

Approved: April 26, 2018

Posted: April 27, 2018



Town Council Meeting Minutes

Thursday April 12, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

April 13th is the final day for candidates for Town offices to apply to the Town Clerk for a recount of the election results. Regular meetings of the Town Council will be conducted on Thursday, April 26th, May 10th, and May 24th at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation and Public Works Departments are organizing a Community Clean Up Day of Merrimack's parks, open spaces and Adopt-A-Road locations to celebrate Earth Day on Sunday, April 22nd from 10:00 a.m. - Noon. Show your love for Merrimack by signing up to be part of our Park Clean Up celebration and help us make Merrimack beautiful for the start of spring. Interested individuals can sign up by calling the Parks & Recreation Department at 882-1046 or registering online at www.merrimackparksandrec.org. We currently have 16 groups equaling more than 100 people signed up to clean a variety of locations in Town.

The Skateboard Park is now open for the season. Please note that the park is closed between dusk and dawn and/or at the discretion of the Parks & Recreation Department.

2018 dog licenses are now available at the Town Clerk's office. Dog licenses are due by April 30th.

PFOA Update

As part of the settlement between Saint-Gobain and NHDES to bring public water to properties affected by PFCs, Saint-Gobain has contracted with New York and New Hampshire engineering firms to plan for the project. Town and MVD staff met with the engineers this week to discuss project requirements and the permitting process. Over the next month, the engineering firms will develop plans for review by the Town. A contractor has already been selected for the work that will occur for the properties on the north end of D.W. Highway and expect to bid the work for the remainder of the Merrimack parcels by the end of May. All work is expected to be completed this summer.

Councilor Boyd reminded the viewing audience the New Hampshire Drinking Water and Groundwater Advisory Commission will conduct a Public Hearing on Wednesday, April 18th at 8:30 a.m. on Hazen Drive in Concord. The Public Hearing is intended for discussion on the criteria as it relates to municipalities to make application for grants and loans from the MBTE Trust Fund.

Highway Garage Project Update

Councilor Flood stated the Committee met the previous day with Turnbridge Associates. A good deal of the time was spent discussing aesthetics of the garage building. This is an inflationary period in the building trades resulting in the need to continually review areas where reductions/cost savings could be achieved. The color was chosen; shade of grey with white trim. The group also discussed the areas that will be paved for parking and those that will remain gravel as well as the location of the entrance.

Assistant Town Manager/Finance Director Micali stated the Committee's intent to appear before the Council at its April 26th meeting with a rendering and the finalized plans. A Groundbreaking ceremony is being considered in the May 5th timeframe (at the garage).

Comments from the Press and Public

Wendy Thomas, 10 Wildcat Falls

Stated she has made a formal request to DES and DHHS for a copy of the complete data file that was used for the cancer incidents report in Merrimack. The data that was used was up to and including 2014. She also requested years 2015-present. It is her intent to have the data reviewed.

She commented the agreement between Saint-Gobain and DES is a start but does not help residents whose water is contaminated and wells testing above 35ppt. She is uncertain if the entire Town will be looked at or if those who reside outside the area discussed are out of luck. She reminded the Council her well tested at 45ppt, and, to her knowledge, there is currently no monitoring of her well and no way to fix it.

Recognitions, Resignations and Retirements

1. Recognition of Town Committee Member

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
The Town Council to present a certificate to the following individual for his volunteer service to the Town of Merrimack:

- Paul F. McLaughlin, Jr. - Planning Board

The Town Council recognized Paul F. McLaughlin Jr., for his service on the Planning Board. Chairman Harrington read aloud the inscription on the plaque that will be presented to Mr. McLaughlin in appreciation of his service to the community-at-large.

Councilor Koenig expressed his gratitude to Mr. McLaughlin for his service to the community and being an asset to the Board.

Appointments

1. Annual Review with the Parks and Recreation Committee

Submitted by Parks and Recreation Chair Laura Jaynes

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Parks and Recreation Committee. This agenda item is to highlight the committee's

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significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Laura Jaynes, Chairman, Parks and Recreation Committee, noted two new members have been added to the Committee over the course of the past year. There remain a few open alternate positions. The Committee meets monthly and holds its meetings in the Matthew Thornton Room.

The Committee serves as an advisory board and has the duty of examining issues brought before it. A good deal of time is spent on the rules, regulations, and Ordinances, which change as the needs of the different Town parks change. A lot has been done in the way of reviewing and recommending changes for the rules of renting park facilities.

While the staff at the Parks and Recreation Department perform many functions independently, they also keep the Committee informed of activities. Along with the staff, the Committee partners with other organizations in the running of community events. She spoke of the level of involvement of the Boys and Girls Scouts and their many projects in the parks.

What the Committee has noted following the last few large events, is the number of new young families in Town. The level of publicity of upcoming events has gone a long way towards informing the citizenry and increasing the level of participation.

There are two sub-committees associated with the parks. The Friends of the Dog Park have been successful in finishing major construction at the Dog Park. The grand opening was held in the spring of last year. There is a plan in process with a Girl Scout troop to construct a shed at the Dog Park. Attendance at the Dog Park continues to increase. The committee has offered workshops, e.g. socializing dogs, first aid. The other sub-committee is continually reviewing needs regarding athletic fields. There is the need for creative thinking in that regard. With the deadline for change at O'Gara coming up, all concerned are working hard to provide input as to what to do with the ice rink, skateboard park, and the tennis and basketball courts. Currently, there is not yet a sub-committee for the users of the skateboard park.

Councilor Boyd questioned if there are plans to replace the aging mulch at the Dog Park. Christine Lavoie, Co-Chairman, Parks and Recreation Committee, commented on the funds raised for the Dog Park and the inability to properly put the footing in that was sought. In the build process the park was put further up towards the parking lot (instead of about 15' back). That is causing a slope in the Dog Park. As play gets active the mulch goes down. There is the need to fundraise to replace the mulch. There is approx. \$2,000 available, and the committee is looking to do more mulching this year. Approx. 40 yards was done last year, which covered the top quarter on both sides (3" deep). It is playground mulch, which is smaller, softer, and sifted to remove any debris.

Councilor Boyd commented if the Committee wanted to have preliminary discussions for sites for the skateboard park he would be open to that. If the decision is made that the park must be moved, he would like to have the conversation started. Ms. Jaynes stated her belief Matt Casparius, Director, Parks and Recreation Department, is planning to contact the few people that did come with the young people utilizing the park.

Councilor Thornton questioned how the programs provided at/through the Dog Park are advertised and suggested posting events on the Town's website.

Ms. Jaynes noted the park now has a dumpster onsite.

Councilor Albert spoke of his belief the Parks and Recreation Department will continue to focus on work on the waterfront noting the need for additional research.

Public Hearing

1. Public Hearing – Abbie Griffin Memorial Fund

Submitted by Fire Chief Michael Currier and Police Chief Denise Roy

Town Council will hold a public hearing to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of but not to exceed \$15,000 for the purchase of physical fitness equipment for the Fire Department and for two (2) portable lightweight electronic speed signs for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Michael Currier, Chief, Merrimack Fire Department, commented the Abbie Griffin Memorial Fund (Fund) allows for the expending of the interest earned annually on items that are not within the department's budget. Staff provided a list of items, which was reviewed. This year the department is looking at physical fitness equipment for the gym. The department has reviewed its Workers' Compensation claims over the years. Given the situations personnel encounter, physical fitness needs to play a better role. The current equipment is outdated, and there is very little at Station 2. The request would allow for changing out some of the outdated equipment at Station 1 and providing equipment for Station 2.

The gym equipment needs to be of a professional grade. There is a desire to have the training be like the type of physical activity required in emergency response, e.g., will have gear on while working out. Chief Currier spoke of the physical demands placed on personnel.

Richard Pierson, Assistant Chief, Merrimack Fire Department, identified the different types of equipment proposed for purchase (list included with [agenda](#) packet). He noted all the equipment proposed is intended to allow for training with a high specificity for fire and fire related incidents including EMS and allows the trainees to engage in a training philosophy they call progressive overload, which is continual increase and demand on the muscular skeletal system to continually make gains in strength and endurance.

The equipment proposed allows personnel to engage in physical training like the requirements set forth by the New Hampshire Candidates Physical Ability Test (CPAT), which all professional firefighters getting into the field need to take.

By adding the equipment, the department will be able to increase responsibilities, safety of emergency responders, and perhaps even reduce Workers' Compensation insurance costs. In conjunction with this equipment purchase, the department is researching opportunities to develop a fitness program tailored to the job functions. Total cost of equipment is \$7,702.85. The Abbie Griffin Trust Fund resources in the amount of \$7,727.00 would allow the department to fully fund the purchase.

Councilor Boyd questioned if there is anyone on staff that has a background involving progressive overload or personal fitness. Assistant Chief Pierson responded there are some on staff that have a

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background in physical fitness, and they are looking to others outside the department for assistance. Councilor Boyd questioned if there is an expected cost for that. Chief Currier remarked, with the current program, there is no additional cost.

Councilor Boyd spoke of a recent article that appeared in the Boston Herald on a study done on firefighters in Massachusetts, which indicated firefighters are twice as likely to commit suicide because of PTSD from activities that occur in the line of duty. Physical fitness has been shown to have a positive impact on individuals with mental health issues. He stated his support for the proposal. Chief Currier commented the department is working with the State and local hospitals to evaluate and review the team to ensure the department can get ahead of those issues if they do occur.

Councilor Albert questioned if the department is looking to have a member of its personnel qualified as a PT Instructor to keep this type of program going. Chief Currier responded the department has a written program to get everyone started. Once that is evaluated for the first year, they will determine next steps. To say he wants to have someone certified on staff; he is not moving towards that at this point in time. Councilor Albert stated his support of the purchase.

Vice Chairman Rothhaus questioned what would occur with the old equipment. Chief Currier stated Firefighter Dodge, who put the program together and is heavy into fitness, was allowed to review the equipment to identify what is good, bad, and needed in each station so that everyone has the same or very close to the same ability for physical fitness in both stations.

Chairman Harrington declared the Public Hearing open at 7:48 p.m.

No public comment was offered.

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

Denise Roy, Chief, Merrimack Police Department, stated earlier in the day Officer Sean Gannon of the Yarmouth, MA Police Department was shot and killed. His K-9 partner, was also shot. The thoughts and prayers of the Merrimack Police Department go out to the members of the Yarmouth Police Department and Sgt. Gannon's family. She remarked it is 6 years today since Officer Maloney was shot and killed in Greenland, NH.

Chief Roy stated this year Lieutenant Killkelley did a good deal of work on something the department feels is necessary in Town. The department's traffic speed control sign is over 20 years old, and no longer in working order. When it did work it was intermittently, needed to be charged every day, and required an officer to hook it up to a car to bring it to and retrieve it from locations.

Speed limit signs and speed detection signs are important to have throughout Town. There are a lot of motorists that tend to exceed the posted speed limits. The department is contacted daily concerning issues of speed. There is currently a system whereby a detection device is put out that can track speeds of vehicles. That is solely for the department's purpose of gathering data.

The Department is seeking approval to purchase two portable/light weight electronic signs that require only one officer to install. The signs weigh less than 25 pounds and can be placed in the back of a cruiser to be transported and installed in areas that need monitoring. The units can be left in areas for a

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period of up to two weeks to alert motorists and gather data. They can be attached to a speed limit sign, telephone phone, etc.

The two signs (\$3,124 and \$4,224) detailed in the information provided with the agenda packet are similar with respect to their capabilities, etc., informing motorists of their speed, data collectors. A difference is in the size of the digits that are displayed (12" and 15"), and in that the more expensive of the two allows for words to be displayed, etc. Total cost is \$7,348.

Chief Roy commented the data that is collected is also used when addressing trouble areas in terms of speeding complaints. When asked about the specific data that would be collected, Lt. KillKelley stated the data collector will be like the current system, e.g., provides date, time, and speed. That information can be downloaded daily off a Bluetooth while sitting in a cruiser.

Councilor Albert commented on the use of these systems in identifying trouble areas for patrols to explore.

Councilor Boyd noted the specifications include the brackets for solar; however, he did not see solar included in the proposal. He questioned if the batteries would need to be recharged at the station and was informed that would be the case. Lt. KillKelley commented solar was looked at, but it would need to be permanently mounted in a location because of the time involved in setting it up. There is also an additional \$300-\$400 cost per unit.

Councilor Koenig commented mention was made that the signs could be programmed not to flash until a motorist has exceeded a particular speed and questioned if that would be the case. Lt. KillKelley stated that would be dependent upon the location the sign is placed in, e.g., if in a neighborhood would likely trigger sooner. When asked, he stated the life expectancy to be 20⁺ years.

Chairman Harrington declared the Public Hearing open at 8:01 p.m.

No public comment was offered.

Chairman Harrington declared the Public Hearing closed at 8:02 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Albert to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of but not to exceed Fifteen Thousand Dollars (\$15,000) for the purchase of physical fitness equipment for the Fire Department and for two (2) portable lightweight electronic speed signs for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign documents necessary to accept and expend.

ON THE QUESTION

Councilor Koenig noted the amounts addressed in the individual requests total an amount greater than \$15,000. Assistant Town Manager/Finance Director Micali responded the total amount available for expenditure from the Fund is \$15,000. The Fire Department has other grants to make up the difference needed or could expend from the equipment line item within the department's budget.

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MOTION CARRIED 7-0-0

Legislative Updates from State Representative - None

Town Manager's Report

Town Manager Cabanel noted the recent hearings on the MS4 permit in the Legislature are not going very well. A hearing was conducted last week, which was attended by Dawn Tuomala, Deputy Director/Town Engineer. Deputy Director Tuomala has indicated she was disappointed with the outcome and lack of knowledge of the committee chair and others on the committee who seemed not to understand the significance of this to the communities around the State.

Town Manager Cabanel has requested Majority Leader, Dick Hinch, attend a meeting with her, Kyle Fox, Director, Public Works Department (PWD) and Deputy Director Tuomala on Wednesday, April 18th to discuss the issue. The hope is that Majority Leader Hinch, with his influence, will make others understand the magnitude of this issue.

The Wastewater Division will also be involved with the MS4 permit, e.g., associated costs. When meeting with Anheuser Busch this past week, there was discussion of Phosphorous and how, as it flows down the Merrimack River, each community will be responsible for the Phosphorous that flows through its community as opposed to the responsibility falling upon the community in which it is coming from.

The Library will be hosting an after-hours event called "The Human Library" on Saturday, April 14th from 1:15 - 5:00 p.m. Attendees are invited to sign up for a 15-minute time slot to have a discussion with one of our "human books" people who are volunteering to talk about one aspect of their lives, be it a challenge, unique ability or life choice. More information about the event and a full list of the 13 book titles is available on the event page on the Library's website.

The Transfer Station will be closed on Wednesday, May 23rd for employee training.

The obsolete tennis courts on O'Gara Drive will be permanently removed during the week of April 23rd, which is School vacation week.

Councilor Boyd questioned if the closing of the Transfer Station would be posted at the location and was informed that could be done.

Consent Agenda - None

Old Business - None

New Business

1. Committee Appointments

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus The Town Council to consider appointing the following individual to a Town Committee, pursuant to Charter Article 4-8:

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- Tracy McGraw - Parks and Recreation Committee (Full member)

Chairman Harrington spoke of having had the pleasure of sitting on the Appointment Committee. Ms. McGraw has expressed a desire to serve in this capacity and is highly recommended by the Chair of the Committee.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to approve the appointment of Tracy McGraw as a full member of the Parks and Recreation Committee.

MOTION CARRIED 7-0-0

Oath of Office administered by Chairman Harrington.

2. Town Manager Annual Evaluation

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
Town Council to discuss revision of contract to reflect changes as a result of recent evaluation.

Chairman Harrington stated the yearly evaluation for the Town Manager has been satisfactorily completed and has a satisfactory outcome.

Councilor Flood read the following into the record:

“With reluctance, I am submitting my resignation from the Town Council effective April 19, 2018 because of family responsibilities. It has been an honor to serve as a Councilor in the Town that has been my home of choice through my whole adulthood. I’ve found many interesting issues; some serious, others complex, all of them worthy of consideration and all treated with attention by my fellow Councilors.

I will miss the variety of discussion by the Council and the staff who devote diligence, seriousness, skill, and knowledge to help prepare for the best outcomes for the Town of Merrimack.”

She thanked her fellow Councilors for their friendship and concern.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept, with regret, the resignation of Councilor Jackie Flood and declare a vacancy on the Town Council effective April 19th. MOTION CARRIED 6-0-1

Councilor Flood Abstained

Chairman Harrington commented Councilor Flood spoke with her a short time before the elections and discussed the possibility of her resigning from the Council. The Secretary of State’s Office was contacted and asked if such an opening could be placed on the Ballot. The response was it could not.

Chairman Harrington presented Councilor Flood with a plaque in recognition of her five years of service to the Town of Merrimack as a member of the Town Council. Gratitude was expressed for the dedication and donation of countless hours she gave to the citizenry making Merrimack a better place to live and work.

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Councilor Thornton commented although he has not had much time with Councilor Flood on the Council, he did serve with her on the Parks and Recreation Committee, and she has known him since he was in Kindergarten. She brings a smile to everyone and will truly be missed.

Councilor Koenig thanked Councilor Flood for the effort she put in to work with the Council, her integrity, honesty, sometimes settling down of hot tempers, and every once in a while, her own temper. He remarked we are all trying to do the best we can for Merrimack, and she has shown that she cares a great deal for this Town. The Council has benefited from her input, knowledge, expertise, and concern.

Vice Chairman Rothhaus commented he met Councilor Flood for the first time in 1989. It was in his first home; she walked up his 325' long driveway to ask for his vote in a special election for State Representative. She won a race he wouldn't have imagined she would win, and he is certain it was all that hard work on her campaign. That effort has continued over all these years in all her endeavors. He will miss her and appreciates all she has done.

Councilor Flood commented it has been a pleasure to serve with him on the Town Center Committee and the Highway Garage.

Chairman Harrington noted she has asked Councilor Flood, and she has agreed, to continue to serve on the Highway Garage Committee, as a citizen representative.

Councilor Albert stated his appreciation for the leadership and example Councilor Flood has set. She brings a balance to the Council; a calmness at times. He stated his appreciation.

Councilor Boyd echoed the comments of his colleagues. He commented some of the remarks made stand out for him. Her integrity is impeccable and flawless. A word that comes to mind is grace; she brings grace to the proceedings, which adds levity. Those are two important takeaways that he will do his best to carry with him as he moves forward as a Councilor.

Chairman Harrington commented Councilor Flood has been involved with the Town in varying capacities for many years, and she believes she will continue to be.

Chairman Harrington informed the viewing audience of the procedure that will be utilized to fill the vacancy on the Council. The vacancy is required to be filled within 21 days.

Any citizen interested in serving in this capacity should make that interest known, in writing, to the Town Manager by 4:30 p.m. on Friday, April 27th.

Interviews will occur on May 2nd and 3rd depending on the number of applicants.

Councilor Albert questioned if candidates could be asked to include a resume with the letter of interest. The Council agreed that should be included.

The appointment will be made at the Town Council meeting of May 10th. All applicants will be invited to that meeting. Each applicant will be afforded a few moments to introduce him/her self to the public. The Council will take a vote. The individual's term would be one year; until the next election.

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Minutes

March 14, 2018

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept the meeting minutes of the Town Council meeting of March 14, 2018, as presented. **MOTION CARRIED** 7-0-0

March 15, 2018

The following amendments were offered:

Page 5, Line 25; replace the “.” With a “?” following “go”

In each instance it appears; replace “Schoen” with “von Schoen”

MOTION made by Councilor Boyd and seconded by Councilor Thornton to accept the meeting minutes of the Town Council meeting of March 15, 2018, as amended. **MOTION CARRIED** 6-0-1

Councilor Flood Abstained

March 22, 2018

MOTION made by Councilor Thornton and seconded by Councilor Albert to accept the meeting minutes of the Town Council meeting of March 22, 2018, as presented. **MOTION CARRIED** 5-0-2

Councilors Boyd and Rothhaus Abstained

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilors thanked all who supported them on Election Day.

Adjourn

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

The April 12, 2018 special meeting of the Town Council was adjourned at 8:31 p.m.

Submitted by Dawn MacMillan