



Town Council Meeting Minutes

Thursday, March 14, 2024, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Chairman Rothhaus called the meeting to order at 7:03pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, Councilor N. Murphy, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Councilor M. Murphy arrived at 7:15pm

Announcements

Upcoming Town Council Meetings:

- Thursday, March 28, 2024, 7:00 PM Regular meeting
- Thursday, April 11, 2024, 7:00 PM Regular meeting
- Thursday, April 25, 2024, 7:00 PM Regular meeting

Important Dates to Remember:

- Tuesday, April 9, 2024, 7:00 AM – 7:00 PM Annual Meeting / Voting Day - At your designated polling location

The Assessing Office would like to remind residents that the deadline to file for Property Tax Exemptions and Veterans tax credits is April 15th.

2024 dog licenses are now available at the Town Clerk's office. Per NH State law, all owners of dogs four months and older are required to license their dog by May 1st. Owners must present a valid rabies certificate and a neutering or spaying certificate, if applicable.

If you no longer have your dog, please contact the Town Clerk's office at 424-3651 so that we may update our records.

Come and join the Merrimack Parks & Recreation Department next Saturday March 23rd for the 32nd Annual Easter Egg Hunt at Wasserman Park. For this year's event, we have 6,500 Easter eggs ready to hand out and each group has a specific time slot for their Easter Egg Hunt as follows:

- **SPECIAL NEEDS** 10:10 AM
- **AGES 1 - 3:** 10:30 AM
- **AGES 4 - 5:** 10:50 AM
- **AGES 6 - 7:** 11:10 AM
- **AGES 8 -10:** 11:30 AM

For complete details visit www.merrimackparksandrec.org or call 603-882-1046

Spring is here and the Wastewater Treatment Facility would like to let residents know that compost is ready to be sold or given away. For residents with a non-hydraulic dump vehicle the compost is free, with a hydraulic vehicle it is \$5.00 per yard. Required forms and details can be found on the Town website or by calling the Wastewater Facility at 603-883-8196.

Approved: March 28, 2024

Posted: March 29, 2024

The first Hazardous Waste Collection Day of the season is Saturday April 20th from 8am to 12pm at the Nashua Public Works Garage at 9 Stadium Drive, Nashua. The cost is \$15.00 per vehicle, this covers up to 10 gallons or 20 pounds of waste. Cash or check made payable to NRSWMD is accepted. There is a brand new Planet Aid Collection Box at the Recycling Transfer Center in place for this weekend.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

1. Public Hearing – Abbie Griffin Memorial Fund

Submitted by Fire Chief Mark DiFronzo and Police Chief Brian Levesque

The Town Council will hold a public hearing to authorize the acceptance and expenditure of up to \$22,265.00 from the Abbie Griffin Memorial Fund for the purchase of equipment for electric vehicle and lithium ion battery emergencies for the Fire & Rescue Department and for the purchase of three (3) Defense Technology launchers, eight (8) new racks with installation, twelve (12) Nightstick Long Weapon Lights Kits with rail mounts, twelve (12) Vickers Push Button Slings for the rifles and Rogue MIL Pull-up Station for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Fire Chief DiFronzo and Chief Levesque were present to share the equipment they are looking to purchase. Chief DiFronzo stated that his equipment included FireShield EV blankets to shield and contain battery fires, CellSafe Max Pails and Drums, CellBlock Ex, and J hooks, towing straps and dolly systems to move vehicles. Mr. Micali then shared that this year is the 100th year of the Fire Rescue Department, and they are planning a celebration for the department.

The public hearing was opened at 7:19pm and closed at 7:20pm.

MOTION made by Councilor Healey and seconded by Councilor Koenig to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of \$11,027.52 for the purchase of equipment for electric vehicle and lithium ion battery emergencies for the Fire & Rescue Department, pursuant to RSA 31:95-b and Charter Article 8-15, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

Chief Levesque then shared that for his equipment, they are looking to purchase some 40mm less-than-lethal launchers that fire foam and rubber projectiles that enable officers to address threats and potentially lethal threats from a greater distance, such as a person armed with a knife, and hopefully dislodge the weapon and reduce the threat. He is looking to purchase three defense technology launchers, which are \$1,131 each, and also upfit the cars with new racks as their current racks are for single rifles and they are looking to upgrade to a dual rack to house a rifle and launcher together next to each other. The upgraded rack will cost \$4,385 to purchase and install. Chief Levesque also stated that they would like to purchase new long weapon light kits and rails to mount on the side rail of the rifles for the new rifles they had recently purchased for the department, as well as twelve new vickers push button slings, which is essentially a one point harness. The

cost of the lights are \$105 each, the mounting rails are \$19.95 each, and the slings are \$89.98 each. The last item they'd like to purchase is a rogue military pull-up station for \$653 as the officers have been asking for one and there is no place for the officers to do pull-ups in their gym area.

The public hearing was opened at 7:31pm and closed at 7:32pm.

MOTION made by Councilor N. Murphy and seconded by Councilor M. Murphy to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of \$11,060.27 for the purchase of three (3) Defense Technology launchers, eight (8) new racks with installation, twelve (12) Nightstick Long Weapon Lights Kits with rail mounts, twelve (12) Vickers Push Button Slings for the rifles and Rogue MIL Pull-up Station for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

2. Public Hearing – Acceptance of Donated Land

Submitted by Town Manager Paul T. Micali

The Town Council will hold a public hearing for the acceptance of a donation of a parcel of land known as Tax Map 6E/008 from Midcoast Ventures LLC, with an estimated value of \$16,300 to the Town of Merrimack, pursuant to RSA 31:95-e and Charter Article 8-15.

Mr. Micali shared that this is a housekeeping item as this parcel of land was accepted by the Town Council at a previous meeting.

The public hearing was opened at 7:33pm and closed at 7:34pm.

MOTION made by Councilor Healey and seconded by Councilor N. Murphy to accept the donation of a parcel of land known as Tax Map 6E/008 from Midcoast Ventures LLC, with an estimated value of \$16,300 to the Town of Merrimack, pursuant to RSA 31:95-e and Charter Article 8-15, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

Councilor N. Murphy shared that HB1146, relative to removal of a voter from the checklist, which was passed today in the house, creates a process for voters to remove themselves from the checklist. HB1310 also passed, relative to meetings of the supervisors of the checklist, requires supervisors of the checklist to meet at least every 90 days for the purpose of periodic voter checklist maintenance. HB1369 passed as well, which is relative to the verification of voter roles every four years, and would purge voters from the checklist every four years beginning in 2027. The secretary of state was not opposed to purging the voter roles more often, but didn't endorse the 4-year purge. HB1370, relative to durable and tamperproof containers for preserving ballots, was passed and requires the Secretary of State to replace the cardboard boxes that are currently used to hold ballots with dedicated durable containers that can be readily secured and easily transported. HB1569, relative to eliminating voter ID exceptions, passed and fundamentally changes the NH voter registration process by eliminating all voter affidavits for citizenship, domicile, and age. It will also allow a challenger to file an affidavit to prevent a voter from voting. Voters are permitted to contest the challenge in court. HB1231, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use, passed as well. HB1329 also passed, relative to creating special number plates for fire departments, allows municipal fire departments to issue special plates to fire vehicles similar to those issued to municipal police

vehicles. Lastly, HB1391, relative to allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase, passed.

Town Manager's Report

None.

Consent Agenda

None.

Old Business

None.

New Business

1. Donation Acceptance to Parks and Recreation Scholarship Fund

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$400 from The Friends of the Merrimack Public Library to the Parks and Recreation Department's Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to accept a donation in the amount of \$400 from The Friends of the Merrimack Public Library to the Parks and Recreation Department's Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

2. Donation Acceptance to the Parks and Recreation Scholarship Fund

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$500 from The Lions Club of Merrimack to the Parks and Recreation Department for the establishment of a scholarship fund for the new After School Program, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor M. Murphy and seconded by Councilor Healey to accept a donation in the amount of \$500 from The Lions Club of Merrimack to the Parks and Recreation Department for the establishment of a scholarship fund for the new After School Program, pursuant to RSA 31:95-b and Charter Article 8-15, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

3. Back River Road Emergency Drainage Repair

Submitted by Public Works Director Dawn Tuomala

The Town Council to consider the request for the release of funds from the Road Infrastructure Capital Reserve Fund for an emergency drain culvert replacement on Back River Road between Ries Drive and Pheasant Run.

Deputy Director Leo Laviolette was present to share that a few weeks ago, a sink hole was found on Back River Road between Ries Drive and Pheasant Run. This was caused by a failure of a culvert running under Back River Road, specifically a 12 inch corrugated metal pipe that corroded and completely collapsed. The highway department responded to the site quickly, where they realized that the sink hole is deeper than they

can handle and is beneath a waterline that's within the water main within Back River Road. The sink hole was about 3 feet deep by the time they saw it, and it was in the southbound travel lane, so they were able to back fill it and patch it for now. Councilor Healey shared that she will be abstaining from this agenda item as this is in her neighborhood and she doesn't want anyone to think she is voting on this to benefit her. Mr. Laviolette shared that the cost for this project will be \$47, 965.00.

MOTION made by Vice Chair Harrington and seconded by Councilor Koenig to release \$47,965.00 from the Road Infrastructure Capital Reserve Fund for an emergency drain culvert replacement on Back River Road between Ries Drive and Pheasant Run.

MOTION CARRIES 6-0-1 with Councilor Healey abstaining

4. Souhegan River Trail Request of Funds

Submitted by Public Works Director Dawn Tuomala

The Department of Public Works requests the release of funds from the Road Infrastructure Capital Reserve Fund for additional engineering work to address changed conditions onsite.

Public Works Director Dawn Tuomala and Deputy Director Leo Laviolette shared the following updated information on the Souhegan River Trail Project via images through PowerPoint Presentation:

- Trail Excavation behind the fire station/river bank is eroded due to not being armored
- Head Gate change/trail is relocated
- Trail re-alignment
- Proposed Berm construction to avoid trail flooding and erosion protection
- Chamberlain Bridge repairs/corrosion of beam #7
- More damage to the beams than anticipated
 - #6 & #7 beams need repairs
- First repair pours were just completed on beams #6 & #7 yesterday
- Power canal- behind this wall is a foam glass aggregate (glavel) made up of recycled glass from Vermont

Change Conditions and Costs

- The DPW, Design Engineer, Construction Engineer and Contractor have worked hard to balance the changes in existing conditions by de-scoping work in the original contract that could apply funding to the changes seen in the field. Some examples of this are:
 - Removal of the retaining wall used on the Fire Station side in place of the berm at the river edge
 - Removal of the helical pile and column in place of the structural supporting wall on the east end of the power canal (beneath Beam 6 & 7)
 - Minor re-routing and grade change of the east side of the trail to avoid excavation in the AUR, to help offset cost of the helical pile installation to deeper elevations
- The DPW and Construction Engineer are continuing to work to complete the project within the existing construction budget by balancing over-runs and reducing other items in the contract
- Due to the redesign, the engineering of these changes have to be added to the cost of the project. The DPW is still in negotiations of Amendment 6 to refine these costs but they will not exceed the following amendment prices:
 - Amendment 5- \$48,817
 - Amendment 6- \$55,646- still under negotiation
- The total cost of \$104,463 would be split 80/20 with NHDOT and therefore the Town's portion would be \$20, 892.60

- Request is for the Town Council to release additional funds \$104,463 from the Road Infrastructure CRF with \$83,470.40 reimbursed by NHDOT

MOTION made by Councilor Healey and seconded by Councilor M. Murphy to authorize the release \$104,463 from the Road Infrastructure Capital Reserve Fund, of which \$83,470.40 will be reimbursed by NHDOT as part of the 80/20 split, for additional engineering work to address changed conditions onsite for the Souhegan River Trail Project, and to authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

5. Continental Boulevard Discussion

Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington

Town Council to discuss HB 2024 (10-year Transportation Improvement Plan) and the amendment to reclassify Continental Boulevard from a Class II Highway to a Class V Road, transferring ownership and maintenance from the NH DOT to the Town of Merrimack.

Before beginning their presentation, Mr. Micali provided a brief summary on the history of Continental Blvd as well as how this amendment came to be. Ms. Tuomala then shared the following information via PowerPoint Presentation:

- The State has passed an Amendment that would give responsibility for the below section of Continental Boulevard (12,835 feet) to the Town of Merrimack
- This amendment means that the Town of Merrimack will inherit responsibility for all maintenance of this section of Continental Blvd. road, which includes:
 - Paving & Drainage
 - Street Lights
 - Traffic Signals
 - Winter Maintenance
 - Spring Sweeping
 - Line Striping
 - Misc. Road Maintenance
- The cost of paving this section of road alone is 1.85 million dollars which is more than the paving budget for the entire town

Annual Maintenance Summary Table:

Activity	Annual Cost
Drainage Maintenance (MS4 Requirements)	\$9,000
Street Lights – (14 lights @ 160 ea)	\$2,240
Traffic Signals – (yearly maintenance)	\$3,000
Winter Maintenance	\$118,000
Spring Sweeping	\$1,500
Line Striping	\$5,000
Misc Road Maintenance	\$6,000
ANNUAL MAINTENANCE COST	\$144,740

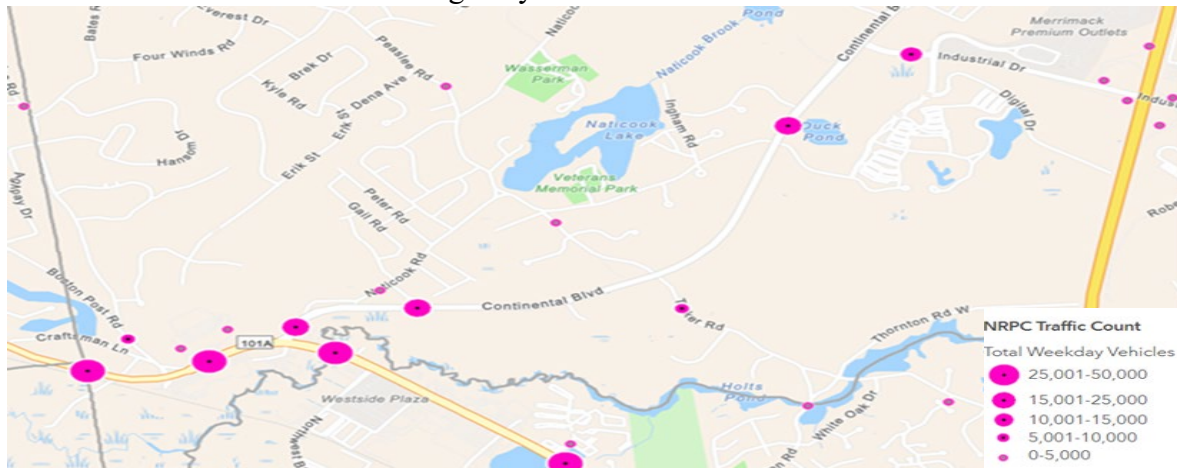
Long Term Capital Investment Plan (CIP) Cost (per 20 years):

Activity	Long Term Capital Costs (20 years)
Drainage Maintenance	\$2,500,000
Street Lights – to switch to LED Lights (14)	\$2,800
Traffic Signals Replacement	To be Determined
10 Wheel Dump Truck	\$220,000
Paving (every 8 years) – High Strength	\$4,600,000
TOTAL LONG TERM CIP COST	\$7,322,800/20 years
AVERAGE ANNUAL CIP COST	\$366,140/YR AVE COST

The estimated annual maintenance cost for Continental is:

Annual Maintenance Cost	\$144,740
Annual CIP Cost	\$366,140
Total Annual Cost	\$510,880

- This map illustrates that NH Route 101A has over 25,000 weekday Vehicles. Looking at the Town Roads. They collectively are under the 5,000 weekday Vehicles.
- This visualization alone shows that the Town of Merrimack residents do not have as significant an impact on Continental as the through impact coming from NH Route 101A and Industrial Drive which are both State Maintained Highways.



- The counts below (shown over two different year spans) show that the traffic along that section of Continental Blvd is far greater than any Merrimack road in the same area.

Approved: March 28, 2024


Posted: March 29, 2024

2010-2011				2022-2023				Difference between Dates
Site ID	Description	Year of Count	Total Weekday Vehicles	Site ID	Description	Year of Count	Total Weekday Vehicles	
297058	Continental Blvd N. of NH101A	2010	17,515	297058	Continental Blvd N. of NH101A	2022	18,337	822
297027	Naticook Rd N. of Continental Blvd, Merrimack	2014	4,036	297027	Naticook Rd N. of Continental Blvd, Merrimack	2023	3,618	(418)
297023	Continental Blvd E. of Naticook Rd	2010	13,744	297023	Continental Blvd E. of Naticook Rd	2022	15,265	1,521
297026	Tinker Rd S. of Continental Blvd, Merrimack	2010	4,403	297026	Tinker Rd S. of Continental Blvd, Merrimack	2022	5,548	1,145
297044	Tinker Rd N. of Continental Blvd, Merrimack	2011	1,991	297044	Tinker Rd N. of Continental Blvd, Merrimack	2023	1,942	(49)
297003	Continental Blvd N. of Camp Sargent Rd, Merrimack	2011	16,021	297003	Continental Blvd N. of Camp Sargent Rd, Merrimack	2023	16,487	466
297029	Industrial Dr S. of Continental Blvd, Merrimack	2010	7,989	297029	Industrial Dr S. of Continental Blvd, Merrimack	2022	10,158	2,169

Next Steps and Support

- Paul Micali (Town Manager) and Dawn Tuomala (DPW Director) will request to present our position to the NH State Senate.
- Any resident that would like to show support for the town, is encouraged to write a letter to any of the town's State Representatives.
- Town Councilors are also encouraged to write letters to our State Representatives and/or the Senator.

DISCOVER A TOWN OR CITY'S REPRESENTATIVE



Select a town

Representatives for Merrimack

District 12

[Bill Boyd](#): 139 Joppa Road Merrimack, NH 03054

[Robert V. Healey](#): 68 Back River Road Merrimack, NH 03054

[Tim S. McGough](#): PO Box 1717 Merrimack, NH 03054-1717

[Maureen C. Mooney](#): PO Box 1676 Merrimack, NH 03054-1676

[Nancy A. Murphy](#): 20 Brenda Lane Merrimack, NH 03054-2508

[Jeanine M. Notter](#): 19 Whittier Road Merrimack, NH 03054-4755

[Rosemarie Rung](#): 21 Ministerial Drive Merrimack, NH 03054-3321

[Wendy E. N. Thomas](#): 10 Wildcat Falls Road Merrimack, NH 03054

State Senator for Merrimack

District 11

[Senator Chandley](#): Legislative Office Building
Room 102-A 33 North State Street Concord NH 03301

Minutes

Approve the minutes from the following Town Council meetings:

- ♦ February 8, 2024 [Tabled at the February 20, 2024 Town Council meeting]

MOTION made by Councilor Koenig and seconded by Councilor Healey to take this agenda item off the table.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to approve the minutes from February 8, 2024 with corrections.

MOTION CARRIES 7-0-0

Amendments:

- Page 4, top of the page: correct to say: “Councilor N. Murphy shared that the refer to finance division was waived off”
- Page 5, 6 and 22, the motions to move, strike the word “move” from the motions

- ♦ February 15, 2024

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to approve the minutes from February 15, 2024 as written.

MOTION CARRIES 7-0-0

- ♦ February 20, 2024

MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to approve the minutes from February 20, 2024 as written.

MOTION CARRIES 7-0-0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Vice Chair Harrington wished everyone a Happy St. Patrick’s Day. Councilor Koenig thanked Merrimack residents for coming to the Deliberative Session and encouraged everyone to come out to vote on April 9th. Councilor N. Murphy shared that she had the honor of being able to lead the Pledge of Allegiance at the House this morning, and she was joined by Trey Grant who is a senior at Merrimack High School, who played the National Anthem and did a phenomenal job.

Adjourn

MOTION made by Councilor Healey and seconded by Councilor Koenig to adjourn the meeting.

MOTION CARRIES 7-0-0

The meeting adjourned at 9:40pm.

Respectfully submitted by Jennifer Steagald