



Town Council Meeting Minutes

Thursday, August 19, 2021, at 7:00 PM, in the Matthew Thornton Room



Call to Order

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

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

Announcements

The Town Hall offices will be closed on Monday, September 6th for the observance of Labor Day.

Upcoming Town Council Meetings:

- Thursday, September 9, 2021, 7:00 PM Regular meeting
- Thursday, September 23, 2021, 7:00 PM Regular meeting
- Thursday, October 14, 2021, 7:00 PM Regular meeting
- Thursday, October 28, 2021, 7:00 PM Regular meeting

The Parks & Recreation Department's next Free Movie Night in the Park will take place on Friday, August 27th at 7:30 pm at Wasserman Park. They will be showing the movie "Ferris Bueller's Day Off" which was rescheduled from an earlier rain out. For questions call Parks & Recreation at 882-1046.

Merrimack TV will be covering several MHS Varsity Sports home games LIVE. If you're interested in volunteering as a play-by-play announcer, please e-mail merrimacktv@merrimacknh.gov by August 30 at 4:30PM.

The next Household Hazardous Waste event will be held on Saturday, August 28, from 8:00 AM to Noon at the Pelham Senior Center, 8 Nashua Road, Pelham NH.

The Transfer Station facility will be closed to the public on Wednesday, September 22 for employee training.

The Public Works Department is pleased to welcome Jason Vachon, Highway Maintainer, Brandon Whitney, Wastewater Mechanic II, and Henry Boucher, Highway Equipment Operator I to our team.

Community Development is pleased to announce the hiring of Stefanie Brinn as the new part-time CD Secretary, starting on September 7. Stefanie replaces Sharon Haynes, who transferred to General Government in July, and brings experience in medical and higher education administrative experience to the position.

Councilor Murphy shared an opportunity for the public to be involved in Wreaths Across America at Last Rest Cemetery to honor the vets laid to rest. To learn more about Wreaths Across America, please visit www.wreathsassamerica.org. To sign up for this, please email Jen Defelice at jendefelice@yahoo.com.

The first meeting will take place on Wednesday, September 1st at 7pm at Broadway Bound.

Chairman Koenig shared that there are still openings on the Planning and Zoning boards. If interested, please reach out to either the Chair of the committees or any Council member to discuss.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

1. Hot Dogz for ALZ Event Follow-up & Walk to ENDALZ Discussion

Submitted by Robert Bergin, Jennifer DeFelice & Ron Sloane

The Town Council to receive an update on the annual Hot Dogz for ALZ event that was held on Thursday, June 24th and to be presented with the details of the upcoming Walk to ENDALZ that is scheduled for Saturday, September 25th.

Robert Bergin began the update by thanking the Council for their continued support. He then shared that there were two new people on the team this year that helped make this event successful that he wanted to acknowledge. Holly Sloane, Social Media Coordinator, created a website for the event, collected data, and shared educational information on ALZ to those that attended. The next individual was Paul Micali, who gave valuable input on sign locations, who to connect within the town, and helped coordinate the event while Mr. Bergin recovered from surgeries. With the added help from Ms. Sloane and Mr. Micali, Mr. Bergin shared that this event sold over 2,240 hotdogs, had over 1,100 attendees, and raised \$11,690. He then stated that over the past six years, the Merrimack community has raised over \$32,000 towards the Alzheimer's Association of New Hampshire. He is grateful for the help from volunteers and the community for coming together to support this important cause. He then briefly discussed the ENDALZ 2.5 mile walk taking place on September 25th at 9:00am. This walk is an annual event held at Fischer Cat Stadium and they are looking for participants. He shared that there are two teams walking and it does not matter which team you sign up under as the proceeds will go to the Alzheimer's Association. He once again thanked the public for their support and looks forward to next year's events.

Public Hearing

None.

Legislative Updates from State Representatives

Legislative Update from Representative Maureen Mooney:

Greetings, Town Councilors:

- 1.) The bill filing period for next year is September 13-17, 2021.
- 2.) [HB 236](#) (AN ACT creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances) **passed** in the House and Senate and **was signed** by the Governor into law on July 23, 2021.
- 3.) The following bills **passed** through the full House and Senate and **will be signed** by the Governor soon: [HB 271](#) (An ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater);

[HB 235](#) (An ACT addressing impacts to other water users from new sources of water for community water systems).

4.) Merrimack Legislators plan to meet with the Citizens for Clean Water on Zoom soon to discuss potential water legislation. If any Town Councilors are interested in attending, please contact me at the information below.

5.) Please know I was recently appointed by the Speaker to the House Finance Committee (from the House Election Law Committee).

Thank you for all you do.

Respectfully submitted,
Rep. Maureen Mooney (R-Merrimack)

Town Manager's Report

- The Planning Board heard an initial presentation on the development of 50 Robert Milligan Parkway at their August 17 meeting. A nearly 325,000 square foot warehouse distribution facility is being proposed for the parcel, which has been an economic development priority parcel for many years. No specific tenant/tenants have been identified at this point, but the site is being developed by prominent Boston based real estate development firm Trammell Crowe. The Board will next discuss the project on September 7.
- A new book donation box has been added as an amenity to our Solid Waste Facility and is located near the Swap Shop. Books that have been in the swap shop for an extended period of time will be relocated to donation box where they will be recycled by an outside vendor at no cost to the Town.
- Wastewater Phase III Project Update:
 - Methuen Construction, Wright-Pierce and WWTP Staff are actively working on the first segment of the construction project which involves the review of all the design specifications and procurement of equipment
 - Methuen Construction will begin working on the sludge holding tanks next week. This portion of the project involves lowering the height of the tanks by 4 feet and changing the configuration of the diffusers inside the tanks. A Diffuser is a device which uses air to mix the contents of a tank
- The Highway Division participated in the New England Regional Plow Rally yesterday in Boxborough, MA. Equipment Operators Dean Stearns and Chris Donaldson were invited to represent Merrimack against 14 other teams from all over New England. There was some good competition and although we didn't place in the National competition, it was a great experience for all.

Mr. Micali then wanted to share information for the September 11th remembrance ceremony. The Police and Fire Department are thinking of holding the remembrance at Abbie Griffin Park around 8:30am and having a moment of silence for when the first plane hit the towers, along with a presentation. Additionally, the American Legion and VFW have been invited to the events as well. In the evening, the American Legion will once again be holding an event at the Legion like they have for the past 20 years. The agenda has not been set, but he predicts a proclamation will be coming forth at the September 9th meeting. He would like Chairman Koenig to say a few words at the event on behalf of the Town and Council.

Mr. Micali then stated that they have a press release ready to go to publicize both events, he just wanted to discuss this with the Council first and see if there was any feedback before continuing.

Consent Agenda

None.

Old Business

None.

New Business

1. Committee Appointments

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council to consider appointing the following individuals to Town committees, pursuant to Charter Article 4-8:

- **Steve Perkins** – Conservation Commission (*Full*)
- **Charles “Chuck” Mower** – Zoning Board of Adjustment (*Alternate*)

MOTION made by Councilor Harrington and seconded by Councilor Hunter to appoint Steve Perkins to the full time position on the Conservation Commission and appoint Charles “Chuck” Mower to the alternate position on the Zoning Board of Adjustment.

MOTION CARRIES 6-0-0.

Mr. Mower was present at the meeting and was sworn in immediately after the Motion passed.

2. Acceptance of Donation for Merrimack Fire Rescue

Submitted by Interim Fire Chief Harris

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$5,000 from Digital Federal Credit Union to Merrimack Fire Rescue to be used towards the purchase of a Ferno Power Stair Chair, pursuant to RSA 31:95-b and Charter Article 8-15.

Town Manager Paul Micali wanted to share that Digital Federal Credit Union has been very generous to the town and has donated to the library and police department as well. He then stated that the fire department has been asking for help with assisting patients up and down stairs, and the Ferno Power Stair Chair would be easier and safer to use on calls. Chief Harris then stated that the department has used the chair on calls and brought it to the meeting to show how it works. He stated that it is battery operated and can go up to 30 flights of stairs and lift up to 500lbs without causing any damage to the building or injuring staff. He would like to use the donation from DCU to purchase the device for the department.

Vice Chair Rothhaus asked if the department had previously used stretchers to get patients out, in which Chief Harris stated that they had used a chair stretcher similar to the Ferno Power Stair Chair, but it did not have a track system, so patients had to be physically carried out, which sometimes resulted in personnel injuries. The Council was then given a brief demonstration of how the Ferno Power Stair Chair works.

MOTION made by Councilor Hunter and seconded by Councilor Woods to approve, accept, and expend the donation in the amount of \$5,000 from Digital Federal Credit Union to Merrimack Fire Rescue to be used towards the purchase of a Ferno Power Stair Chair, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIES 6-0-0.

3. Highway Equipment Capital Reserve Fund Withdrawal Request

Submitted by Highway Operations Manager Lori Barrett

The Town Council to consider the approval of a request to withdrawal \$192,407.20 from the Highway Equipment Capital Reserve Fund for the purchase of the replacement of three (3) vehicles for use at the Highway Division.

Town Manager Paul Micali began the discussion by stating to the Council that these vehicles were in the CIP for replacement and there was some difficulty obtaining some bids, so they were actually in last year's CIP that ended in June. Since the Council can expend money from the Capital Reserve, Mr. Micali and Ms. Barrett are bringing this issue forward as they will need new trucks for the plowing season. Mr. Micali then shared that there was only one bid obtained from Dodge Ram. This bid was comparable price wise to the Fords that have been previously bought, so they feel comfortable moving ahead with the bid they received.

Highway Operations Manager Lori Barrett then shared that the three vehicles they are looking to replace are: H4, which is a 13 year old three quarter ton pickup truck with 109,000 miles on it, H7 which is a 10 year old F-350 one-ton dump body, and H10 which is a 13 year old F-450 one-ton dump body with 60,000 miles on it. They have chosen to transfer H7 over to Buildings and Grounds and trade in BG1, which is a 2005 F-450 one-ton dump with 56,000 miles on it. She then stated that it is not fiscally prudent to continue repairing this piece of equipment, so they feel that H7 would be a better fit for Buildings and Grounds in their operations and they will trade in BG1 at this time. H7 in turn will be traded in when BG1 was scheduled to be, which is during the 2022-2023 fiscal year.

Ms. Barrett then shared that H4 will be replaced with the Dodge for \$46,055. BG1 will be traded in for the F-3500 with a dump body for \$70,758. The H10 will be traded in for the Ram 5500 with the switch-and-go body, with a chipper body and flatbed to go with it as they will be interchangeable for a total of \$90,595. The combined total for all new vehicles is \$207,408. With \$15,000 for all three trade-ins, the total is brought down to \$192,408. Mr. Micali shared that the trucks will all come with a brand new plow setup and fully equipped with safety lights. Chairman Koenig asked if they will all be different colors like the ones that are being traded in, in which Ms. Barrett stated that the pickup will be white, and the two one-tons will be Omaha orange.

Vice Chair Rothhaus asked if the town still holds public auctions as in the past he has gone to auctions and seen town vehicles get sold off for large amounts of money, in which Mr. Micali replied that the town does not hold auctions quite like that anymore, but the State does in the fall, and they have previously sent town vehicles up there to auction off. However, given the shape that these vehicles are in, he believes that the \$15,000 they are being offered is the best deal. Ms. Barrett and Public Works Director Kyle Fox then shared that most of the wear and tear comes from hauling various heavy loads as well as plowing in the winter, so although some vehicles may not have a lot of mileage on them, their conditions have deteriorated due to these factors.

Councilor Murphy asked what the timeframe was for the bidding since there was only one bid placed, in which Mr. Fox said the bids went out on June 10th and were received June 29th. Mr. Micali then said the bids go out to the papers, dealerships, and potential bidders, but there was no response this year except for the one bid. Councilor Murphy then asked if the bidding process includes following up with potential bidders or if it's assumed a bidder will respond if they're interested, in which Mr. Micali stated that they will call them on it, as well as look at the state bid to see if they can piggyback on any state purchases. Ms. Barrett then added to this statement, saying that she looked into this, but the state closed their bids in February so she could not get involved as the bids are only open for a specific time.

Vice Chair Rothhaus asked how this bid compared to the state prices, in which Ms. Barrett said they were not the same vehicles, so it wasn't completely comparable, but the bids were slightly higher. She also shared she was turned away by a lot of dealers because once it was mentioned that this was for municipal vehicles, many dealers feel that they would have to give a discount and are not interested in doing further business.

MOTION made by Councilor Harrington and seconded by Councilor Woods to approve the withdrawal and expenditure of \$192,407.20 from the Highway Equipment Capital Reserve Fund for the purpose of purchasing replacement vehicles as presented for the Highway Division.

MOTION CARRIES 6-0-0.

4. Highway Equipment Capital Reserve Fund Withdrawal Request

Submitted by Highway Operations Manager Lori Barrett

The Town Council to consider the approval of a request to withdrawal \$184,725 from the Highway Equipment Capital Reserve Fund for the purchase of a 10 wheel dump truck for use at the Highway Division.

Town Manager Paul Micali shared that this 10 wheel dump truck has been utilized for clearing out parking lots and such for snow removal as well as plowing Continental Boulevard and DW Highway. This vehicle was originally intended to replace the grater, which has helped extend the life of that vehicle as well. Ms. Barrett then shared that this vehicle is a 2010 10 wheel dump truck with 48,000 miles on it with 5,479 hours on the engine. They have expended about \$67,000 in repairs over the life of it, along with \$50,000 in parts and \$16,000 in labor. Because this is the only 10 wheel dump truck, it is primarily used for hauling gravel and materials all summer in addition to the winter use Mr. Micali mentioned. The vehicle has gotten to the point where the repairs are going to cost more than what it's worth, so they are looking to replace it. They are being given \$30,000 for a trade-in for it. The replacement vehicle will also come with a complete plow set up, including a wing, as well as a spreader and mechanical devices for salt management and brine distribution.

Councilor Harrington stated that she feels it's important to emphasize that this is a perfect example of why Capital Reserve Funds are helpful, because although these new vehicles seem expensive, this account allows for these purchases as the money has been getting saved up for these types of expenses.

MOTION made by Councilor Harrington and seconded by Vice Chair Rothhaus to approve the withdrawal and expenditure of \$184,725 from the Highway Equipment Capital Reserve Fund for the purchase of a replacement of the presented 10 wheel dump truck for use at the Highway Division.

MOTION CARRIES 6-0-0.

Councilor Murphy asked if these new vehicles will be maintained by the town or if they will be sent out for maintenance, in which Ms. Barrett shared that they will get the extended warranty for the engine and the DPW has an equipment maintenance division that maintains all the equipment for the Town.

5. Consideration of Changes to Chapter 92 of the Merrimack Town Code [First Reading]

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council to consider the acceptance of recommended changes to Chapter 92, Amusement Devices, of the Merrimack Town Code, pursuant to Charter Article V.

Approved: September 9, 2021

Posted: September 13, 2021

Town Manager Paul Micali stated that currently, businesses are allowed 25 amusement devices, but a business recently asked if the Ordinance could be expanded from 25 to 30 amusement devices. He shared that the police department is in agreement with this change as there has been no trouble with this business that is looking to expand this Ordinance. He then stated that if the Council agrees, then a public hearing for this will be held at the September 9th meeting.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to move the changes to Chapter 92, Amusement Devices, to a public hearing, second reading, on September 9th.

MOTION CARRIES 6-0-0.

Minutes

Approve the minutes from the following Town Council meeting:

♦ July 15, 2021

MOTION made by Councilor Woods and seconded by Councilor Harrington to approve the minutes of July 15, 2021 as modified.

MOTION CARRIES 6-0-0

Amendments:

Page 3 Line 38: Insert line under Legislative Updates stating that the letter was sent from Jeanine Notter to clarify who the update is from.

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Harrington would like to encourage the public to attend the September 11th memorial, stating that the country and veterans need the support from the community.

Paul Micali wanted to put on the record a clarification regarding the grant funding from March. He had previously spoken with the Superintendent at MVD and they knew that the Town was planning on using the money, which is why MVD hadn't put in any formal requests for funding. He did not want to give the impression that MVD was not interested in the funding but rather there was a mutual conversation that took place ahead of time regarding the Town's plans for the money.

Adjourn

MOTION made by Councilor Woods and seconded by Councilor Hunter to adjourn the meeting.

MOTION CARRIES 6-0-0

The meeting adjourned at 8:45pm.

Respectfully submitted by Jennifer Steagald