

**Merrimack School Board and Merrimack Town Council  
Joint Meeting  
September 6, 2012  
Merrimack High School - Cafeteria**

**PUBLIC SESSION MINUTES**

**PRESENT:** School Board Chairman Ortega, School Board Vice Chairman Powell, School Board Members Barnes, Markwell and Schneider, Student Representative Crowley, Superintendent Chiafery, Business Administrator Shevenell, Town Council Vice Chairman Rothhaus, Councilors Flood, Dwyer, Koenig, Harrington, and Boyd, Town Manager Cabanel, and Town Finance Director Paul Micali

School Board Chairman Ortega announced that Town Council Chairman Mahon was excused from the meeting.

School Board Chairman Ortega called the joint meeting between the School Board and Town Council to order at 7:00 p.m.

School Board Chairman Ortega introduced members of the School Board, Superintendent Chiafery, Assistant Superintendent McLaughlin, Business Administrator Shevenell and Administrative Assistant Swanson.

Town Council Vice Chairman Rothhaus introduced members of the Town Council, Town Manager Cabanel and Town Finance Director Micali.

**1. Pledge of Allegiance**

School Board Chairman Ortega led the Pledge of Allegiance.

**2. Public Participation**

Jody Vaillancourt, 35 Greenleaf Street noted that the quality of the audio system in the high school cafeteria is not as clear as the audio system in the Town Hall Meeting room. She asked that everyone speak directly into the microphone for the benefit of the public. She introduced herself as a former School Board Chair and spoke about her concerns using the high school as a single polling site for the Town of Merrimack. She read an August 27, 2012 email that she sent to the members of the School Board requesting that the current members of the School Board deny a request to reverse a vote taken by the previous School Board just eight months ago.

Juni Pierce, a skate park attendant, stated that after four days of rain the skate park opened with a large puddle of water in the parking lot. She reported that a parent expressed concern over the puddle of water being a potential breeding spot for mosquitoes. Ms. Pierce explained that she shared the parent's concern with Town Manager Cabenal and shortly thereafter dirt was delivered and used as fill to remove the puddle. Ms. Pearce expressed her appreciation to those responsible for eliminating the puddle of water. She noted that it is not a permanent solution, but that it sent a positive message. She noted that the dirt parking lot is used by a variety of groups.

### **3. Approval of Joint Town Council and School Board Minutes:**

#### September 13, 2010 Minutes:

School Board Member Barnes moved (seconded by Town Council Vice Chairman Rothhaus) to approve the September 13, 2010 joint meeting minutes.

School Board Member Barnes requested the following correction:

- Page 2 of 9, section 4, paragraph six, correct the spelling of Betsy Abrahams last.

School Board Chair Ortega requested the following corrections:

- Page 3 of 9, paragraph five, change the word “Council” to “Councilor”
- Page 3 of 9, paragraph five, “...and where the grant came from.” should read “...and from where the grant came.”
- Page 3 of 9, paragraph seven, the words “School Board Vaillancourt” should read “School Board Chairman Vaillancourt”
- Page 4 of 9, last paragraph, first line, add the word “not” between the words “would remain”.
- Page 5 of 9, paragraph twelve, change the words “Board Member Vaillancourt” to “School Board Chairman Vaillancourt”
- Page 6 of 9, section six, paragraph two, the word “and” should read “an”
- Page 6 of 9, section 7, paragraph two, correct the word “statues” should read “statutes”
- Page 9 of 9, first paragraph, last word should read “residents”
- Page 9 of 9, second paragraph, last word should read “vendor”

The motion passed 6-0-5. School Board Members Markwell and Schneider, School Board Vice Chairman Powell and Town Councilors Harrington and Boyd abstained.

### **4. Update on Athletic Fields**

Tim Tenhave explained that a broad-based town committee reviewed the future use of the athletic fields by youth, adult and school sports. The committee presented the Athletic Field Report to the Town Council in 2010 followed by a presentation to the School Board in 2011.

Mr. Tenhave stated that the report identified the need for new fields. The report revealed that the current fields are over used, new school fields are not needed immediately and there is a significant amount of sharing of the fields (including the basketball courts).

A new field would expand practice opportunities and potentially provide an opportunity to host a jamboree in Merrimack.

Mr. Tenhave reported since the completion of the report no new fields had been created. The plan spoke to an immediate need for five new fields (a softball field; three rectangular fields for lacrosse, soccer and football and one 90-foot adult-size baseball field).

Mr. Tenhave stated that the latest census, MYA projected enrollment, school projected enrollment and the current build out plan are not reflected in the athletic field report. He reported that field usage and sports programs are the same and that field rest periods have not increased.

Mr. Tenhave asked the School District and Town to implement the Athletic Field Plan. He noted that improvements to the football field and track would allow for more use. He also suggested that artificial turf for the field be considered. Mr. Tenhave emphasized the need for a 90-foot baseball diamond.

Mr. Tenhave reported that effort and time was spent discussing and building relationships with owners with available property other than Town or School District and suggested the relationships be maintained.

Mr. Tenhave suggested that the School Board and Town Council review the parks and recreation annual field evaluation for consideration when building the budget. If new fields do not fit into the next budget cycle, he asked that consideration be given to ways the existing fields can be relieved of use.

Mr. Tenhave concluded his presentation by re-stating the present need for new fields.

Councilor Boyd encouraged the community developer to explore public/private partnerships to create athletic complexes. He felt it would enhance the quality of Merrimack as well as identify Merrimack as a destination location in New Hampshire.

School Board Member Barnes clarified that Tim Tenhave's reference to NRPC stood for the Nashua Regional Planning Commission. She added that the committee discussed the benefits of bonding money for multiple fields. Bonding would allow for immediate use of the fields and stretch payments over a period of time. She also noted that the bond percentage rate is usually lower for municipalities. School Board Member Barnes added that the committee also discussed the fact that use of corporate athletic fields is not an absolute.

Tim Tenhave recalled that the Elbit agreement was for five years. He suggested contact be made with Elbit to discuss their future intentions for field usage.

School Board Chairman Ortega thanked Tim Tenhave for his continued time and support. He noted that the School Building and Planning Committee presented the School Board with some preliminary projections and is now refining cost estimates around maintenance, specifically grass versus artificial turf. The School Building and Planning Committee is expected to present their estimates to the School Board in the fall.

## **5. Grater Woods Memo of Understanding**

Business Administrator Shevenell stated prior to the concept of a Memo of Understanding there was a Grater Woods Subcommittee which included School Board representation. The Memo of Understanding provides the School Board with the opportunity to provide the Town Council with input for its consideration regarding activity relative to the property surrounding the middle school prior to votes by the Town Council.

Council Vice Chairman Rothhaus added that the goal was to recognize the outdoor education center scheduling situations and the desire to keep potential traffic away from the school during the day. He believes the Memo of Understanding will work out well for both the Town and the School District.

Councilor Dwyer explained that the Grater Woods included land owned by the Town of Merrimack and land owned by the School District with different entrances to the Grater Woods forest. Councilor Dwyer stated that the purpose of the Memo of Understanding was to document interests for the political boards to mutually understand, accept and follow.

School Board Member Markwell asked Councilor Dwyer if there was a personal interest from a property owner that abutted the Grater Woods property.

Councilor Dwyer clarified that dozens of individuals also expressed their concerns and different approaches for the use of the Grater Woods property.

School Board Chairman Ortega stated that the Memo of Understanding is between the Town of Merrimack and the School District. The School District has some specific concerns as an abutter, independent from any resident in the area.

School Board Member Barnes felt it was important to understand that the Memo of Understanding does not supersede any easements or formalized documents such as the Stewardship Plan already in place. She added that the Memo of Understanding addresses the use of the Grater Woods property with mutual respect of the Town and the School District.

It was noted that the Conservation Commission was in charge of the Stewardship Plan.

Councilor Flood questioned if the Memo of Understanding could include a statement about emergency vehicle access.

Business Administrator Shevenell stated that emergency vehicles will get through the gate with or without a key. The original intent of restricting motor vehicle use was to protect the property from damage caused by motor vehicles. He agreed to include a statement about emergency vehicle access in the Memo of Understanding.

It was clarified that the police department will have a key to access to the Grater Woods property at all times.

Councilor Dwyer asked if Tim Tenhave when the Stewardship Plan would be available.

School Board Chairman Ortega asked Tim Tenhave if he wanted to approach the microphone as Chairman of the Conservation Commission.

Tim Tenhave spoke as Chairman of the Conservation Commission. He reported the Stewardship Plan was produced by a subcommittee of the Conservation Commission. The subcommittee handed it over to the Conservation Commission last year. He explained that the Conservation Commission then decided to make the draft Stewardship Plan its own. The Conservation Commission was expected to complete its review of the draft Stewardship Plan in November at which time it will go to the Town Council for review by the end of the year.

Tim Tenhave stated that the current draft didn't change much. It was adjusted and features explaining the trail system were added.

Business Administrator Shevenell asked what the approval process would be upon adding a statement in the Memo of Understanding about the emergency access.

School Board Chairman Ortega stated that he would inform Town Council Chairman Mahon that both the Town Council and the School Board approved the Memo of Understanding pending the inclusion of reference of emergency vehicle access.

## **6. Status of Tennis Courts on O'Gara Drive**

School Board Member Barnes referenced the Long-Term Intergovernmental Agreement By and Between the Merrimack School Board and the Merrimack Board of Selectmen for the Community Use of the O'Gara Drive Tennis Courts, Skating Rink, Basketball Court and Skateboard Park. The Agreement was created in 1988 and last signed in June 2001.

School Board Member Barnes explained the Agreement states that the property is owned by the Merrimack School District and the Town of Merrimack will manage and maintain the property.

School Board Member Barnes referenced the Merrimack Parks and Recreation Committee's Annual Report dated October 7, 2011. She cited examples from the report that documented that the property is not being maintained.

Councilor Flood stated that the original facilities were built with funds from a Land and Water Conservation Grant. The current agreement between the School District and the Town of Merrimack expires in 2018.

Councilor Flood reported to continue to fill the cracks in the tennis courts would cost \$26,000, to overhaul the courts would cost \$78,000 and to replace the courts would cost \$166,000. She stated that, per the Land and Water Conservation Grant, the courts can be moved to another location within the Town of Merrimack; it is not an option to leave the courts in disrepair.

School Board Chairman Ortega clarified that School Board Member Barnes and Councilor Flood are both liaisons to the Parks and Recreation Committee.

Student Representative Crowley spoke as a member of the Merrimack High School varsity tennis team. The team is not able to practice on the O'Gara Drive tennis courts because the disrepair is a safety hazard. She would like to have the tennis courts repaired.

Councilor Flood added that the national guidelines recommend one tennis court for every 2,000 people. The seven tennis courts at Wasserman Park and the four tennis courts on O'Gara Drive would satisfy the recommended number of tennis courts.

Councilor Harrington suggested that effort be made to search for funding from the private sector or associations to assist with improving the O'Gara Drive tennis courts.

School Board Member Barnes stated the School District Leadership Team felt that tennis courts would be the best use of that property for the students.

School Board Member Barnes suggested that the investigation for funding begin with the United States Tennis Association office located in Westboro, MA.

Councilor Boyd reported Andy Roddick, a retired tennis player, has a foundation that provides funding for under privileged youth and communities looking to pursue tennis programs.

School Board Member Markwell suggested initiating a program with the same community volunteer approach that was used to rebuild Kids Kove.

Councilor Dwyer suggested if the O'Gara Drive tennis courts are not going to be repaired the space be used for additional parking. He felt funding for new tennis courts may be more available than funding to perform repairs.

School Board Chairman Ortega asked if there was data available relative to the life expectancy of a patch or overhaul to the tennis courts.

Town Manager Cabanel replied that the structural filling of cracks would cost approximately \$78,000. She did not feel that was good use of money.

School Board Chairman Ortega asked if there was a formal recommendation from the Parks and Recreation Committee regarding the tennis court repair or replacement.

Councilor Flood stated that the Parks and Recreation Committee have not discussed tennis court repair or replacement.

Town Manager Cabanel clarified that life expectancy of an \$80,000 overhaul would be three to seven years.

School District Business Administrator Shevenell added that the cracks in the tennis courts are at different levels.

Council Vice Chairman Rothhaus stated that the Town Council has not discussed or taken any action on the tennis courts because of other priorities. He anticipates that the Town Council will discuss the tennis court issue in the near future.

Town Finance Director Micali reported there was \$29,000 in the 2008 budget to repair the O'Gara Drive tennis courts. The vendor advised the Town not to waste money on repairs to the O'Gara Drive tennis courts at that time but to repair the Wasserman Park tennis courts instead. He added that those repairs have held up well. It was that same vendor that recommended the \$78,000 overhaul to the O'Gara Drive tennis courts as the best solution.

School Board Member Schneider asked if there was an effort to repair the parking area near the O'Gara tennis courts.

Town Manager Cabanel responded minimal maintenance is performed to the parking lot until it is determined what to do with the O'Gara Drive tennis courts.

School Board Member Schneider suggested that the condition of the parking lot be assessed regularly in light of the fact that the buses use it as a staging area on a regular basis.

## **7. Merrimack Safeguard**

School Board Chairman Ortega introduced Middle School School Resource Officer and Grant Coordinator Tom Prentice and Betsy Houde, Executive Director of the Youth Council. Mrs. Houde explained that the community received a \$125,000 grant through the Substance Abuse

and Mental Health Administration in Washington, D.C. The two areas of focus have been helping families understand the risk of using alcohol and misuse of alcohol and prescription drugs. Mrs. Houde reported that the in-kind voluntary support from the community needed to match the \$125,000 grant.

Officer Prentice reported that the Federal grant is now in the fourth year. Officer Prentice highlighted last year's events as a result of the grant.

- Prescription Take Back Program
- A monthly column in The Nashua Telegraph newspaper
- Participation in the Business Expo
- Participation in the Mock Driving Under the Influence Event with Students Against Destructive Decisions (SADD)
- Creation of a business card size pledge for the student body to sign and give to parents.
- Formation of Merrimack Teens in Action at Merrimack Middle School.
- Five high school students were transported to Concord to talk against a bill related to alcohol being sold in convenience stores.
- Partnership with a beverage distributor

Council Vice Chairman Rothhaus asked for clarification on the renewal process for the grant.

Betsy Houde explained that there are no guarantees for a sixth year of the grant. Current plans are to reapply for another five year grant.

Councilor Boyd asked Mrs. Houde to speak about the court diversion program.

Betsy Houde, the executive director of the Youth Council. She explained that the Youth Council provides a wide array of treatment programs for at-risk youth. The court diversion program is one example. She reported that the court diversion program is 97% successful in diverting youth cases from court. She added one year later 92% of the youth were not arrested.

Betsy Houde stated that two or three youths fail the program each year.

School Board Chairman Ortega asked when the grant application would be submitted for renewal.

Betsy Houde replied the application deadline for renewal was February 2014.

School Board Chairman Ortega asked if there was a need for assistance completing the grant application.

Betsy Houde replied that the biggest challenge is to sustain activities. An important element is having a person with the time to coordinate all activities.

## **8. Consideration of Merrimack High School as the Single Polling Site**

Moderator Lynn Christensen and Town Clerk Diane Trippett were introduced.

Lynn Christensen expressed her appreciation to be able to come before the School Board to discuss the high school as the single polling site. She did not expect any decision to be made during the meeting.

Ms. Christensen reported the last time Merrimack had one polling site the number of registered voters was between 11,000 to 12,000 voters. The one polling site was held at what is now known as the James Mastricola Upper Elementary School. The one polling site was a challenge for the larger elections even with the parking accommodations.

Ms. Christensen reported a second polling site was opened at St. John Neumann Church for approximately 3,000 voters living in the south end of Merrimack. A few years later a third polling site was opened at St. James Method Church for approximately 2,500 voters living in the north end of Merrimack.

Ms. Christensen reported the number of voters has since increased to 19,000. The polling site at St. James was not able to accommodate the growth. The traffic flow on Daniel Webster Highway and the pedestrian flow inside the polling site became problematic. Consideration was given to relocating the St. James polling site to Reeds Ferry Elementary School; however, that option was eliminated due to many reasons.

Ms. Christensen explained after the St. James polling site closed and the voters in the north end of town were directed to vote at the James Mastricola Upper Elementary School. The number of voters at the upper elementary polling site increased to approximately 14,000 voters. The St. John Neumann polling site increased to approximately 5,000 voters, too many for that polling site.

Ms. Christensen sited two options. One option would be to reduce the number of voters at the St. John Neumann polling site back to 3,000 voters which would increase the number of voters at the James Mastricola Upper Elementary School to 16,000. Another option would be to have one polling site at Merrimack High School. The high school is the only site in town that would accommodate the 19,000 voters.

Ms. Christensen explained the last time she discussed the high school as a single polling site with the School Board it was determined that school would need to be cancelled on some or all of the election days.

Ms. Christensen stated that the James Mastricola Upper Elementary School polling site would be able to accommodate primary elections.

Ms. Christensen stated there are three elections over a four year period. If the School Board were to allow the use of the high school as a single polling site and didn't want to make adjustments to teacher workshop days, she would suggest having the annual local elections in April and the state elections held every other year in November at the high school. She would suggest that the other elections be held at the James Mastricola Upper Elementary School.

Ms. Christensen felt confusion over two polling sites would be minimal because they are in the same vicinity. A polling site at the high school would be able to accommodate the number of voters, traffic and parking. Additional handicap parking spaces could be created for easy access. The high school is ADA compliant and has room for expansion.

Chairman Ortega thanked Ms. Christensen for her presentation. He stated that neither body will make a decision at this time.

School Board Member Barnes stated that Friday workshop days allow families to have a long weekend. She asked if there was an update to the idea of moving the State primaries in August.

Ms. Christensen has not been informed of any update.

School Board Member Barnes noted that the Veterans' Day is one week after the November Election Day. Veterans' Day is one of two State mandated holidays for schools. If school is not in session during the November Election Day, it would result in two consecutive four-day school weeks.

School Board Member Barnes expressed her concern over the frequency of the various elections and their impact to the school calendar and/or schedule.

School Board Member Schneider asked for clarification on the structure of a single polling site.

Ms. Christensen responded that ideally a single polling place would be held at Merrimack High School for all elections. An alternative option would be use one of two locations as the single polling place depending on the type of election.

School Board Member Schneider questioned if the upper elementary school was ADA compliant if used for as a single polling place.

Ms. Christensen explained that the major non-compliant issue had to do with the space. Non-compliance issues relative to ADA were minor and accommodations could be made.

Councilor Koenig expressed his desire to support the Town and School District Moderator who has the interest of the community in mind. He asked that the Council and the School District to cooperate and work together with Moderator Christensen with respect to resolving the polling site space needs.

School Board Member Powell asked for the size of the Districts that have a floating day designated for elections.

Ms. Christensen replied that the Districts were smaller than Merrimack.

School Board Member Powell didn't feel a floating day would work for Merrimack.

School Board Member Powell expressed his concern that one more no school day could result in the last day of school in the third week of June. He does not think the high school is the appropriate location for a sole polling place. He supports keeping two polling sites.

Ms. Christensen stated that two polling sites would result in 3,000 voters at St. John Neumann and 16,000 voters at the upper elementary school compared to 11,000 before there were three polling sites.

Ms. Christensen noted that the polling site(s) decision is up to the Town Council and the School Board. She will work with the outcome.

School Board Member Markwell asked if the Merrimack Middle School had been considered as a polling site.

Ms. Christensen stated that she had not considered Merrimack Middle School as a polling site. She noted that parking would be problematic and school would need to be cancelled for the day.

School Board Member Markwell stated that he felt Merrimack High School would be the best option for a single polling place. He asked the School Board to reconsider its vote and make Merrimack High School a single polling site.

Councilor Dwyer expressed his opinion that the School Board will not agree to use Merrimack High School as a single polling place. He stated that he will support a petitioned warrant article, if one was initiated, that would site Merrimack High School as the single polling.

Ms. Christensen expressed her confidence that the Town Council and the School Board will do what is best for the community of Merrimack with regards to the polling site(s).

School Board Chairman Ortega reported that the School Board deliberated over the single site polling place in November 2010, February 2011, March 2011 and December 2011. When the School Board voted in December 2011 not to allow the high school to be used as a single polling site there were three polling sites. The School Board did not have any knowledge that one of the three polling sites would close. He added that the impact to the school calendar and teacher workshop days was a major factor in the outcome of the vote.

School Board Chairman Ortega stated that he understood why St. James polling site was closed. He asked Ms. Christensen what caused the closure of the St. John Neumann site.

Ms. Christensen replied that St. John Neumann could handle approximately 3,000 voters, not 5,000. The options are to switch to one polling site or change the St. John Neumann voting district on a regular basis to reduce the number of voters at that site. The Town Council decided to close St. John Neumann rather than frequently change the voting district.

School Board Chairman Ortega asked if Merrimack Middle School could be used as the third polling site, instead of St. James.

Ms. Christensen replied that can be a consideration; however, she felt parking would be an issue with school in session.

School Board Barnes asked for the historical perspective of the number of registered voters compared to the actual number of voters.

Ms. Christensen stated that she had that information and would provide the School Board with that data.

School Board Member Schneider questioned if James Mastricola Upper Elementary School could accommodate the required number of voting booths. He expressed his concern over parking and traffic flow.

School Board Chair Ortega asked if there were compliance issues with three polling sites.

Moderator Christensen responded per RSA an elected official's domicile must be in the voting district. Whether or not a person can work at a polling site that they don't live in depends on which attorney you ask.

## 9. Single Stream Recycling

Town Manager Cabanel provided an update on the single stream recycling. She explained that the Town Council charged the Town Manager with the task of pursuing recycling efforts. She explained the price to remove regular trash is \$80 per ton compared to \$5 per ton for single stream recycle.

Town Manager Cabanel noted that a Town Recycling Committee was created to review the cost of the Town's disposal contract. She explained the Town entered into a long-term disposal agreement that will cost the Town \$63 per ton to remove regular trash. The price is less than the Concord area co-op pays per ton for removing regular trash.

Town Manager Cabanel reported in the year 2011, 10,000 tons of regular trash were removed from Merrimack compared to only 1,400 tons of single stream recycling during that same time.

Town Manager Cabanel expressed her desire to include the School District in on the single stream recycling efforts and to help educate students about single stream recycling.

School Board Markwell asked if there were benefits to single stream recycling over sorted recycling. He also asked if the sorted recycling would generate revenue.

Town Manager Cabanel explained that various metals are now being separated for revenue purposes at a revenue rate of \$170 per ton compared to paying \$5 per ton for inclusion in the single stream recycling. She explained that the sorted recycling is a method of the past. The single stream recycling will result in more participation. She explained that the Town of Merrimack has a contract with Empire. Empire will pay the Town \$5 per ton to purchase and remove the single stream recycling.

School Board Markwell asked if the Town Council had considered contracting with a company that would provide curbside recycling. He felt the easier the recycling process the greater the participation. He also asked if Styrofoam products with the recycle number 5 can be recycled and if not, why.

Town Council Vice Chairman Rothhaus responded that the reason the plastics and Styrofoam are not recycled is because they cause the recycling machine to jam.

Town Manager Cabanel agreed that the ability to recycle Styrofoam needs to be addressed.

Town Council Vice Chairman Rothhaus stated that the single stream recycling is about cost avoidance. The ease of single stream recycling will increase in time with an educational component.

Town Manager Cabanel reported an increase in the participation rate for recycling since single stream recycling. She reported the amount of trash recycled through the sorting method was 8.7% compared to 13% to 14% using the single stream recycle method.

School Board Member Barnes highlighted the recycle flyer and suggested that families use it as a guide when recycling.

Councilor Dwyer stated that the single stream recycling is being driven by the larger companies and the market throughout the country.

**10. Next Meeting Date:**

The Town Council will host the next joint meeting between the School Board and the Town Council in March 2013.

Councilor Dwyer asked if the next meeting could be in an air conditioned facility.

School Board Chairman Ortega stated that Merrimack High School was chosen as the venue because the School Board hosted the meeting.

School Board Member Markwell suggested that the joint meeting be held in May rather than March because March is a busy time for the School Board.

School Board Chairman Ortega stated that he will discuss the meeting month with Town Council Chairman Mahon.

**Public Comments:**

Jody Vaillancourt of 35 Greenleaf Street took issue with the implications that the School Board did not consider what was best for the entire town during its discussions and deliberations relative to the high school as a single polling site. She stated that School Board Member Markwell's comment that staff, not parents, provided input about the school calendar was inaccurate. She noted that some staff members are taxpayers and parents. She stated many parents provided her with input.

At 10:10 p.m. Councilor Boyd moved (seconded by School Board Member Barnes) to adjourn the meeting.

The motion passed 10-1-0 with Councilor Boyd voting in opposition.