

**Special Merrimack School Board Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
Monday, August 26, 2019**

PUBLIC MEETING MINUTES

Present: Chair Barnes, Vice Chair Guagliumi, Board Members Schneider, and Schoenfeld. Also in attendance were Superintendent McLaughlin, Assistant Superintendent of Curriculum and Instruction Fabrizio and Assistant Superintendent for Business Shevenell.

Excused: Board Member Nunez

1. Call to Order/Pledge of Allegiance

Chair Barnes called the meeting to order at 7:00 p.m.

Chair Barnes led the Pledge of Allegiance.

**2. Consideration of District Options Relative to Signage on or Near
Madeline Bennett Lane**

Chair Barnes explained that approximately five years ago, in 2014, the Board had met with the developers of what was known as Chestnut Hill. She further explained they planned on developing about 72 houses on Old Blood Road and with that, they had come to the Board looking for some support. Chair Barnes said during that period of time the Board met with the developers and expressed some concerns regarding traffic patterns, noting there was a traffic study done which included the addition of a stop sign because due to the major intersection. She further said the traffic study determined the best place to put the stop sign would be at the end of Old Blood Road.

Chair Barnes stated in the process of meeting with the Town's Safety Committee as well as going before the Planning Board [she noted the Safety Committee went before the Planning Board] it was determined that the Town Council wanted to put the stop sign at the end of Madeline Bennett Lane. She said the School Board was vehemently opposed to that and did not know that they could have appealed the decision. She further said it was determined that the stop sign would be placed at the end of the parking lot at the Merrimack Middle School.

Chair Barnes commented at some point the School Board determined it wasn't imminent because there was no building and it had laid dormant for the past five years. She said the development was moving forward and with that, it became relevant for the School Board to address it.

Chair Barnes stated she felt the School Board needed to do a safety study based on the findings of the traffic engineers' report from 2014 and from there, authorize the district to conduct the safety study to talk about the traffic impacts which would occur by having a stop sign at the end of the Merrimack Middle School parking lot would create.

Board Member Schneider commented that the Planning Board decided to put the stop sign at the driveway and because the School Board had some concerns and the School Board wanted to do a traffic study to see if information could be gathered that might persuade the Town to change the location. Chair Barnes said Board Member Schneider's summary of the situation was correct.

Vice Chair Guagliumi asked what the cost of the safety study would be. Assistant Superintendent for Business Shevenell replied the traffic study from three years ago cost approximately \$3,000. He said the traffic and/or safety study would have to wait until after school started and there was actual traffic at the location.

Vice Chair Guagliumi stated she agreed that a traffic study should be done to ensure safety for the community.

Chair Barnes asked if there were further comments or questions from members of the Board. There were none.

Board Member Schneider moved (seconded by Board Member Schoenfeld) to authorize the Merrimack School District to conduct a safety study for the proposed traffic pattern on Madeline Bennett Lane once the school year started.

The motion passed 4-0-0.

3. Response to Letter from Town Council Requesting Easement for Sewer Line on Madeline Bennett Lane

Chair Barnes moved (seconded by Board Member Schneider) to offer the Town of Merrimack ownership of the sewer line serving the Merrimack Middle School located under and along Madeline Bennett Lane continuing down Baboosic Lake Road ending at Jessica Drive with four stipulations.

The School Board will grant to the Town the necessary temporary construction easements for the repair and/or replacement of the existing sewer line with stipulations noted below:

1. The Town will assume ownership and responsibility for the sewer line to be granted in this easement whether or not the proposed development proceeds as planned.
2. The Merrimack School District is granted permanent occupancy for the Merrimack Middle School.
3. The School District and Town reach agreement on issues related to the operation of the middle school during the sewer line construction.
4. The acceptance of Madeline Bennett Lane as a public town road upon completion of the sewer project.

Discussion:

Board Member Schneider asked if the Town currently owned the sewer line from the traffic light to Jessica Drive? Chair Barnes replied the Town did not.

Board Member Schneider asked if the School District owned the sewer line even though it was located on the Town's right-of-way? Chair Barnes replied they did.

Board Member Schneider, summarizing the motion, stated the School Board would grant an easement to the Town of Merrimack from Jessica Drive all the way to the middle school and would do whatever upgrades or modifications needed to be done to the sewer line and once completed the Town would take ownership of the sewer line and accept Madeline Bennett Lane as an approved road. Chair Barnes replied the summarization was correct.

Chair Barnes took a moment to address some of the misstatements and inaccuracies contained in the Town Council's letter, dated August 19, 2019, addressed to the School Board. She said the letter sought to place responsibility for the deficiencies in the construction of the sewer line solely on the school district. She said when the plans for building the middle school were first being developed, the Town requested that the School District design and construct a sewer line that was capable of accommodating future non-district development. She further said the School District honored the Town's request and installed a much larger pipe than would have been necessary for only the middle school's use and in order to ensure proper flow in the sewer for those future non-school district users,

the sewer pipes had to be buried considerably deeper than they would have if the middle school was just being serviced by the sewer.

Chair Barnes noted that the composition of the soil at the greater depth was less stable which resulted in issues with the sewer installation. She further noted during the installation of the sewer the Town monitored and inspected the work on an almost daily basis and it was only after the sewer was installed that the Town determined the installation had not been done according to plans. She said because of deficiencies perceived by the Town it did not pose a health or safety issue, the Town authorized the use of the sewer.

Chair Barnes stated that the School District had monitored, inspected, and serviced the sewer line for the past fifteen years and the condition of the sewer line had not further deteriorated and remained adequate for school purposes and did not pose a health or safety risk to the community. She also stated it was likely that the sewer would be able to continue to serve the school's needs for the next several decades without major repairs or replacement.

Chair Barnes commented that the School Board would work with the Town of Merrimack to accomplish the repair, the replacement, and transfer of ownership of the sewer line in order to accommodate private development while ensuring the safety of its students and the uninterrupted operation of the Merrimack Middle School.

Board Member Schoenfeld asked what the difference was between the easement and ownership and why there was a combination of both instead of simply transferring the ownership. Chair Barnes replied the School Board offered the ownership in 2004 and it was declined and they then asked for ownership in 2011. The School Board agreed to offer ownership but after the Town Council asked for it they decided not to accept it. She further replied the School District still owned the sewer as of 2019. Chair Barnes pointed out that it was never the School Board's intention to be the owners and wanted to get the situation behind them.

Chair Barnes said the second part of the issue was an easement and the reason for the easement was because the Town Council wanted to re-do the sewer line to meet the needs of the new development and address the issues of the sewer line. She said in the long-term a new sewer line would be put in place but in the interim, the School Board did not want to be responsible for either.

Vice Chair Guagliumi commented she agreed with the motion as she did not feel the School District should be in the business of sewer maintenance. She also commented she agreed that the School District should be granted permanent occupancy for the

Merrimack Middle School. Vice Chair Guagliumi added she would not want the School District to restrict the ability for the development to move on.

Board Member Schoenfeld asked if permanent occupancy was something that could be asked for and given? Chair Barnes replied they could request permanent occupancy. She added the School Board had consulted Town Counsel regarding the matter.

Board Member Schneider said one of the things in the letter from the Town Council that took him off guard was the fact that the School District was in non-compliance because there was no second egress to the middle school which would be solved by the Old Blood Road. He asked if there was a problem with there being only one way into the middle school building. Assistant Superintendent for Business Shevenell replied not having a secondary egress at the middle school was not a problem whatsoever. He added it would be nice to have it and it would be best for the school and the district but was not necessary for any type of approval.

Board Member Schneider read aloud the Town Council's letter as follows:

*The middle school has only a single egress where it is required to have two.
The project itself will resolve that issue by finishing Old Blood Road.*

Assistant Superintendent for Business Shevenell noted if that was required it would have been clearly stated.

Vice Chair Guagliumi stated that she did not recall the School Board ever receiving any notifications regarding a requirement to have a second egress. Assistant Superintendent for Business Shevenell mentioned it has always been the District's desire to have a second egress but it was never conveyed to him.

Superintendent McLaughlin commented the sewer line as it currently existed was not what the school needed years ago. He said he felt it was important for people to know that the sewer line was the way that it was because there was a partnership with the Town and the development of the middle school which included it and anticipated future use. He said he would like to be clear that it was not because of the construction of the sewer line or the middle school was in any way deficient and the District was resolving an issue which related to potential future use of the sewer line for development.

The motion passed 4-0-0.

4. Public Comments

Mr. Finlay Rothhaus of 14 Kittridge Lane and a member of Town Council commented (inaudible) investigations over the course of three years and it was chosen to let him off the hook and that was a mistake in my opinion. He said the Town Council did ask for a larger diameter line but that did not cause the sewer line to go deeper, noting the line had to be where it was because of the layout of the sewer system. Mr. Rothhaus said in 2011 the developer wanted to have the work done so the Chestnut Development could be developed. He said the road would be completed and was confident there would not be problems which were presently perceived.

At 6:30 p.m. Board Member Schneider moved to go into non-public session pursuant to RSA 91-A:3, II (a) (b) & (c). Vice Chair Guagliumi seconded the motion.

The motion passed 4-0-0 by a roll call vote.

At 7:20 p.m. Board member Schneider moved (seconded by Board member Guagliumi) to adjourn the public meeting.

The motion passed 4-0-0.