



## Town Council Meeting Minutes



Thursday, November 17, 2022, at 7:00 PM, in the Matthew Thornton Room

### **Call to Order**

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

### **Pledge of Allegiance**

Chairman Rothhaus led the Pledge of Allegiance.

### **Announcements**

#### **Upcoming Town Council Meetings:**

- Thursday, December 1, 2022, 7:00 PM Regular meeting
- Thursday, December 15, 2022, 7:00 PM Regular meeting
- Thursday, January 5, 2023 6:30 PM Budget meeting

The Town of Merrimack is holding our annual Food Drive. Unexpired canned food and non-perishable items will be accepted through December 31<sup>st</sup> and can be dropped off at the following locations:

- Highway & Equipment Maintenance Complex (76 Turkey Hill Road)
- Fire Department (432 Daniel Webster Highway)
- Police Department (31 Baboosic Lake Road)
- Public Library (470 Daniel Webster Highway)
- Public Works Administration - Lower Level @ Town Hall (6 Baboosic Lake Road)
- Town Hall – Upper Level (6 Baboosic Lake Road)
- Transfer Station – Recycle Building (Fearon Road)

Some suggested items to donate are Toiletries & Hygiene products, canned soups, applesauce, pasta, sauce, macaroni and cheese, fruit cups, crackers, cereal, granola bars, diapers, wipes, baby formula, etc. Please help us help others!

Tax bills will be mailed on November 29<sup>th</sup> and will be due by December 30<sup>th</sup>

The Friends of the Merrimack Public Library are holding their third annual Holiday Wreath Auction. View the donated wreaths in the lower hallway of the library and write your bid on the clip board under the wreath. These are great items to give as gifts or to decorate your own home. The auction ends November 30<sup>th</sup>.

The Rotary Club of Merrimack will be holding their Annual Christmas Tree Sales at Watson Park beginning November 27<sup>th</sup> until they are sold out.

### **Comments from the Press and Public**

None.

### **Recognitions, Resignations and Retirements**

None.

## Appointments

### **1. Annual Review with the Conservation Commission**

*Submitted by Conservation Commission Chair Steve Perkins*

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

Conservation Commission Chair Steve Perkins was present to share the annual review with the Council. He began by stating the mission of the Commission as well as the finances and annual budget, which haven't changed much since last year. He then shared the following accomplishments of 2022, which include:

- Years of work culminated with the adoption of our proposed Chapter 111 revisions through the town charter process
- Enjoyed the support and cooperation of Scouts, the Litter Crew, our subcommittees, and various other volunteers in various capacities related to maintaining and improving the many properties
- New trails and bridges, improvements to trail markings and signage
- Reviewed numerous proposed projects with regard to their potential impacts to wetlands, town aquifers, storm water management, invasive species control, and potential impacts to conservation lands
- 22<sup>nd</sup> annual seedling giveaway
  - 450 seedlings purchased from the NH Department of Forestry
  - We continue to modify the assortment
- Adopted a new Rules of Procedure
- Worked with the town, DPW, and NH F&G to explore opportunities to improve or rebuild the boat ramp at Sklar
- Wildcat Falls bridge replacement project
- Continued to maintain an engaging and fresh website at [www.merrimackoutdoors.org](http://www.merrimackoutdoors.org)
- Maintained and replaced Wood Duck boxes
- Worked with wildlife rehabilitator
- Continued to use the Open Space Survey to guide us in discussions/exploration of future parcel acquisitions
- Worked with UNH Graduate Student Andrew Butler and the NH F&G Commission
- Participated in the Winter Carnival
- Had members attend the NHACC annual meeting
- Completed the annual LCIP Survey at Wasserman

### Goals/Activities for 2023:

- Parcel maintenance/trail maintenance
- Recruitment and outreach activities
- Work with NRPC to keep the parcel maps accurate and up to date
- Continue to review acquisition opportunities for remaining key parcels
- Resolve the Field's Farm access dilemma
- Form a Field's Farm subcommittee
- Provide education opportunities for Merrimack by partnering with the NHACC, NH Coop Ext, School District, etc.
- Develop more comprehensive plans to address invasive plant species in targeted areas
- Continue to implement water control activities and apply the Merrimack Beaver Management Policy

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- Continue to bring more people into our properties and improve their experience when they visit by providing accurate maps and regularly scheduled events
- Expand the [www.merrimackoutdoors.org](http://www.merrimackoutdoors.org) website
- Improve trail signage on a number of parcels
- Develop a “punch list” of projects
- Continue to document our processes and procedures

Where the Town Council can help:

- The Merrill’s Marauders pedestrian bridge across the Souhegan
- Provide input and feedback often. We are partners in keeping Merrimack a great place to live, work, raise a family and to enjoy the great outdoors
- Continue to work towards better public land access to Field’s Farm

Recognition of support: We appreciate the continued support we get from Community Development, Public Works, Parks and Recreation, Police Department, Finance Department, and Merrimack TV

## **2. Annual Review with the Zoning Board Adjustment [Rescheduled during the September 22, 2022, Town Council meeting]**

*Submitted by Zoning Board of Adjustment Chair Rich Conescu*

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

Zoning Board of Adjustment Chair Rich Conescu presented his annual review of the Board, beginning by stating that Rodney Buckley is now the Vice Chair and they have had quite a number of variances involving businesses that have some type of onsite apartment/residential component. The Council then briefly talked about points of interests/law with the Mr. Conescu and Mr. Micali.

## **3. Merrimack Public Library Update**

*Submitted by Library Board of Trustees Chair Debra Covell and Library Director Yvette Couser*

The Town Council will be presented with a Library update.

Library Board of Trustees Chair Debra Covell, Library Director Yvette Couser, and Library Board Trustee Janet Krupp were present to share their updates for the library. Ms. Covell began by sharing updates on the building, stating that they have been looking at some locations for a new library site, but the majority of their focus has been on the current building. She then stated that one major issue is getting quotes to replace the elevator, as well as issues with their chiller and HVAC. Additionally, they are still working on replacing the granite steps and the issues found under the steps to finish off that project and have replaced the fire panel and security cameras around the building.

Ms. Couser then shared that inside the building, they have replaced the carpeting and revamped their book sales to have them only in the club room to reduce foot traffic throughout the library. They also brought out soft seating and got a new computer table, as well as reconfigured the floor space to create more seating and accommodate the new magazine shelving. Ms. Couser shared that they also replaced the main stairway, and have rolled out some new services such as maintaining the no fines for overdue materials and attending all outreach and Town events. She also shared that they have joined in with the Hudson library consortium, meaning that you can use your Merrimack library card at the Hudson library and have their materials delivered to the Merrimack library.

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Ms. Couser also talked about activities for adults, such as paint nights, craft kits, and passport facility services. She also stated that they have started a seed library, which means that heirloom seeds are available at the library in binders for taking, and they anticipate informational sessions on seeds and gardening in the future. Ms. Couser also updated the Council on staffing, sharing that over the summer they had a student who worked with them for a month, and Ms. Covell shared that they had a retreat that focused on library goals and budgeting. Ms. Covell also gave a shout out to the garden club for maintaining the library grounds, and Dr. Quimby who donated to the memorial fund.

### **Public Hearing**

None.

### **Legislative Updates from State Representatives**

**Legislative Update on November 17, 2022**

**By: Rep. Maureen Mooney**

Greetings:

1. On December 7, 2022, the newly elected members of the NH House will convene to be sworn in and elect a Speaker of the House on "Organization Day." Committee assignments and leadership positions come thereafter. As of this writing, the results from the general election give the Republicans in the NH House a majority of 200 members; the Democrats with 199 members. At least 16 recounts statewide have been requested including Merrimack's own State Rep race scheduled for this Saturday (November 19, 2022) at 9AM.
2. The bill filing period for 2023 is open again until November 22, 2022 at 12:00pm.
3. One last detail, the Merrimack House Delegation will be known as Hillsborough County District #12 (not #21) after December 7th, 2022. This renumbering is a result of redistricting last session.

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

### **Town Manager's Report**

The John O'Leary Adult Community Center Walk-through falls on the same date as the Employee Recognition Breakfast on December 14<sup>th</sup>. They would like to change this to a separate night so the Council can attend and see all the improvements that have been made over the past two years. The Council agreed on rescheduling and asked the JOLACC to propose some dates and times that are connected to a future Council meeting.

### **Consent Agenda**

None.

### **Old Business**

None.

### **New Business**

#### **1. Merrimack Representation on the Lower Merrimack River Local Advisory Committee**

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

The Town Council to discuss Merrimack representation on the Lower Merrimack River Local Advisory Committee (LMRLAC), as the New Hampshire Department of Environmental Services is seeking up to two individuals interested in serving on the LMRLAC.

Town Manager Paul Micali stated that typically, the position is posted for 30 days before the interview process can begin for appointment, however there is someone interested in one of the positions. He is recommending that these standard procedures are followed, but Chairman Koenig is suggesting modifying this and allowing appointment for one of the positions to the interested person.

**MOTION made by Councilor Koenig and seconded by Councilor Healey to modify the current rules and accept the individual, Ellen Kolb, who has expressed interest, and advertise for the other position over the next 30 days.**

**MOTION CARRIES 7-0-0**

**2. Acceptance of NH Office of Highway Safety Grant for “Driving Under the Influence Patrols” for the Merrimack Police Department**

*Submitted by Captain Eric Marquis*

The Town Council to consider the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$2,600 for the Merrimack Police Department for “Driving Under the Influence Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Eric Marquis shared that for this grant, there would be patrols predominantly held Thursday, Friday, and Saturday nights as well as holidays and special events. The past year they conducted only three patrols which resulted in 4 arrests, 30 vehicles stopped, 34 warnings, and 5 summonses. Councilor Koenig asked if there is sufficient staffing for this, in which Captain Marquis stated that this is an issue, but they are filling whichever positions that they can.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$2,600 for the Merrimack Police Department for “Driving Under the Influence Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documents.**

**MOTION CARRIES 7-0-0**

**3. Acceptance of NH Office of Highway Safety Grant for “Distracted Driving Patrols” for the Merrimack Police Department**

*Submitted by Captain Eric Marquis*

The Town Council to consider the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$2,611.58 for the Merrimack Police Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis shared that this grant would fund eight 4-hour patrols between 7am to 11am or 3pm to 7pm, with the focus on patrols to address distracted and negligent driving such as using handheld devices or failing to clear snow from vehicle roofs. Last year, 111 vehicles were stopped, with 93 warnings for various offenses and 16 summonses.

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$2,611.58 for the Merrimack Police Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documents.**

**MOTION CARRIES 7-0-0**

**4. Acceptance of NH Office of Highway Safety for “High Visibility Mobilization Patrols” for the Merrimack Police Department**

*Submitted by Captain Eric Marquis*

The Town Council to consider the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$3,400 for the Merrimack Police Department for “High Visibility Mobilization Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis stated that this grant is for twelve 4-hour patrols consisting of “join the click” which is a seatbelt enforcement initiative, “Drive sober or get pulled over” which focuses on DWIs, and “You drive, you text, you pay” which focuses on distracted and negligent driving. These high visibility mobilizations are statewide coordinated events that are conducted on specific dates and times to enforce specific issues. This past year, they conducted 6 patrols, with 81 vehicles stopped, 85 warnings for various offenses and 10 summonses.

**MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$3,400 for the Merrimack Police Department for “High Visibility Mobilization Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documents.**  
**MOTION CARRIES 7-0-0**

**5. Acceptance of NH Office of Highway Safety for “Speed Enforcement Patrols” for the Merrimack Police Department**

*Submitted by Captain Eric Marquis*

The Town Council to consider the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$1,600 for the Merrimack Police Department for “Speed Enforcement Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis shared that this grant covers five 4-hour patrols that would focus on problematic motor vehicle speed issues in town. This is the first year this grant has been included in their package, so they do not have any data from last year. He also stated that the only requirement for this grant is to have 3 stops per hour.

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the acceptance and expenditure of a grant from the NH Office of Highway Safety in the amount of \$1,600 for the Merrimack Police Department for “Speed Enforcement Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documents.**  
**MOTION CARRIES 7-0-0**

**6. New Position Request**

*Submitted by Town Manager Paul T. Micali and Human Resources Director Sharon Marunicz*

The Town Council to be presented with two new positions to be added to the Town’s Classification and Compensation Plan.

Town Manager Paul Micali began by stating that one of the positions they are looking to add is a temporary part-time skilled worker. He shared that there have been numerous challenges over the past year to get qualified people in certain positions, and this would allow a retired or former employee to come back and work part time on a temporary basis (such as a snowplow driver) until they can fill the full-time positions to offset the workload. They are recommending a grade 9 on the pay scale based on similar positions, and this is not to supplant any union position. Funding would come out of salary savings for other positions, but they are still going to look to fill the full-time positions. He then shared that the second position is a deputy

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director for public works and environmental. He stated that over the past few months, there have been a lot of environmental issues revolving around PFOA, EPA, groundwater, compost, MS4, etc. and this position would overlook and be in charge of these environmental aspects of the town as well as the point of entry systems grant. He's proposing a grade 23 pay scale. Human Resources Director Sharon Marunicz then briefly spoke to the Council, explaining how the pay scale works.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to add the positions of temporary Part-time Skilled Worker at grade 9 and Deputy Director for Public Works and Environmental grade 23 to the classification and compensation plan, and to authorize the Town Manager to fill these positions as needed within the approved operating budget.**

**MOTION CARRIES 7-0-0**

**7. Review of 2023/2024 Budget Schedule**

*Submitted by Town Manager Paul T. Micali*

The Town Council to review the 2023/24 budget schedule.

Mr. Micali began by stating that they will stick to the Wednesday/Thursday schedule, beginning January 5<sup>th</sup>. He also shared that he has been discussing charter amendments with legal, stating that if the Council wants any amendments, they need to let him know within the next 7-10 days.

**8. Presentation of Pine Knoll Shores Stormwater Planning Study Final Report**

*Submitted by Public Works Director Kyle Fox*

The Town Council to be presented with information from the Draft Final Report for the Stormwater Planning Study approved by voters at the April 13, 2021 Annual Meeting.

Public Works Director Kyle Fox was present with AECOM consultant Yan Zhang and Craig Drennan to present their study findings. Mr. Zhang shared the following via PowerPoint:

**Project Background:**

- Baboosic Lake TMDL (EPA, 2011) - Baboosic Lake is listed as impaired for primary-contact recreation due to hepatotoxic cyanobacteria.
- Pine Knoll Shores Subdivision lies wholly within the Baboosic Lake Watershed, contributing phosphorus carried by TSS in stormwater runoff
- Major pollutant contributors: gravel / unpaved road runoff, P sorbed to TSS; P from septic systems
- Subdivision watershed is ~20% the size of the TMDL watershed, but holds 40-50% the population
- Merrimack's NH MS4 (Municipal Separate Stormwater Sewer System) Requirements.  
(<https://www.merrimacknh.gov/stormwater>)

**Project Objectives:**

- The objective of this study was to propose stormwater conveyance and treatment improvements for the Subdivision that, when implemented, will result in tangible water quality benefits to Baboosic Lake.
  - Develop BMPs within Town's right-of-way/properties in the subdivision to reduce TSS and phosphorus loading to Baboosic Lake
  - Seek opportunities in the DPW's roadway paving and rehabilitation plan
  - Engage stakeholder and minimize abutter impacts

**Project Approach:**

- Existing Conditions Evaluation
  - Site survey

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- Engineering field visit & site evaluations
- Soil & geotechnical review
- Field survey performed May-June 2022: topography, drainage structure attributes, property and ROW, edge of roads, etc.
- Field reconnaissance April 2022
- Evaluations
  - Hydrologic, hydraulic, water quality modelling
  - Stormwater collection, treatment alternative review
  - Roadway rehabilitation alternatives
  - Abutter impacts
  - Pollutant Wash off Modeling
    - NHDES Simple Model: Land use-based wash off analysis that links each land use in a watershed to a pollutant EMC
    - Annualized based on average annual rainfall to determine annual mass of pollutant contributed by each watershed, in lbs
    - Load reduction by BMPs can be accounted
    - Compare to TMDL TP load
- Engineering Report & Conceptual Design
  - Up to 30% engineering design plan set
  - Engineering report outlining evaluations
  - Project concepts and implementation recommendations
- Development of Improvement Project Concepts
  - Pave the older and unpaved roadways
  - Drain the newly paved surfaces through the addition of stormwater infrastructure
  - Treat the stormwater runoff to further reduce TSS & nutrient loading to the lake

#### Recommended Projects

- Roadway paving & drainage improvement (all subdivision roads)
  - Pave unpaved roads; reconstruct & repave existing paved roads
  - Add curbing and drainage infrastructure to convey stormwater runoff
  - Roadway directionally based on ROW widths, abutter impacts, and sight distance safety
  - Approximate cost to repave/reconstruct all roads (including drainage): \$2.3 million
  - Expected pollution reduction: TSS 4,500 lb/yr or 38%
- Tree box filter installation (Carter Rd, Rennie Rd, and Shore Dr)
  - Provide roadside stormwater treatment with limited footprint (ideal for ROW applications)
  - Can be used to provide/return tree cover & vegetation in areas where trees will be removed
  - Manufactured by Contech Engineered Systems
  - # of units proposed: 5 along Carter, 1 each on Rennie & Shore
  - Unit cost (including install) \$25k-\$30k
  - Expected pollutant reductions from current (assuming roads paved): TSS 1,240 lb/yr or 10%, TP 1.6 lb/yr or 6.7%
  - TN 16 lb/yr or 12.2%
- Hydrodynamic separator installation (Carter Rd and Shore Dr)
  - Target higher-TSS areas (primarily provides sediment removal- no nutrient treatment)
  - In-line treatment system; uses large manhole structure to provide stormwater treatment
  - Manufactured by third-party vendors
  - # of units proposed: 1 on Carter Rd
  - Unit cost (including install): \$15k-\$20k
  - Expected pollutant reduction: TSS 400 lb/yr or 3.4%



- Bioretention cell (rain garden) (Town land: Richards Rd)
  - Utilize Town-owned property to install a rain garden/bioretention cell along Richards Rd
  - Accept curbside runoff from Richards; discharge to drain system; relatively small contributing drainage area (due to location of parcel)
  - Functions: groundwater infiltration; runoff volume reduction; nutrient removal
  - Pollutant reductions from current (assuming roads paved): TSS 62 lb/yr or 0.5%, TP 0.08 lb/yr or 0.3%, TN .42 lb/yr or 0.3%
- Stormwater wetland (Town land: Mayhew Rd)
  - Utilize Town-owned property to install a pocket stormwater wetland system along Mayhew Rd
  - Accept runoff from Mayhew via pre-treatment swale; discharge to drain system; terraced construction to meld wetlands area into existing topography
  - Functions: groundwater infiltration; runoff volume reduction; nutrient removal through biologic uptake
  - Pollutant reductions from current (assuming roads paved): TSS 265 lb/yr or 2.2%, TP 0.7 lb/yr or 2.9%, TN 2.5 lb/yr or 1.9%
- Stormwater treatment park (Town land: Miriam Rd)
  - Utilize largest Town-owned property in subdivision to create a stormwater management demonstration project
  - Hydraulically divert water quality volume to park for treatment; high flows bypass and discharge thru drainage system
  - Pretreatment provided onsite through forebays
  - Bioretention cells in upland area and stormwater wetland in lowland area
  - Walking trails connections
  - Educational signage
  - Expected pollutant reductions from current (assuming roads paved): TSS 644.9 lb/yr or 5.4%, TP 1.7 lb/yr or 7.1%, TN 6.2 lb/yr or 4.7%

#### Summary

- Design concepts developed using a holistic watershed approach
- Reduce pollutant loading to Baboosic Lake
- Project implementation qualifies for external funding
- Subdivision roadway pavement to improve quality of life for residents
- Public education function on stormwater management
- Maintenance can be incorporated into current DPW O&M programs
- Support Merrimack MS4 compliance
- Fulfill NHDES CWSRF requirements

#### **9. Sponsorship Donation to Parks and Recreation Turkey Scavenger Hunt & Welfare Department's Thanksgiving Baskets**

*Submitted by Parks and Recreation Director Matthew Casparius*

The Town Council to consider the acceptance and expenditure of a sponsorship donation in the amount of \$500 from Xfinity to be used towards the Parks and Recreation Department's Turkey Scavenger Hunt event and the Welfare Department's Thanksgiving Baskets event, pursuant to RSA 31:95-b and Charter Article 8-15.

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**MOTION** made by Vice Chair Harrington and seconded by Councilor Healey to accept and expend a sponsorship donation in the amount of \$500 from Xfinity to be used towards the Parks and Recreation Department's Turkey Scavenger Hunt event and the Welfare Department's Thanksgiving Baskets event, pursuant to RSA 31:95-b and Charter Article 8-15.

**MOTION CARRIES 7-0-0**

The Council and Mr. Micali thank Xfinity for their donation.

### **Minutes**

Approve the minutes from the following Town Council meeting:

♦ October 27, 2022

**MOTION** made by Councilor Koenig and seconded by Councilor Hunter to approve the minutes from October 27, 2022 as amended.

Page 2 Line 26 and Page 3 Line 43: change "PFAS rebate program" to "PFAS rebate project"

**MOTION CARRIES 6-0-1** *with Vice Chair Harrington abstaining*

### **Comments from the Press**

None.

### **Comments from the Public**

None.

### **Comments from the Council**

Vice Chair Harrington wishes everyone a Happy Thanksgiving.

Councilor Healey reminded everyone of the Rotary Club's 5k Turkey Trot on Thanksgiving Day.

### **Adjourn**

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

**MOTION CARRIES 7-0-0**

The meeting adjourned at 9:52 pm.

Respectfully submitted by Jennifer Steagald