

Approved: June 8, 2017

Posted: June 9, 2017



Town Council Meeting Minutes

Thursday May 11, 2017, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Vice Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

Town offices will be closed on Monday, May 29th in observance of the Memorial Day holiday.

The Town Council will conduct its Annual Retreat/Work Session on Thursday, May 25, 2017 from 9:00 a.m. - 4:00 p.m. at the Carriage Shed at Buckley's Great Steaks, located at 438 D.W. Highway. The retreat is open to the public.

Regular meetings of the Town Council will be conducted on Thursday, June 8, 2017 and June 22, 2017 at 7:00 p.m. in the Matthew Thornton Room.

Merrimack Police Department's Open house is scheduled for Saturday, May 13th from 10:00 a.m. - 2:00 p.m. Plenty of displays to see; events for the kids; take a tour of the department; and meet all of the officers.

The Town of Merrimack, Parks & Recreation Department and the Friends of the Merrimack Dog Park cordially invite everyone to join them Saturday, May 13th at 11:00 am to officially celebrate the opening of the new Dog Park at Wasserman Park with a ribbon cutting ceremony. The event was originally scheduled for last Saturday, but ended up being postponed due to rain. Please join them for the official opening.

The Transfer Station's extended hours begin May 11th. The Transfer Station will remain open until 7:00 p.m. every Thursday through Thursday, September 7th.

Perfluorooctanoic Acid (PFOA) Information Update - None

Public Comments

Derek Edry, Nashua Telegraph

Stated last week he learned of a change of policy in Town related to communications with public officials. He attempted to reach out to Matt Casparius, Director, Parks and Recreation Department, and was informed by his assistant that he now has to go through the Town Manager. He reached out to the Town Manager, and asked how that change came about. He was informed the Town Charter allows her to enforce that. When asked where that is stated within the Charter, she did not clarify.

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He stated his belief, if the Town Manager intends to enforce that, and it is not in the Town Charter, it would have to go through the Council and be established through policy. If that language is within the Charter, he would like to be informed of how to locate it.

Mr. Edry stated his Executive Editor emailed the Town Manager questioning what was meant in her email to Mr. Edry, which stated “BTW not a good way to start” in reference to him asking her to tell him where the language is within the Charter. The Town Manager referenced two occasions. One related to Mr. Edry having reached out to Matt Casparius regarding the O’Gara Drive property being leveled. Director Casparius had informed him in a phone conversation that the Town is looking into new locations for the skate park, ice rink, and other facilities. Mr. Edry reported the Town is looking into that. In her email, Town Manager Cabanel indicated Mr. Edry had said the Town had picked out places for the skate park, basketball courts, etc. The other occasion referenced was an instance where he had contacted the Town Manager seeking to obtain a copy of her performance evaluation, which was to be a topic of discussion with the Town Council. Mr. Edry was denied access to that, which she may have the right to do, but in the email she indicated that he implied that he was digging up dirt on her.

Mr. Edry reiterated his requests: to be provided with direction to locate the language within the Town Charter that states the Town Manager can enforce the method of communication, if that is the desired route that a policy could be established through the Town Council, or that a discussion take place.

Vice Chairman Rothhaus stated his belief the Charter speaks to rights and responsibilities of the Manager. He was uncertain, but stated his suspicion that is where the reference comes from; the Town Manager has the right to do with her employees as she deems appropriate and fit for her and their jobs. He reiterated he is uncertain if that was what she was speaking of, but that is his belief. With regard to the performance evaluation, he is of the belief that is not public information. He suggested the conversation continue with the Town Manager.

Councilor Boyd noted the Town Charter is available online at MerrimackNH.gov.

Gage Perry, Chairman, Merrimack Conservation Commission

Mr. Perry informed the Council this coming Saturday the Commission will be conducting its 17th Annual Seedling Giveaway at Currier Orchards. The event will run from 9:00 a.m. - Noon, and is open to all Merrimack residents. Additional information is available on the website; MerrimackOutdoors.org.

Recognitions, Resignations and Retirements

1. Recognition of Master Patrolman John Dudash - VFW Police Officer of the Year

Submitted by Police Chief Mark Doyle

Officer John Dudash was nominated by the staff as this year’s Police Officer of the Year, after his heroic lifesaving effort in March of 2016.

Mark Doyle, Police Chief, stated on March 26th at about 10:30 a.m. the Communications Center received a call from a gravely concerned woman who felt her brother was distraught and may harm himself. The only information she could give the Dispatcher at the time was that her brother had left a

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statement on his Facebook page that said “Call 911, so sorry I lost my struggle. Come get my dog.” Officer Dudash was dispatched, and while in route he ran a motor vehicle search on all of the individual’s vehicles. When he arrived at the house he only saw one of the vehicles in the driveway. When he approached to investigate he heard what sounded like a motorcycle engine revving very fast from inside the garage. He immediately tried the garage doors, but they were all locked. He radioed the Communications Center to have emergency personnel, ambulance, and rescue respond to the home. Officer Dudash then tried numerous times to kick the door open, and was able to finally get it open just a few inches as he discovered in short order that it was barricaded by a motorcycle leaning up against the inside of the door. When he peeked in he saw an unresponsive subject slumped over and a motorcycle running and blocking the doorway.

Officer Dudash armed only with his brute strength pulled the door from its hinges, ran into the exhaust and carbon monoxide filled garage, and then grabbed the patient by his pants and physically carried him outside into the fresh air.

He became more responsive as Officer Dudash attended to him and was immediately attended to by the Paramedics upon their arrival. He was later air lifted to Dartmouth Hitchcock Medical Center in Lebanon, NH where he recovered fully.

There is no doubt that Officer Dudash saved a life that day. His quick thinking and immediate selfless action gave the patient another chance at life. It is because of that heroic action that he was recommended for and recognized as the Police Officer of the Year.

Chief Doyle commented when he informed Officer Dudash he had been nominated as the Police Officer of the Year, he was stunned. The only thing he could say was do you think maybe you could find somebody else. He is not the kind of person that relishes in this kind of attention, but he is the type of person that can be relied upon when things get down and you need someone there to help you out. Officer Dudash thanked everyone, and remarked he was simply doing his job.

Appointments

1. 2017 Eversource Transmission Rights-of-Ways Reliability Project

Submitted by Finance Director Paul T. Micali

Town Council to be presented with the details of the work associated with the 2017 Eversource Transmission Rights-of-Ways Reliability project.

Elizabeth LaRocca, Community Relations, Eversource, stated the purpose for the presentation was to inform the Council and community of work Eversource will be embarking on in Town. She remarked Eversource has expended hundreds of millions of dollars every year for the past several years to make the electric grid more resilient, and are hopeful the community is seeing the results of that work. They have received antidotal evidence and comments from people, particularly emergency responders that indicate life is easier for them on the restoration side as well as on the communication side.

Ms. LaRocca introduced Mike Stanek, Certified Arborist, Transmission Department, and Sarah Hoodlet and Logan Young, Citing and Construction Services, Transmission Department.

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Ms. Hoodlet stated the main focus of the [presentation](#) was on the Transmission Right-of-Way Reliability Program. First they wished to provide an overview of some of the other work going on in Town. A map of Merrimack was provided, which depicted the different rights-of-way in Town and what activities will be going on in 2017. Vegetation maintenance activities are usually on a cyclical schedule and include a variety of things, e.g., brush mowing, side mowing, hazard tree removal.

Ms. Hoodlet commented Mr. Stanek does a lot of work in that area, and where Mr. Young and she come into that sometimes is in meeting with landowners; often times there are trees that may be a hazard that are located off the easement. When on private property there is the need to gain approval to remove the tree(s).

In terms of general line maintenance, Eversource is continually evaluating the conditions of their infrastructure and will upgrade or maintain lines and structures as necessary. This work is generally performed to improve reliability of the lines and could also include additional brush mowing, tree removal, or upgrading access roads so the equipment can reach the areas that need to be maintained. Once the work is done the area is restored.

Storm hardening is very similar to that; usually is an activity done to withstand certain severe weather events. A structure could be modified or replaced entirely depending on what needs to be done to make it reliable.

Councilor Albert noted work that was done a few years ago in the area of East Chamberlain Road on D.W. Highway, commenting trees were cut leaving the trunks in place (sections of tree about 20' long). There are some areas where work has been done and trees left on the side of the road. He questioned if they should have been removed when the work was completed, and remarked they are unsightly.

Mr. Stanek stated that could be brought to Ms. LaRocca's attention, and he could seek to have those removed immediately. A lot of times when wood is left on the right-of-way there is a dialogue with the property owner or it was determined there would be more environmental damage done in removing the tree than would occur were it left on the ground. There could be a situation where a property owner, landowner, or abutter has indicated they could be left there. They also adhere to New Hampshire slash laws, which prohibit them from leaving slash within certain parameters of property lines, major highways, and things of that nature. Generally they are at the mercy of the abutters. If something is left and is unsightly they would like it brought to their attention. They manage about 800 miles of transmission line and 25,000 acres.

Councilor Albert reiterated the area is between East Chamberlain and Columbia Circle. There are about 20 trees that have been laying there for some time. Mr. Stanek requested he be given a week and a half to look into it.

Ms. Hoodlet spoke of the Transition Right-of-Way Reliability Program, which is a separate program from other transmission work in that it is an effort to maintain rights-of-way to the full easement width where applicable. In May 2011 and 2012, three extreme weather events impacted transmission lines in New England resulting in several vegetation related outages across the region. These storms, in addition to several others, lead to the Federal Energy Regulatory Commission (FERC) conducting an

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audit in 2012. One of the recommendations that came from that audit was to maintain the Eversource and other utilities' rights-of-way to the full width of the clearing.

In addition to the FERC recommendation, these trees can pose a hazard to the infrastructure as well as the customers residing near them. A photo depicting a typical scenario for rights-of-way in New Hampshire and across Eversource territory was shown. It highlighted a wire zone and a peripheral zone. Unlike other vegetation maintenance, which would be under the wire zone, the Transmission Right-of-Way Reliability Program will take place mostly on the peripheral zone, and that is where most of the clearing will take place for the work in Merrimack.

Specifically for Merrimack, Eversource is looking at a very small amount of work on the lines. There are two lines that are active currently that work will begin on in the next few weeks and a few others that work will be done on later in the year. The W157 (approx. 28 properties with work on them) and the 380 (approx. 33 properties) are both lines that run east to west throughout Town. One is in the center and the other in the south center part of Town. Both lines have about ½ an acre of work on them. Eversource is working with the property owners to make them aware, work will begin in the next few weeks, and should require 2-3 weeks to be completed.

Assistant Town Manager/Finance Director Micali noted the W157 power line runs through the Grater Road property and the 380 runs through the Horse Hill Nature Preserve (HHNP).

Councilor Koenig requested clarification the work is being done within the easement; clearing out to the edge of the easement if trees have grown up in it even though not underneath the wire drop area. There is still concern and the desire is to clear it. Ms. Hoodlet stated that to be the case.

Ms. Hoodlet stated in addition to the W157 and the 380, there are a few other lines in the northeastern corner of Town. As work progresses and there is a more defined outline of what will take place, that information will be relayed to the Town.

Ms. Hoodlet reiterated the goal to maintain the right-of-way safely, but it is also in Eversource's interest to keep habitat in tact as much as possible. To that end, they work with landowners to educate them on the benefits of shrubs and other low trees that can grow in the right-of-way that are compatible and don't impact the rights-of-way or the transmission lines. They also work with landowners to ensure they understand they can retain the wood should they wish to. There are other methods that can be utilized.

In terms of outreach and communication, Eversource has an open-door policy. Efforts are made to inform the community. They work with the Town, landowners, businesses, other key stakeholders such as conservation commissions where applicable, etc. Communication is ongoing. They meet with the Towns, send letters to landowners, have an open hot line, and an email address available. Ms. Hoodlet stated outreach would likely begin the following day.

Mr. Stanek stated every one of the right-of-ways in the Town has been mowed recently. He commented that activity is probably more visually impactful than what they are about to endeavor upon, which is really a housekeeping measure to steady the edges and address 5-6' worth of trees in some places, at most.

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Councilor Boyd questioned the hours of operation and the dates that work would be conducted. Mr. Stanek responded work would be done Monday through Friday and crews generally start at about 7:30 a.m. and work to about 3:00 p.m. When in more of a residential area they generally push the start time back to about 8:00 a.m. When asked about the number of trucks that would be in a given location on any given day, Mr. Stanek stated it would probably be 1-2 crews, 1 crew per site; John Brown & Sons out of Weare, NH. Rubber tire skidders, traditional chippers, and 1-ton chip trucks would be used, and where circumstances call for it, a log truck. He commented this will look the same as any other maintenance activity that has been done on the right-of-way.

Councilor Boyd noted 380, K105, and D143 cross D.W. Highway. He questioned if a sign or police detail would be utilized for any trucks that will be on D.W. Highway. Mr. Stanek stated they comply with all highway and DOT standards in regards to that work, e.g., hire New England Traffic Control. Coordination takes place with Highways. They dictate when work can be done along the highways. When asked if any night work is anticipated, he stated it is not.

Councilor Boyd questioned if wood would be removed if not the desire of the landowner to retain. Mr. Stanek stated they would seek to remove it, but that is dependent upon the circumstance, e.g., if in a maintained area like a backyard with lawn, etc. they will pursue full removal of the wood and/or grinding of the stumps and potential replacement depending on the nature of the tree, e.g., ornamental. If the property is what they call traditional right-of-way where it is off in the woods, and back a ways different avenues of wood disposal are pursued, e.g., chipper and/or brontosaurus mower and basically process the wood onsite and turn it into woodchip mulch on the ground to decompose.

Councilor Boyd remarked the W157 and the 380 go through two important pieces of property owned not only by the Town of Merrimack but the Conservation Commission. He questioned if any cross jurisdictional cooperation has been done with the Community Development Department or the Conservation Commission regarding the work that will be done on those properties and if site reviews have been done with either group regarding mitigation that needs to be done as it relates to some of the wetlands, particularly at the HHNP. Mr. Stanek noted he is familiar with both properties and stated the work is at minimum in both sites. In preparing for the project, they had Environmental Scientists go out and delineate wetlands, which manifest themselves in project lands. They have best course of action procedures in place as well as avoidance measures in place to preserve those.

Ms. Hoodlet and Mr. Logan will be reaching out to the Conservation Commission as well as the Town. The Town provides the resource and they will go out and meticulously talk about every tree to be removed on Town property just as they would with a private property owner. There is flagging in place that dictates the limit of clearing, and they can talk individually about how to preserve the resources, manage the wood; what are the opportunities and what is the best thing to do for all involved.

Councilor Boyd questioned if there is any type of strategic planning being done for the community of Merrimack with regard to replacing existing transformers and providing upgrades. Ms. LaRocca remarked line maintenance is when they go out and do things like noticing a pole needs to be replaced, but the line looks fine. The storm hardening is a comprehensive program where they go out and systematically upgrade the line; bigger poles, bigger wire, bigger cross-arms. Because of cost, they used to have to stick with wood although the preference would be steel. More recently the cost of steel

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and wood has come in alignment. They are now using steel. They are very much aware and sensitive to the need to prepare for the crazy storms.

Ms. LaRocca commented two years ago Eversource spent \$500 million on transmission distribution. Last year it was \$350 million±. Huge sums of money are being invested in the system to keep it rolling. She spoke of the storms that occurred this past winter. Although there have been some pretty heavy wet storm conditions the amount of damage has been minimal. In addition to improving transmission distribution system lines, poles, wires, structures, and cross-arms, they also have a system control center. They have had operators in Manchester, NH that run the NH transmission grid for all utilities. Beginning about 2 years ago they now have 24-hour operators monitoring the distribution system as well. During a storm there are eyes on the system that are directing troubleshooters. They have automation on the system, know where an issue occurred, and can tell the troubleshooters to go look at the situation.

Ms. LaRocca spoke of having met with Kyle Fox, Director, Public Works Department (PWD), and Assistant Town Manager/Finance Director Micali a week ago. She stated she would look to provide some of the detail regarding what is being done in that regard in Merrimack. Councilor Boyd stated his pleasure with the technology being put in place.

Councilor Boyd questioned if FERC is providing any type of regulatory oversight or if it is simply a matter of notifying FERC of upgrades being completed.

Mr. Stanek responded of the lines applicable to Merrimack, there is only 1 FERC regulated line, which is the 380. It is a 345 line whereas the others are 115 lines. In regards to reporting, it is self-reporting. Eversource does not utilize herbicides in the State. They mechanically mow everything, which means no chemical preventatives. The 345 lines are mowed on a 3-year basis. The 115 lines are mowed on a 4-year basis. That is documented, which is his primary role; confirming compliance that those standards are completed on an annual basis. They also inform the regulators of the aggressive hazard tree program as well as a side trimming program to ensure all of the internal and Federal standards are met for safety in regards to vegetation around powerlines. The 380 line gets mowed every 3 years, they hazard tree it every time they go out and side trim it every other time. They also inspect those facilities twice annually via helicopter for vegetation maintenance and walk every line on foot once annually regardless of vegetation cycle just to put human eyes on it on the ground. They tell FERC that will be done and they hire a guy like him to keep track of it and ensure it continues to be done. It is evident in the amount of money spent to maintain.

Councilor Boyd spoke of the upgrades on the 380 and asked if that would increase electrical capacity going through that line. Mr. Stanek stated it would not. It just ensures the electricity will be transmitted safely and that all of those structures and facilities are up to spec and standard, in a storm hardening capacity can withstand the elements of nature, and there are no negligent circumstances. They inspect poles annually when they are wood.

Councilor Boyd questioned if the Town Manager and the team could be asked that the schedule of dates and times, when received, be put out on a Nixle alert. Vice Chairman Rothhaus commented if the Town Manager is notified of the schedule that can be done.

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Councilor Albert commented on having worked with Ms. LaRocca in the past and that he is very impressed with the level of communication with the Police Department and Town.

2. Annual Review with the Planning Board

Submitted by Planning Board Chairman Robert Best

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

Robert Best, Chairman, Merrimack Planning Board, spoke of the unfortunate passing of Jeff Sebring over the past winter. Jeff was a wonderful man, really smart, and great member of the Planning Board. He will be remembered and missed.

Mr. Best noted the board has added a new member, Paul McLaughlin. He has been an alternate member for the past few months, and a great contributor to the board. The Planning Board now has all of its regular members and two alternates. There is one open alternate position. Mr. Best thanked the Community Development staff whose assistance to the board is invaluable. He spoke of the assistance the board receives from the Fire Department, Police Department, Public Works Department, and Parks and Recreation Department.

In 2016 the Planning Board met 21 times, which resulted in a number of commercial reviews as well as some residential sub-division plans. There were 66 cluster lots and 15 new residential building lots; a fairly significant number. Not quite what was seen in 2015, but both 2015 and 2016 are drastically more than there were for a lot of years before that.

In 2016, there were 10 commercial, 2 industrial, and 4 residential site plans. Some of the more significant ones were the extended stay hotel near exit 11, which replaced the old Merrimack Hotel, approval of Franklin Savings Bank on Dobson Way, approval of a new wireless communication tower (Verizon) off Turkey Hill Road. When that is built it will help to fill in an area of Town where the service isn't so great. The Prime Alternative Treatment Center was approved as a Conditional Use Permit.

To date in 2017, the Planning Board has dealt with another Conditional Use Permit at the outlet mall, which has been approved, and the expansion of Buckleys with the café.

Mr. Best commented, in his professional life, he has the opportunity to see other Towns that just don't have that level of development and also hear from individuals who appear before the Planning Board, Zoning Board, or others that Merrimack really does have a good process in place where applicants feel they are getting a fair shake. He remarked it is not that we have different standards than anybody else in terms of what we require of people, but we have a fair and efficient process. He remarked he is proud of that, and believes it reflects well on the Town.

Mr. Best spoke of an opportunity to receive some free assistance from the Nashua Regional Planning Commission (NRPC) as well as a student at Plymouth State University in developing a better sidewalk plan for the Town. The Ordinance requires sidewalks on all of the arterial and collector streets unless waivers are granted. Regulations would have a sidewalk built on all roads of a commercial and industrial district unless a waiver is granted. There isn't the need for sidewalks in all of those places.

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The Council has approved a few grant applications for sidewalks consistent with the Town Center Master Plan.

What could be done, with the assistance of the NRPC, is the next phase of that Town Center Master Plan; really focus on the things that are important with sidewalks. It is just a plan, not necessarily a commitment to spend any funds on construction. It would help the Planning Board focus and figure out what the regulations are supposed to be. Mr. Best commented one of the most important reasons for that for him is putting applicants in a position to ask for waivers all the time really puts them in some uncertainty as to whether that would be granted or not. The Statutory criteria for a waiver are kind of vague. Mr. Best stated the desire for applicants coming before the board to be certain a waiver request would not be necessary for all arterials and collectors.

Mr. Best noted there is a plan that has built 26 miles of sidewalk in Town already plus the grants the Council has supplied. It is great to have them, but he is aware of the commitment that goes with maintaining them. If there were sidewalks in a focused plan you probably would build about 12 miles in Town.

Mr. Best stated the desire to understand if working with the NRPC on such an endeavor is something the Council would support.

Councilor Albert questioned what is occurring at the former Shaws site. Mr. Best stated an official plan has been submitted. The folks that acquired the plaza came before the board with a conceptual design about 6 months ago. Now they have an official proposal, which was going to be heard at the May 2nd meeting, but because of some problems with the notice to abutters had to be delayed. It will be heard at the next meeting. What they are trying to do is build two structures in the front part of the parking lot on pad sites; both restaurants (1 sit down and one fast food type). They would give the rest of the existing structures a facelift to make the facades more appealing. They have a handful of potential tenants that are ready to go in there and do something.

Alastair Millns, Vice Chairman, Merrimack Planning Board, noted the developer is an out of state developer. He is talking about good quality stores coming in. Mr. Best stated his understanding the developer is affiliated with or the same developer that controls the Settlers Green outlet malls in Conway. Councilor Boyd questioned if a traffic study would be requested. Mr. Best stated he is uncertain what the staff has recommended. The idea of a traffic study for that site is a little bit confused because the original site was designed for a huge amount of traffic. Almost everything that people come and propose as a redevelopment is some fraction of that. The site of the former Shaws was built in conjunction with the apartment building, and both of them flow out through that red light. With a signalized intersection, there is really not much to look at to say you need more, etc.

Councilor Dwyer questioned if there is any concern with the two pad sides for restaurants and the redevelopment of the current mall; insufficient parking, etc.

Mr. Best responded that would absolutely be a concern. He stated the Planning Board regulations have parking calculations that are done, which is analyzed by staff, there are peer reviews by our peer reviewer, and they are developed specific to whatever the uses are.

Councilor Dwyer stated his complete support of the board's narrowed focus on sidewalks. Councilor Albert stated agreement commenting there are sidewalks to nowhere in some places, and they are

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needed on Route 3. Councilor Boyd commented he has long believed there should be sidewalks, at a minimum, on D.W. Highway, especially near the MYA where the bridge narrows. He is aware Community Development is taking a close look at expanding that particular part of the bridge and including a sidewalk into that plan. Daniel Webster should have sidewalks at least running up to Bedford Road down to Greeley Street. Mr. Best remarked that area, Bedford Road to Greeley Street, is the part of D.W. Highway we control. North and south of that the State controls.

The consensus of the Council was support of the Planning Board accessing the assistance of the NRPC with regard to sidewalks.

3. 2017 Rotary Club of Merrimack Family Fun Day Presentation

Submitted by Rotary Club Member Robert Best

The Town Council will be presented with the details of the 2017 Rotary Club of Merrimack's Family Fun Day.

Troy Aarthun, President, Merrimack Rotary Club, introduced fellow Rotarian Bob Best, and Neil Anketell, member who has done the lion's share of the work as the chairman for the event; Merrimack 4th of July Independence Day Celebration. Mr. Aarthun spoke of the number of Town agencies and departments that are instrumental in pulling off a great event.

He spoke of the assistance the Police Department has provided with planning for traffic control and patrol of the event. They have also agreed to provide the Seatbelt Convincer as an attraction. There will be demonstrations by the new K-9 unit Dallas and the K-9 officer. The Honor Guard is part of the opening ceremonies, which will be at approximately 2:00 p.m. (following the parade).

The Fire Department has provided assistance and guidance in safety and health planning as well as a fire ladder demo. during the event.

The entire event happens almost exclusively on school grounds. This year the upper elementary school will be utilized for the pancake breakfast. The reason for that change is an HVAC renovation that will be happening in the High School cafeteria. The good news is that venue is closer to the main action.

The Pancake Breakfast kicks off the day from 8:00 - 11:00 a.m. at the James Masticola Upper Elementary School. The price will be \$5/adults and \$4/seniors and children.

Entertainment on the main stage will be Studio Two, which is a Beatles cover band. Emceeding the event is John Irish, local businessman. Mr. Irish owns Analogue DB Sound Service and donates in-kind the majority of his services for the day to do that. Darren Roy will be the DJ for the event who will be spinning tunes geared more towards the teen and young adult market. The plan is to have the Historical Society present this year. The Library has asked to have a presence at the Midway. There will be a roving magician, face painting, bounce houses, a climbing wall. In the vendor space there will be ice cream, shaved ice, burgers, hot dogs, chicken, etc. The major sponsor this year returning as the founder sponsor is Merrimack Immediate Care.

Mr. Aarthun spoke of the number of volunteers without whom the event could not take place.

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Mr. Best remarked they don't necessarily track all of the Rotarian hours that go into the event, but for the folks who volunteer who aren't Rotarians, put in about 200 volunteer hours hosting that one event. The Rotary relies on a number of groups in the community for those efforts. Ticket sales support a contribution back to all of the groups that volunteer. He requested others in the community wishing to participate make that desire known.

Mr. Aarthun stated among the members of the club they have varied and deep experience as professionals; tradesmen, attorneys, accountants, financial planners, educators, and public servants. In addition to that, those volunteers are what make it happen. They are a relatively small club, and are always looking for individuals wishing to participate and be involved in the community and perhaps involved with the Rotary Club.

Councilor Flood questioned which organizations are under tents. Mr. Aarthun responded there are a number of tents for food service, changing room for performers at the main stage, and one for the rotary/first aid station. Individual vendors provide their own tents. When asked about the proportion of non-profits versus commercial, Mr. Aarthun responded it varies. He has never looked at it in those terms before, but suggested it is likely 2/3 commercial meaning food, face painter, or some other entertainment and 1/3 community groups like the Library.

The event will run July 4th beginning at 2:00 p.m. until the fireworks display is completed; rain or shine.

4. Annual Art in the Park Show

Submitted by Manchester Artists Association

Manchester Artists Association is requesting the use of Watson Park for an art show on August 26, 2017.

Laurie LeFleur, Vice President, Manchester Artists Association, stated the Association respectfully requests the use of Watson Park for August 26th with a rain date of August 27th. The show has been conducted in Merrimack for the past two years, and it has worked out very well. The artists really like the park because of its approach; can load and unload without much difficulty.

The event does not require anything more than the use of the grounds. Anything that is brought in has to be brought out.

Councilor Koenig questioned the anticipated volume. Ms. LeFleur responded it is not a very big crowd. People come in and browse. The event would run from 10:00 a.m. - 4:00 p.m. They would expect to be onsite an hour before and after the show.

When asked if there would be any kind of concessions, Ms. LeFleur stated were that to be the case it would be someone else requesting permission of the Council to be present for the event.

MOTION by Councilor Boyd and seconded by Councilor Flood to approve the request of the Manchester Artists Association for the Annual Art in the Park Show to be scheduled at Watson Park on Saturday, August 26, 2017 from 7:00 a.m. to 5:00 p.m. with an alternate rain date being Sunday, August 27th between the hours of 7:00 a.m. and 5:00 p.m.

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ON THE QUESTION

Councilor Boyd thanked the Association for coming to Merrimack.

MOTION CARRIED 6-0-0

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Assistant Town Manager/Finance Director Micali commented Dawn Tuomala, Deputy Director/Town Engineer, PWD, was before the Council recently to discuss the sidewalk project. The project was put out to bid, which resulted in bids higher than anticipated. The scope of work was scaled down; the sidewalk from the corner of the Finance offices down to Baboosic Lake Road was removed, tree cutting will be done in-house, and the bollard lights were removed. Conduit will be run under the sidewalks to allow for the possibility in the future. The project went out to bid a second time resulting in two bids ranging from \$76,000 to \$95,000. The department is preparing to award the contract to the low bidder.

The project for the center of the walkway in between the two buildings will be done during two weeks in July. Going up to the Town Council chambers will likely be done prior to that.

Councilor Flood questioned the cost of the section of sidewalk that was removed. Assistant Town Manager/Finance Director Micali responded the original bid was \$140,000. When asked, he stated the current quote includes granite curbing.

When asked why he felt the sidewalk should end at the stairs, Councilor Koenig responded when originally presented with the project several Councilors did not believe it needed to go all the way down to Baboosic Lake Road.

Councilor Boyd questioned if anyone from Merrimack bid on the project. Assistant Town Manager/Finance Director stated one of the bidders in the first round was a former Merrimack company. He is uncertain if the winning bidder is a Merrimack company. Typically businesses that pay Merrimack taxes or rent in Merrimack have to provide some form of identification to say they are a Merrimack business and put it in with the bid package. He does not believe any such certificate was received.

Agenda items for the Annual Retreat/Work Session are due by May 17th. Vice Chairman Rothhaus requested discussion of the new boat ramp.

Consent Agenda - None

Old Business - None

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New Business

1. Consideration of Library Trustees Recommendation for Alternate Membership

Submitted by Library Board of Trustees Chair Richard Barnes

Town Council to consider the Merrimack Library Board of Trustees' recommendation to appoint Janice Tibbets to the position of Alternate Trustee.

Richard Barnes, Chairman, Library Board of Trustees, stated Janice Tibbets sat in on a few of the public meetings, and expressed an interest in an alternate position. The board interviewed her, and the Trustees voted unanimously to recommend her appointment.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to approve the Merrimack Library Board of Trustees' appointment of Janice Tibbets to the position of Alternate Trustee pursuant to RSA 31:95-e and Charter Article 8-15.

MOTION CARRIED 6-0-0

Oath of Office administered by Vice Chairman Rothhaus

2. Donation Acceptance for the Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation of \$600 from the Merrimack Lions Club to the Parks and Recreation Department to be used for two movie nights in the park, pursuant to RSA 31:95-b and Charter Article 8-15.

Assistant Town Manager/Finance Director Micali noted the request is similar to last year; 3 movie nights two of which the Merrimack Lions Club has offered to sponsor. Two of the events last year were conducted at Watson Park. The one conducted at Wasserman was done in association with a radio station desiring a larger venue given the level of advertisement.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a donation of Six Hundred Dollars (\$600) from the Merrimack Lions Club to the Parks and Recreation Department to be used for two movie nights in the park, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any paperwork necessary to perfect the transaction. MOTION CARRIED 6-0-0

3. Third Quarter Financial Review

Submitted by Finance Director Paul T. Micali

Finance Director Paul Micali will review the key financial information of the quarter ending March 31, 2017.

Assistant Town Manager/Finance Director Micali stated there to be significant appropriations to meet the goals and needs for this year. Revenues are coming in a little ahead of schedule in both auto and interest. Interest has really ticked up in the last 30-60 days.

The Town has been looking at health insurance over the years. It is a nearly \$2 million expenditure for the general fund itself, which includes Police, Fire, DPW, Tax Collector, Solid Waste, Transfer

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Station, Finance, Assessing, and the Town Manager's Office. Through 3 quarters of the year the Town has expended \$1,937,751.85. At the same time last year, the Town had expended \$2,314,964.33.

Through contract negotiations, a change was made to the health plans of every group with the exception of the Police Department. With the new contract that department will also be making the change to a deductible plan.

With regard to expenditures associated with the New Hampshire Retirement System, Group 1 (DPW, Town Clerk/Tax Collector, Assessment, General Government, Community Development, and Highway) is pretty flat. There is a spike in the Fire Department, and a slight spike in retirement costs for the Police Department compared to the same time period for last year. In 2015-2016 the department had experienced vacancies, which resulted in a lower amount. The department is nearly fully staffed. The budget anticipated that, and the department is well within its budget.

With regard to overtime expenditures, the big jump is seen in the Fire Department. As was discussed during the budget process, the department has experienced a good deal of workers compensation and short-term disability claims. Those positions are backfilled with overtime. The Highway department experienced a little bit of a spike from last year as a result of last year's winter being very mild. This year there were three major storms in the month of March.

Councilor Dwyer questioned why the Police Department overtime budget experienced a decrease. Assistant Town Manager/Finance Director Micali stated his belief it came down slightly because of the way the holiday pay for overtime was factored. In years past, when officers were paid for a holiday that cost was in the overtime account. An adjustment has been made in how those costs are accounted for.

Vice Chairman Rothhaus questioned, and was informed costs and corresponding revenue associated with outside details is not included in the comparison. That information can be included in the breakdown in the future. Councilor Albert stressed costs associated with outside details are paid by the entity requesting the service.

A review of electrical usage/cost highlights areas where reductions or increases are occurring such as streetlights where the increase can be attributed to additional developments. A reduction should start to appear next year due to electrical upgrades.

Vice Chairman Rothhaus questioned, and was informed the streetlight upgrade project was recently 100% completed. Savings should appear beginning April 1st. Once a project is signed off, Eversource changes the rate at which kilowatts are billed. The streetlights are not metered; flat rate based on hours of usage. Eversource utilizes a calculation to determine the number of kilowatts used. With the new LED lights they were made aware of the wattage in the fixtures so that the calculation could be adjusted. A similar comparison is done for natural gas usage. Costs are trending as anticipated.

Auto registrations are coming in higher than this time last year. Being projected is an approx. \$500,000 increase over what was budgeted. Councilor Dwyer commented revenue from auto registrations has increased continually over the past 6 years. Assistant Town Manager/Finance Director Micali remarked there is the need to utilize caution when projecting the revenue amount. As was seen in the past, decreases in that revenue source can happen suddenly. When projecting for 9

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months of the fiscal year with only 3 months of data, you have to proceed cautiously. Should the revenue projection not be reached, that deficit would have to be made up elsewhere. Auto registration is the second largest revenue the Town receives.

When asked about the ramifications of underestimating, Assistant Town Manager/Finance Director Micali stated for every \$30,000 you under-estimate there could be an impact of up to a penny on the tax rate. If revenue exceeds the estimate that additional revenue falls back into the fund balance, and the Council has been very proactive with those dollars in terms of returning them to the general fund. It was noted, during the same time period of continual increases in auto registrations, interest rates were either flat or decreased.

As was heard during the review with the Planning Board, building permits are increasing.

Councilor Boyd requested additional information on what is occurring in the Welfare Department. Assistant Town Manager/Finance Director Micali stated there were a few situations where the department had to provide assistance to residents in paying some very large bills. The budget in that department is being monitored. Should there be the need to move funds into that department a request will be made of the Council.

Vice Chairman Rothhaus questioned if his concern is founded over the new extended stay places, and something that should be contemplated as they receive occupancy permits. Assistant Town Manager/Finance Director Micali stated that could have an effect just as large apartment complexes being constructed.

Councilor Boyd noted the Expenditure Report as of March 31, 2017 indicates a current balance for the Welfare Department of \$35,625.74, and questioned what percentage of that is the Welfare Department Manager's salary, and was informed it is approx. 6%.

Councilor Boyd stated agreement new residential development such as large apartment complexes is something the Council has to consider with the upcoming budget.

Minutes

Approve the minutes from the Town Council meeting of April 27, 2017.

The following amendments were offered:

Page 1, Line 23; replace "remanence" with "remnants"

Page 6, Lines 4 and 5; add a space

Page 7, Line 21; insert "a State takeover of the MS4 permitting" before "has financial tags tied to it,"

Page 8, Line 10; add "(MA)" following "Cambridge"

Page 10, Lines 6 and 7; add spacing

Page 11, Lines 1-13 replace ";" with "·"

Page 12, Line 20; capitalize "Tournament"

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MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting minutes of the Town Council meeting of April 27, 2017, as amended. MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Boyd spoke of having received a hand-drawn invitation from a child at the Reeds Ferry School announcing the Reeds Ferry Art Show & Ice Cream Social on Thursday, May 18th from 5:15 - 7:30 p.m. His invitation was signed by Savannah. He thanked her, and remarked she did a great job.

Adjourn

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

The May 11, 2017 meeting of the Town Council was adjourned at 9:21 p.m.

Submitted by Dawn MacMillan