



Town Council Meeting Minutes

Thursday, March 28, 2024, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Chairman Rothhaus called the meeting to order at 7:01pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Koenig, and Town Manager Paul Micali. Councilor Hunter and Councilor M. Murphy were excused. Councilor N. Murphy arrived at 7:50pm.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- 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

Absentee ballots for the April 9th Town Meeting are now available at the Town Clerk's office.

2024 Dog Licenses 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 603-424-3651 so that we may update our records.

The Merrimack Police Department has seen a large increase in scam activity. The scams have been reportedly involving our elderly community, but not always. We have taken several reports where the scammers have used the internet, emails, and telephone, both cell and landline to steal thousands of dollars from our citizens. In an effort to assist our community and cut down on this fraudulent activity, we are looking to put together an email list. This email list will be used to communicate valuable information involving scams and other important information that we receive through multiple federal agencies and organizations. Signing up is easy and free.

Send your email address, name and phone number to our Community Services Officer, Det. Bill Vandersyde at: wvandersyde@merrimacknh.gov. If you have any questions, please contact Det. Bill Vandersyde at 603-420-1842 or wvandersyde@merrimacknh.gov.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

1. Annual Review with the Highway Safety Committee

Submitted by Highway Safety Committee Chair / Police Chief Brian Levesque

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

Police Chief Levesque was present to share the annual update on the Highway Safety Committee. He began by stating that the Committee only met once last year, and that was to discuss installing guard rail in the area of Pearson and Hamilton Court to prevent cars from sliding into a resident's yard; however this did not meet the criteria for a guard rail as they follow guidance for traffic control for where to put guard rails and signage, and it was determined that installing guard rail could cause injury to any individuals in the vehicles that were crashing in the area. Another topic they covered in this meeting was installing a stop sign at Old Blood Rd where it meets Captain Bannon Circle; however this also did not meet the criteria and was not installed. Chief Levesque shared that during these meetings, they typically field a lot of questions and concerns regarding speeding and installing speed bumps, so he stated that they deploy data collection boxes to figure out what the actual speeds are and what the concerns are; all of these were unfounded as well- with everything being within the 85th percentile of the speed limit.

Public Hearing

1. Public Hearing – Group Petition Received “Stop Sanctuary Cities”

Submitted by Albert “Max” Abramson

The Town Council will hold a public hearing to receive public input on a group petition received to place the following petition article on the regular April ballot, pursuant to Charter Article 10-1,B: “To see whether police officers shall be permitted to enforce federal immigration laws, comply with immigration detainer requests, or contact federal immigration authorities to conduct a background investigation on anyone arrested on evidence of any other crime. No school district nor town official shall establish "Sanctuary Cities" policies that prevent immigration laws from being enforced by any police officer nor federal immigration officer in the performance of their job. Four towns, Cheshire County, and the City of Manchester have enacted "Sanctuary City" policies for illegal immigrants without notifying the general public beforehand.

A yes vote is to stop our community from being turned into a Sanctuary City.”

This petition was amended at the Deliberative Session and we will be holding the hearing to discuss the amended language; “Merrimack Police Department shall maintain Standard Operating Procedures consistent with NH State Police “Fair and Impartial” policing practices”.

Before beginning, Mr. Micali shared that this is a housekeeping issue, and that the original petition was changed at the deliberative session so the public hearing tonight is for the amended language. Chief Levesque shared that their department policy, as well as several other police departments in the state, is modeled after the NH state Police “fair and impartial” policing practices.

The public hearing was opened at 7:14pm.

Approved: April 11, 2024

Posted: April 12, 2024

William Behrens of 25 Island Drive just wanted to confirm the language, making sure that a yes vote meant that Merrimack would not be turned into a Sanctuary City, in which the amended language helped clarify that.

Mr. Micali wanted to clarify that this operating procedure would be advisory, meaning that nobody can make the police override any laws, they have to follow the rules and standards of the country.

The public hearing was closed at 7:17pm.

Legislative Updates from State Representatives

Mr. Micali shared that he received the following Legislative update:

The delegation in the Town of Merrimack was trying to have HB2024, the 10-year plan, amended today to remove that Continental Blvd will be given to the town of Merrimack in 2025. Unfortunately, their efforts have fallen short with a vote of 175 to 195, so HB2024 will move forward with the caveat that they will make Continental Blvd a Class 5 road and turn it over to the town of Merrimack. This will now go to the Senate, where there will be one more chance to have this removed.

Town Manager's Report

Merrimack TV will premiere the Cavalcade of Bands concert this Friday, March 29th at 7PM. Friends and family can watch from anywhere on the Merrimack TV app and locally on XFINITY Channel 8 and HD1072. Thanks to MHS student Hailey Downie for helping Merrimack TV with the production.

Consent Agenda

None.

Old Business

None.

New Business

1. Merrimack Village District – Industrial Drive & Continental Boulevard Salt Use (Wellhead Protection Area)

Submitted by the Merrimack Village District

The Town Council to consider the support of the Merrimack Village District's request of a proposed change in winter maintenance that the New Hampshire Department of Transportation (NHDOT) issue a "Low Salt" or "Limited Salt" route within the Wellhead Protection Area in the Industrial Drive / Continental Boulevard area that provides drinking water to the businesses and residents of Merrimack.

MVD Superintendent Ron Miner and Emery & Garrett Groundwater Inc. President and CEO Jamie Emery shared the following information via PowerPoint Presentation:

- Well 3 was taken offline because of salt.
- Wells 2 and 9 are being threatened by salt.
- Since 1992, they've seen an increase of over 1,000% of sodium and chloride.
- Before Well 3 went offline, chloride reached 500mg per liter, which the secondary drinking water standard is 250mg per liter. Additionally, they try not to have sodium over 60mg, and it was up to 200mg.

- 2011-April 2022 chlorine increases 22.12mg per liter each year; sodium increases 7.99mg per liter each year.

So how do we mitigate this Salt Load issue- we must all reduce the salt load on roads, parking lots, and side walks

- We need to change the culture of salt use- REDUCE IT.
- We need to move toward using brine and liquid agents.
- We need to move toward using anti-icing approaches from de-icing.
- Calibration, calibration, calibration of salt use and only use the right amount of salt
- Training and certification of operators.
- Sign an agreement with the NHDOT to use limited salt at the interchange of Continental Boulevard and Industrial Drive as presented tonight.

Why is this so important?

- Treatment costs to remove sodium and chloride are far greater than PFAS removal or removal of other groundwater contaminants such as VOCs, metals (iron, manganese, arsenic) and 1,4-dioxane.
- MVD has already lost one production Well due to elevated sodium and chloride due to salting of roads and parking lots. Well MVD-3, which produced 1,000 gallon per minute, has had to be replaced with Well MVD-9. Cost to MVD has exceeded \$2,000,000. Additional production Wells are being threatened by salt loads.

What is MVD doing?

- Developed a stakeholder's group that has consisted of NHDES, NHDOT, MVD, Town of Merrimack, local residents, and business owners. Four (4) meetings have occurred to date with 20-25 in attendance each meeting.
- Installed observation Wells and monitoring equipment throughout their Well fields to assess changes in salt loads in the aquifer.
- Installed WHPA signs on every road entering the sensitive groundwater recharge areas.
- Obtained a \$100,000 Watershed Restoration Grant from the NHDES and EPA and that will lead to reduction of salt loads in the WHPA.
- This grant will be used, with the support of EPA and NHDES, in a proactive way to move the dial FAST forward in causing salt use to be reduced in the Planning Grant area which in this case is the Naticook Brook Aquifer Area. One of the key issues will be using brine or no salt for those who are grandfathered in the sensitive WHPA areas (this grant has defined 23 work tasks).

Objectives

- Establish the NaCl loading goal for the Merrimack Village District Wellhead Watershed study area.
- Determine the NaCl reductions necessary to achieve the NaCl loading goal(s) and expected source water and surface water quality targets.
- Prepare and publish a NaCl Watershed Restoration Plan/Watershed-based Plan for the Merrimack Village District Wellhead Protection Area.

Action Items

- Continue with stakeholder's meetings.
- Meeting between NHDES, NHDOT, MVD, Town, and EGGI to discuss salt use 2023-2024 and how to best interpret/calculate salt load inputs.
- Obtain all salt load data from stakeholders including all areas within the WHPA.
- Begin work on the grant after SSPP is approved by EPA.

- Reduce salt load in the WHPA to improve the quality of the surface water and groundwater resources.

After the presentation, Mr. Micali asked if there were any measurements for the monitoring Well between Getinge and the MVD Warehouse. Jamie shared that the shallow has been going up, and the deep has been going down, but they don't have enough data to give them a trend yet but this is a critical area to give them important information.

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to accept Merrimack Village District's request of a proposed change in winter maintenance that the New Hampshire Department of Transportation (NHDOT) issue a "Low Salt" or "Limited Salt" route from the Exit 10 onramp from DW Highway Southbound onto Industrial Drive, continuing south on Continental Boulevard to the end where Continental Boulevard meets Milford Rd. The undersigned Town Officials support the change in Winter Maintenance as the route is within the Wellhead Protection Area that provides drinking water to the businesses and residents of Merrimack.

MOTION CARRIES 5-0-0

Minutes

Approve the minutes from the following Town Council meetings:

♦ March 13, 2024

MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to approve the minutes from March 13, 2024 as written.

MOTION CARRIES 5-0-0

♦ March 14, 2024

MOTION made by Councilor Koenig and seconded by Councilor Healey to approve the minutes from March 14, 2024 as amended.

MOTION CARRIES 5-0-0

Amendments:

Page 7, Line 4: remove "a" in front of the word significant, put "as significant an impact"

Comments from the Press

None.

Comments from the Public

Rosemarie Rung of 21 Ministerial Drive stated that they just got out of session today and she is very upset about the Continental Boulevard issue. She thinks it would be helpful if the Town Manager could put together a formal report or history of Merrimack's relationship with the DOT as far as the tolls and ownership of Continental Boulevard to help clear up the misinformation being spread about this road. Mr. Micali shared that they hired Upton and Hatfield who did an assessment and submitted a 3 inch binder that had the history of the road and that's how they discovered that the agreement for the tolls was for the bond, and it was unrelated to Continental Boulevard. Rep Rung stated that if she could get that before the next hearing that would be helpful to bring along and help with the testimony portion.

Approved: April 11, 2024

Posted: April 12, 2024

Comments from the Council

Councilor Koenig wanted to remind everyone to get out and vote on April 9th.

Adjourn

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

MOTION CARRIES 5-0-0

The meeting adjourned at 8:14pm.

Respectfully submitted by Jennifer Steagald