desire was to address the agreement as opposed to the removal of the tennis courts. Vice Chairman Yakuboff noted the agenda item addresses both the condition of the O'Gara Drive tennis courts and the Town's agreement.

Vice Chairman Yakuboff questioned the level of use the tennis courts received. Mr. Ortega was unsure. When asked, Mr. Ortega stated the Town has first right of use for the courts as they are Town courts. The involvement of the School district was in the granting of an easement for the land to allow the Town to construct the courts for Town use. Councilor Dwyer remarked, prior to their closure, there were no restrictive hours in place for use of the courts.

Vice Chairman Yakuboff stated the need for the Council as well as the School District to reach a decision, and stated his belief those involved can agree the tennis courts are in disarray, that it would not be advisable to expend \$200,000 on tennis courts that would not be guaranteed beyond three years, and that the courts, should they be rebuilt, would not gain the level of use necessary to justify the expenditure. Councilor Dwyer stated documentation has been provided stating the location of the courts is wrong, and spoke of his willingness to incur some expense to relocate the courts.

Councilor Mahon remarked the Council is not required to replace tennis courts with tennis courts. Councilor Dwyer stated that to be a separate subject. Councilor Mahon spoke of the level of use, and suggested, if contemplating expenditure of funds, he would rather it be for something that would generate a bigger bang for the buck. Councilor Dwyer stated, when having such a discussion, he would be interested in knowing the level of use, the number of individuals who travel to Wasserman Park to utilize those facilities, etc. in order to come to a decision on whether or not to rebuild the tennis courts, and if so, number of courts, etc.

Councilor Harrington noted the motion on the floor did not address the issue of responsibilities associated with the agreement reached with the Federal Government relative to acceptance of LCHIP grant funds. That issue remains to be addressed.

Councilor Boyd stated his support of the motion, and thanked the School District for the arrangement that has been in place over the past 30+ years. Councilor Koenig asked for clarification the intent of the motion was to determine if a majority of the Council were of the opinion the tennis courts are in a

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condition not worthy of repair and to reach a decision to terminate the agreement to keep tennis courts in good condition; therefore placing the Town in violation of its agreement with the Federal Government.

Councilor Yakuboff questioned whether reaching a decision to remove the tennis courts would allow the Town Manager to seek out alternative recreation use(s)/locations. Town Manager Cabanel stated there to be a formal procedure that has to be followed through the Division of Parks & Recreation within the State Department of Resources and Economic Development (DRED) which coordinates with the Federal Government. An element of the agreement has the effect of a perpetual recreation use commitment, which can only be changed by prior State and Federal approval such a “conversion” and that that approval must include adequate substitution of land and/or facilities.” A representative from the Division of Parks & Recreation has stated the requirement is not for recreational use of a similar dollar value or type, but simply the replacement of a recreational use with one of the same quality.

Councilor Harrington questioned whether it would be premature to tear down the tennis courts prior to gaining approval for a conversion. Town Manager Cabanel stated the motion on the floor would provide the response requested by the School Board. Councilor Dwyer expressed a concern that the response to a request for conversion could be denied resulting in the tennis courts remaining in a state of disrepair. Chairman Rothhaus remarked he is unsure what unintended consequences could result. When asked, Town Manager Cabanel stated DRED is the local representatives for the Federal Government. The Town would make a proposal and DRED would review it and pass it on to the Federal Government. Councilor Koenig commented the Town is technically in violation of its contract with the Federal Government at this time.

Mr. Ortega noted the easement agreement covers more than just the tennis courts, e.g., basketball courts, skate park, etc. In that regard, the School District would need to change the easement agreement. There is a process involved in that. The 1993 agreement (long-term extension) states “the provisions of this agreement can be revoked or amended only with the written concurrence of the State of New Hampshire Liaison Officer and the National Park Service which would require appropriate substitution of public recreation land and facility replacement from the Town of Merrimack in event of termination of this agreement.” He requested the Council provide clarification. Councilor Dwyer stated a desire for the Council to come to a decision so that the School District understands the position of the Council. The endless possibilities of alternatives can be discussed at a later date. He would like to see the site improved. Councilor Harrington stated her agreement the Town should not expend additional monies (based on the documentation provided) on the existing tennis courts. Councilor Dwyer reiterated his desire to provide clear direction with regard to the desire to remove the tennis courts, and look for the School District to provide direction as to how they would like the property to be left.

Chairman Rothhaus questioned whether there may be additional grant funding available, given the current agreement calls for recreation use in perpetuity. Town Manager Cabanel stated the Town received LCHIP grant funds on two occasions (courts constructed in 1973 and redone in 1986; 50% matching funds). She is unsure whether it would be prudent to seek additional grant funds given the requirement for matching funds. Councilor Mahon noted the grant funding was utilized to cover the cost of lights and the costs for renovating the courts was covered through the operating budget. Town Manager Cabanel stated the grant received in 1973 was for the tennis courts and skating rink and in 1988 for repair of the tennis courts and the lighting.

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Chairman Rothhaus stated, for the record, the three repair scenarios were at costs of \$27,000 - \$29,000 for refinish of the courts, \$78,000 for major repairs, e.g., new fencing (life expectancy of 3-7 seasons), and \$183,000+ for new courts (3 year warranty).

Councilor Harrington stated she would not support the motion and would offer a motion to address both the tennis courts and the easement agreement. Councilor Boyd stated he would not support the motion based on comments made by Councilor Harrington regarding the process. He remarked the Council has budgeted funds for electricity to Watson Park and has conceptually discussed moving the skating rink from its current location to Watson Park. If exploring conversion, the opportunity exists to consider how to maintain the easement relationship with the School District and put a plan in place so that when the determination is made as to what is viable at the school site there will be a better understanding of what to do with the tennis court.

**MOTION FAILED 3-4-0**

*Councilors Boyd, Harrington, Rothhaus, and Mahon voted in opposition.*

**MOTION made by Councilor Harrington and seconded by Councilor Dwyer that the Council determine no further monies will be expended on the repair of the tennis courts at O’Gara Drive, to authorize and instruct the Town Manager to immediately explore conversion, and that the Council revisit the topic in 6-8 months**

**ON THE QUESTION**

Councilor Harrington stated the motion would allow the opportunity for feedback from DRED relative to a request for conversion and would identify a timeline for the tearing down of the tennis courts. With a plan in place for the conversion, the Council could discuss an alternate site. Councilor Dwyer stated he would not support the motion as he does not agree with waiting on others and does not wish to see another season go by before taking action. When asked, Town Manager Cabanel stated her belief the process would take at least 6 months.

Councilor Mahon requested the Town Manager obtain information relative to the financial investment the Town would be required to make as part of the conversion, and noted the documentation speaks to fair market value. Town Manager Cabanel stated she has reviewed the documentation and believes it to require adequate substitution of land or facilities of the same quality, not necessarily value. The former Director of Parks & Recreation had contacted DRED several years back to provide notification the Town would not be able to repair the tennis courts due to budget concerns. At that time, the representative from DRED suggested the Town might put up volleyball courts in another location. This was simply a comment made by an employee of DRED, which does not necessarily indicate that would be an acceptable solution; however, it has led her to believe what would be sought would not necessarily be a particular dollar value. She stated the documentation states “Payment to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach of this agreement.” The appropriate remedy would be specific performance of the agreement. She stated her belief that is intended to suggest an equal quality recreational opportunity rather than a specific dollar value.

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Councilor Harrington stated she would not object to an amendment to the motion stating information sought relative to a conversion plan should include any financial requirements. Councilor Mahon stated he would like to have a written response to the questions posed. Town Manager Cabanel stated conversion requires that a suggestion be made and a subsequent decision provided as to whether the suggestion is adequate.

**AMENDED MOTION made by Councilor Harrington and seconded by Councilor Dwyer that the Council determine and inform the School District that no further monies will be expended on the repair of the tennis courts at O’Gara Drive, authorize and direct the Town Manager to seek immediate information regarding exploring conversion, including any monetary or specificity requirements, and that the Council revisit the topic in 6 month to determine the status.**

**MOTION CARRIED 4-3-0**

*Councilors Dwyer, Koenig, and Yakuboff voted in opposition*

The Council discussed amending the easement agreement to remove the portion upon which the tennis courts are located. Town Manager Cabanel stated, even if that portion is removed, the agreement in total expires in 2018. There is a need to discuss the future of the parcel as a whole. Councilor Dwyer remarked this is step 1. It is important to understand this is the beginning step to provide the School Board some insight into where the process will go. Many future discussions will be necessary.

Mr. Ortega stated his assumption that in approximately 6 months’ time there may be additional follow-up that takes place, which could include a request to amend the easement agreement.

Councilor Dwyer stated the site is very important as it is the gateway into the High School. He has, from the beginning, had the desire to make the site look the way it should. He remarked if he believed it would pass, he would propose a motion to remove the fence and the posts that hold the net, which would improve the appearance of the site. He suggested another season not be allowed to go by without taking some action. He questioned whether a consensus could be reached on the removal of the fence. Mr. Ortega reiterated the Town is responsible for the maintenance of the courts, fences, etc. He stated he would relay to the School Board the questions posed of what the School Board would like to occur. He added, the only thought that occurs to him about the fence is if the courts are in fact unsafe the fence is a way of keeping people off of an unsafe playing environment. Mr. Ortega thanked the Council, on behalf of the School Board, for the thoughtful consideration given to the topic.

## **New Business**

### **2. Donation Acceptance for Parks and Recreation**

*Submitted by Parks and Recreation Director Matt Casparius*

Town Council to consider the acceptance of a \$185.00 donation from the Sno-Buds Snowmobile Club to the Parks and Recreation Department to provide financial assistance for children in need to attend the Summer Day Camp Program, pursuant to Charter Article 8-15 and RSA 31:95-b.

**MOTION made by Councilor Boyd and seconded by Councilor Yakuboff to accept a donation in the amount of One Hundred Eighty Five Dollars (\$185.00) from the Sno-Buds Snowmobile Club to the Parks and Recreation Department to provide financial assistance for children in need to attend the Summer Day Camp Program, pursuant to Charter Article 8-15 and RSA 31:95-b**

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## ON THE QUESTION

Councilor Boyd thanked the Sno-Buds Snowmobile Club for the donation and offering assistance for children in need to attend day camp. Vice Chairman Yakuboff stated the Merrimack Sno-Buds have donated, to date, \$12,870 to heating assistance, \$1,400 to send kids to Camp Wasserman, and \$5,470 for the Easter Seals program as a joint effort with other clubs throughout the State. The Sno-Buds has raised \$311,422 and has the distinction of being the top club in the state fifteen times.

Robert Scarchilli, President, Sno-Buds

Stated the club enjoys giving to charitable causes, and is very happy to be making this year's donation. The club is proud of its past donations and is hopeful it will be able to continue to do so for years to come. The heating assistance fund began a few years ago as a way of doing something additional for the Town. Donations to the Easter Seals have been approximately 10% of what has been collected since the New Hampshire Snowmobile Association has partnered with Easter Seals back in 1976 with a total of nearly \$3 million collected.

**MOTION CARRIED 7-0-0**

### **3. Consideration of the Adoption of NH RSA 162-K - Municipal Economic Development and Revitalization Districts (TIF - Tax Increment Financing) and the Introduction of Chapter 140 of the Merrimack Town Code [First Reading]**

*Submitted by Town Councilor William W. Boyd, III*

The Town Council to consider the adoption of RSA 162-K Municipal Economic Development and Revitalization Districts and conduct the first reading of Chapter 140, Municipal Economic Development and Revitalization Districts of the Merrimack Town Code, pursuant to Charter Article V.

Councilor Boyd stated this to be the by-product of a great deal of hard work performed by the Economic Development Citizen Advisory Committee (EDCAC), which culminated in a presentation made to the Council at its November 21, 2013 meeting.

Before the Council was the legislative language proposed to be codified in the Ordinances (enabling legislation). Councilor Boyd stated TIF to be a tool the community can use to finance public improvements in the Town of Merrimack. If interest is expressed in utilizing a TIF District for certain public improvements as a way of stimulating economic development in the community, the opportunity would be available. The legislation would create a district that would allow the Town to use enhanced revenues coming out of the district to focus on certain improvements in that particular area, e.g., traffic signals, public water, road upgrades, etc.

Councilor Mahon stated his belief the initial recommendation was that the Council not be concerned with adopting anything until a proposal is brought forward for consideration, and that the process could run in parallel. Councilor Boyd stated that to be accurate. He remarked he was looking to be proactive as a way to have something in place to market the community. Councilor Mahon questioned whether it is recognized that there are two other entities to be consulted on the issue; if a proposal to utilize the tool were brought forward there would be the need to gain agreement with the School Board and County to defer tax payments to them based on a particular project. Councilor Boyd acknowledged that would be necessary.

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Chairman Rothhaus stated his understanding the language proposed is copied from State RSA. Councilor Boyd replied he is of the same understanding. Chairman Rothhaus remarked if in agreement with the concept of TIF districts, it is not harmful to put the enabling legislation in place understanding the other aspects would have to come into play. Councilor Mahon commented the suggestion was made that the Council would be able to utilize the option of establishing a TIF district as leverage during negotiations with potential businesses.

Chairman Rothhaus commented if in place potential businesses would be aware they could take advantage of it. Vice Chairman Yakuboff questioned where the monies are generated from for the TIF District. It was explained the increased tax revenue or tax increment (difference between the assessed value prior to and after development) is utilized to finance the debt that is issued to pay for the project, e.g., cost of infrastructure improvements such as sewer, etc. As a result the project is theoretically paying for itself out of the advance monies from the gain in valuation on the property. TIF was designed to channel funding toward improvements in distressed, underdeveloped, or underutilized parts of a jurisdiction where development might otherwise not occur. The intent is to expand the local economy, which is the impetus behind adopting such legislation.

Town Manager Cabanel touched on the comment made by Councilor Mahon relative to negotiations, and agreed having the ability to utilize the possibility of a TIF district in negotiations with potential developers, etc. could prove useful. Chairman Rothhaus remarked that scenario would only play out for the initial project. Once the initial project comes in and the legislation is adopted and the district established, that negotiation leverage no longer exists. It is for that reason he does not see a down side to adopting the legislation at this time.

Vice Chairman Yakuboff questioned the number of properties that would be considered for such a district, and was told that is unknown at this time. It was noted older properties could be included and that a TIF District is part of revitalization. Councilor Dwyer remarked Merrimack is a fairly affluent community. It has seen the outlet mall, Nanocomp, and the Atrium come to Town, expansion at Nashua Corp, etc. without the opportunity for a TIF District. There are plenty of players that want to come to Merrimack for all of the reasons that Merrimack is a strong community. He does not believe a TIF District fits the community. He suggested if a developer comes forward requesting such an incentive a TIF District could be looked at.

Chairman Rothhaus reiterated such a program is only utilized in distressed areas such as the Milligan Parkway where, for most businesses, cost associated with water, etc. is prohibitive. He remarked it would be property tax dollars that are paid by the company that would go to improvements in that area that would not have otherwise happened.

Town Manager Cabanel commented in order to do a waterline for example to Robert Milligan Drive, a bond would need to be proposed at the Deliberative Session and the voters would have to approve it. Councilor Dwyer stated his belief such a request would not be successful. Chairman Rothhaus reiterated the incentive is to revitalize depressed areas. Councilor Dwyer stated he does not view Merrimack as having truly depressed areas.

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Councilor Boyd stated the point behind the EDCAC presentation and the discussion was to gain feedback from the Council. He stated agreement with comments made by Councilors Mahon and Dwyer.

Councilor Harrington stated there to be advantages to perspective buyers, builders, etc., and questioned whether there would be disadvantages for the Town aside from the issuance of bonds, which she does not believe would pass. Town Manager Cabanel commented a business may have been willing to come to Town regardless and going through the process could be a lengthy and difficult undertaking. Councilor Mahon remarked communities that have had problems were as a result of projects developed in a manner not anticipated and not producing revenue sufficient to cover the debt service. Town Manager Cabanel remarked one of the things you do to ensure the project has sufficient incremental value to cover the cost of debt is to have the company sign a development agreement, which makes them responsible for any shortfall.

#### **4. Forestry Project at Wasserman Park**

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

Seeking Town Council approval for selective cutting at Wasserman Park.

#### **MOTION made by Councilor Yakuboff and seconded by Councilor Boyd to approve the selective cutting at Wasserman Park**

##### **ON THE QUESTION**

Vice Chairman Yakuboff remarked the Council has discussed this in the past. The selective cut would include approximately 12 of the 46 acres. The high bidder will pay the Town \$14,237 to do the selective cutting.

Chairman Rothhaus commented on his panicked reaction when he witnessed the selective cutting that was done at Grater Woods. Although he understands when the regrowth occurs the area will be improved, he is concerned with the reaction of people to 12 acres of selective cutting. Town Manager Cabanel noted the work would be performed by a professional Forester. The project includes both selective cutting of trees on that particular parcel as well as clearing the land for the dog park.

Director Micali stated the number of trees to be cut is approximately 237. He noted there has been a good deal of blow down with ice storms and a good many dead trees on the parcel. The trees are all marked. The project includes some of the large pine trees in the center of the parking lot. There will also be some cutting around the structures in the area to back trees away from houses so that sun can reach roofs and hopefully stop moss from growing.

Councilor Dwyer stated the project to be necessary forest management of the park, and will result in enhancement in future years. Director Micali noted the property has been logged previously. The Town's Forester logged the property when it was owned by the Wassermans. The Forester has stated it to be time to log the property again. The selective cutting will only occur on 12 acres of the 46 owned by the Town, and does not include conservation land.

#### **MOTION CARRIED 7-0-0**

#### **5. 2013-14 Goal Review**

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*Submitted by Town Manager Eileen Cabanel*

The Town Council to review goals for the 2013-14 fiscal year.

Town Manager Cabanel spoke of the yearly retreat conducted by the Council for the purpose of discussing/identifying goals and the efforts to provide periodic progress updates. The retreat facilitator has suggested some of the goals are not as specific as they should be, are discussions rather than directives, and the number is great (recommend 5-6).

#### Public Works Garage

Bonding for the project has been placed on the Warrant.

#### South Fire Station

Funding to conduct a space needs study included in the FY15 budget.

#### Wasserman Park

Decisions need to be made for the future of the buildings, etc. It is anticipated the new Parks & Recreation Director will provide input.

#### Town Hall Complex

The Red House is being readied for demolition. With regard to the ambulance garage, discussions took place around whether this property should be torn down as well or fixed up (doors, windows, roof need to be replaced). As a firm decision was not reached, no action has been taken.

#### Roads and Bridges

A great deal of discussion has taken place around adjusting/amending the schedule for bridge projects due to anticipated costs being much higher than originally anticipated by the State. Some of the projects will utilize Federal as opposed to State funding. McGaw Bridge is in the FY15 budget, Baboosic Brook/Route 3 Bridge has been moved to Federal Bridge Aid and scheduled for 2017, the Bean Road Culvert has been submitted for the Red List, Chamberlain Bridge Sidewalk is scheduled for inclusion in the FY16 budget, and Bedford Road by Reeds Ferry has been moved to Federal Bridge Aid and scheduled for 2018. With regard to the closing of Church Street to traffic, a report has been provided by the Town Center Committee, and no action has been taken.

The Council had discussed intersections, particularly Wire Road and Turkey Hill Road, to determine the feasibility of roundabouts. It has been determined by the engineer hired to review the Wire Road Intersection that a roundabout is not feasible.

#### Infrastructure

Sewer Expansion - sewer extension needs study was conducted. The list was quite extensive and expensive. The FY15 budget includes one expansion, which was identified as the number one priority; Sunset Shores (near Lake Naticook). That single project will deplete capital reserve funds for sewer expansion.

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### Communication

Resident Survey - No action has been taken.

Website - proposal and funding for Virtual Town hall have been included in the FY15 budget. The Technology Committee has reviewed and is pleased with the software.

### Economic Development

Merrimack Hotel - two developers have reviewed the site; one of which has expressed interest.

Old Shaw's Plaza - numerous grocery chains have been contacted to gauge interest, but developers are not showing any interest in the property. The real estate agent has commented everyone he has spoken to about the property (not grocery chains) expressed concerns with traffic counts (16,000 - 18,000 cars/day). The break-even point for big business is typically in the area of 20,000 cars/day.

Pad Site for Potential Hotel in Vicinity of Mall - the sewer fee is onerous for a hotel. The Council discussed tiers of costs rather than a per gallon basis, etc. Proposal will be brought forward in near future.

Web Site Listing - group agreed to create a list of vacant commercial and industrial property, including a brief description of the property, and put it on the Town's web site to encourage "one-stop-shopping" for potential developers. A Request for Qualifications (RFQ) is out and due in late March.

### Financial Strength/Accountability

Building Unreserved Fund Balance – goal was to increase the balance by \$500,000. The balance was increased by \$561,557.

### Quality of Life Issues

Wright Property - currently in the courts. Possibility for future recreation area and elderly housing.

Milfoil - The Town and townspeople have made real progress particularly at Naticook Lake. Inspections of boats are taking place, the State has performed hand harvesting, etc. Although an ongoing situation, great advances are made through awareness and personal responsibility. It was noted some funds have been received from residents around Horseshoe Pond and Naticook Lake to be used towards Milfoil management. Chairman Rothhaus stated immense appreciation for that level of support from the community.

Farmers Market - discussion included the possibility of identifying a new location to increase traffic and visibility. It has proven difficult to gain enough volunteers to assist the market, e.g., setup, tear-down, etc. The Town has provided Public Works Department personnel to provide some assistance, e.g., mark off some of the parking areas with cones, etc. The Agricultural Commission is looking for ways to expand the market.

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Town Center Trail - it was agreed there is the need for a financial analysis and overall strategic plan from the Town Center Committee; pending.

Grater Woods Stewardship Plan; completed.

### **Minutes**

Approve the minutes from the following Town Council meetings: February 13, 2014, February 18, 2014, and February 27, 2014.

**MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the minutes of the Town Council meeting of February 13, 2014 as recessed and reconvened on February 18, 2014 with the following amendments:**

*The correct spelling of the name of the gentleman from The Garland Company is Scott Livernois.*

*The result of the vote on the motion to recommend Article 5 should be stated as “Motion Failed 1-5-0”.*

**MOTION CARRIED 4-0-3**

*Councilors Koenig, Mahon, and Rothhaus Abstained*

**MOTION made by Councilor Yakuboff and seconded by Councilor Boyd to approve the minutes of the February 27, 2014 Town Council Meeting as presented. MOTION CARRIED 5-0-2**

*Councilors Dwyer and Koenig Abstained*

**Comments from the Press** - None

**Comments from the Public** - None

**Comments from the Council**

Vice Chairman Yakuboff wished his wife a Happy 35<sup>th</sup> Wedding Anniversary.

Councilor Boyd commended the Merrimack Tomahawk Boys Hockey Team for a great season. He encouraged residents to attend the UNH Division I State Boys Basketball finals, and wished the team luck.

Councilor Boyd recognized Ally Zirkle, the runner up in the Iditarod Sled Dog race for the third straight year. Ally was born in Nashua and lived in Merrimack until the age of 8. She represents the best of what mushing is all about. The race required her to navigate a 50 mph wind storm between the Bering Strait and a lagoon to get to one particular check point. He congratulated her and commended her for a great effort.

Councilor Koenig spoke of an e-mail received by the Council from Tim Roache of the Nashua Regional Planning Commission informing the Council the State is again looking into what to do regarding the toll booth. Current discussions are around moving it further south to catch traffic going to the airport and far enough away so that it doesn't interfere with the FTA thinking that they are

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tolling the exit. It supposedly involves removing booths at exits 11 and 12, but has to go through 3-4 different legislative bodies. A meeting is scheduled for March 18<sup>th</sup>.

Chairman Rothhaus informed the Council Mr. Roache contacted him earlier in the day to ensure the Council was aware of the meeting should members wish to testify. He stated the current legislation is to eliminate the tolls at exits 11 and 12, move the Bedford toll further south to capture the airport access road, and in order to remove the two exit tolls they would want Merrimack to take over Continental Boulevard.

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

*The March 13, 2014 meeting of the Town Council was adjourned at 9:01 p.m.*

Submitted by Dawn MacMillan