



Town Council Meeting Minutes

Thursday, January 12, 2023, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Chairman Rothhaus called the meeting to order at 7:00 pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Hunter, Councilor Koenig, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Councilor Healey was excused.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance

Announcements

The Town offices will be closed on Monday, January 16th for the observance of Martin Luther King Jr. Day

Upcoming Town Council Meetings:

- Wednesday, January 18, 2023, 6:30 PM Budget meeting
- Thursday, January 19, 2023, 6:30 PM Budget meeting
- Wednesday, January 25, 2023, 6:30 PM Budget meeting (Possible snow date)
- Thursday, January 26, 2023, 7:00 PM Regular meeting

The Watson Park Ice Skating Rink is still currently closed. The temperatures have not remained consistently cold enough for the ice to freeze. We are asking for the public's help – if you see the rink closed sign; please stay off the ice and it is not safe enough to use. There is a sign posted at the rink which lists the current status and the Parks & Recreation Department posts updates on their website & Facebook page with the current status as well. Thank you for your cooperation. For questions please call Parks & Recreation at 603-882-1046.

The Friends of the Merrimack Public Library will be holding their Winter Book Sale on Saturday, January 21st from 9 am – 2 pm in the Klumpp Room. Current members of the Friends group are invited to the Pre-Sale event Friday, January 20th from 5:15pm to 6:30pm; you can also join at the door. We will not be holding a bag sale during the last hour on Saturday.

The Assessing Department will soon be mailing out property tax exemption applications to taxpayers. All property tax exemptions are due by April 15th.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Recognition of Employee upon Resignation from Town Employment

Submitted by Human Resources Director Sharon Marunicz

Kyle Fox will receive a plaque in recognition of his resignation from employment with the Town of Merrimack as the Public Works Director effective January 6, 2023 after almost 17 years of full-time employment.

Mr. Micali took a few minutes to thank Mr. Fox for his dedication to his role and reflected on some of his accomplishments throughout the years.

Appointments

1. Lower Merrimack River Local Advisory Committee (LMRLAC) & Souhegan River Local Advisory Committee (SoRLAC) Presentation & Discussion

Submitted by LMRLAC & SoRLAC Member George May

The Town Council to be presented with information regarding the Lower Merrimack River Local Advisory Committee (LMRLAC) and the Souhegan River Local Advisory Committee (SoRLAC).

LMRLAC & SoRLAC Member George May of Naticook Rd was present to share some updates regarding these committees. He began by stating that he is resigning from his position, and there needs to be a replacement chosen for his role. He also talked about speaking to DES and town planners about permitting for some upcoming river projects. Mr. May also mentioned that the Merrimack committee has been struggling, and there needs to be some additional members and volunteers to help bring the committee back to life. He shared how important it is to have volunteers go out every two weeks to clean up trash and take samples from specific spots on the rivers to collect data on water temperature, bacteria, and dissolved oxygen to transport to various towns for sampling and reporting. This serves as a general survey to gauge how the river is doing and verify if the river is healthy for people as well as looking at the quality of the river itself. Mr. May also wanted to ask the Council to cover the costs (about \$100) for monitoring the rivers. Vice Chair Harrington asked how often and where these meetings are held, in which Mr. May stated that the Merrimack one is held in Nashua at Town Hall once a month, and Souhegan is held once a month in various locations, but generally in Milford. Both meetings are about two hours long and are pretty informal. Vice Chair Harrington then asked who should be a contact point if someone has questions for either committee, in which Mr. May stated the Town Manager would be the best person to contact.

Public Hearing

1. Public Hearing – Proposed Safety and Capacity Improvements for the US/Wire Road Intersection and Corresponding Corridor Improvements

Submitted by Town Manager Paul T. Micali

The Town Council will hold a public hearing (public informational meeting) relative to the proposed safety and capacity improvements for the US 3/Wire Road intersection and corresponding corridor improvements. The meeting will include a presentation by Public Works and their design consultants on the alternatives investigated for the safety improvements to the intersection and US 3 corridor and will offer the opportunity for local stake holders to share comments relative to the project and the preferred alternative.

Jim Bouchard, senior Project Manager from Quantum Consultants, was present along with Vice President Anna Giraldi as well as John Byatt, Chris Turgeon, and Dennis Flynn from Beta Group, a sub consultant of Quantum, to provide a PowerPoint presentation to the Council. The following information was shared:

Quantum Construction Consultants, LLC:

- Civil and structural engineering firm located in Concord, NH
- Specializing in municipal bridge and roadway design
- Experienced with NHDOT municipally managed project process

Beta:

- New England based municipal engineering firm with local office in Manchester, NH
- Transportation planning and engineering specialists
- Experienced in HSIP & signalization design

Project Funding:

- Nashua Regional Planning Commission priority project
- Funding source: NRPC priority project rankings (2017)
- 80% FHWA/NHDOT, 20% town of Merrimack
- US Route 3 was programmed for 2027 construction & accelerated to 2025

Project Management Process:

- Municipal request to Regional Planning Commission (RPC) NRPC Project priority ranking process- Project ranked high in regional need
- NHDOT 10 year plan approval
- Funding approval
- Selection of design consultant engineering firm
- Engineering study
- Preliminary plans specifications & estimate (PPS&E)
- Final plans specifications & estimates
- Bid phase (FY 2024)
- Selection of construction services consultant firm
- Construction phase (FY 2025)

Engineering Study:

- Scoping session
- Establish project purpose and need
- Purpose: to improve safety and traffic operations within the project corridor limits
- Need: to address safety and traffic concerns identified by the community; by implementing a safety improvements along the corridor and providing a more efficient intersection to improve the flow of traffic along US Route 3 within the project limits.

Existing Conditions:

- Project corridor is approximately 1300 Linear Feet
- Existing right-of-way is approx. 66 feet wide and widens at Wire Rd intersection
- Two 12-13 foot travel lanes, two 6-foot shoulders, 10-11 foot turn lane
- Limited sight lines for egress from Wire Rd
- Church St intersects US Route 3 at 15% grade
- Utilities- aerial utilities on west side, water main, gas line, drainage and telecommunication and fiberoptic underneath US Route 3

Traffic Counts:

- Existing traffic count information accessed
- Manual turning movement counts undertaken at major intersections
- Weekday AM peak hour- 7:15am to 8:15am
- Weekday PM peak hour- 5:00pm to 6:00pm
- Saturday mid-day peak hour- 11:15am to 12:15pm

Safety Analysis- Wire Rd & MYA Access:

- Merrimack Dept. of Safety information- January 2017 through July 2022
- Eleven incidents

- Rear end crashes most prevalent
- One of bicycle and vehicle
- Weather contributed to some
- No injuries reported for any of the crashes

Intersection Operations:

- Six levels of service (LOS)- 'A' to 'F'
- LOS based on intersection delay
- Baboosic Lake Road- LOS D during Saturday peak hour
- All other signalized intersections- LOS C or better during AM, PM, and Saturday peak hours
- Wire Rd- LOS C during AM, PM, and Sat. peak hours
- MYA- LOS E during Saturday peak hours

Roadway Alternatives Analysis:

- Do nothing or no-build alternative
 - Does not improve traffic and safety operations
 - Does not provide for pedestrian connectivity
- Option 1- Realigned stop-controlled intersection
 - Realigned intersection closer to 90-degree angle for improved sight lines
 - Exclusive left and right turns not required
 - US Rt 3 NB left turn lane into Wire Rd extended
 - No new MYA access/egress
 - US Rt 3 SB left turn lane into MYA provided
 - Pedestrian sidewalk on East Side of US Rt 3
 - Pedestrian sidewalk completed on west side of US Rt 3
 - Church St closure
 - FY 2022 construction cost- \$890,000
- Option 2- Roundabout
 - Hybrid roundabout
 - 2-lane US Rt 3 NB approach, single lane US Rt 3 SB approach & single lane Wire Rd approach
 - Features US Rt 3NB slip through movement
 - 157 ft Dia. Curb to curb
 - Significant impacts to abutters
 - US Rt 3 NB left lane turn into Wire Rd extended
 - No new MYA access/egress
 - US Rt 3 SB left turn lane into MYA provided
 - Pedestrian sidewalk on East Side of US Rt 3
 - Pedestrian sidewalk completed on West Side of US Rt 3
 - Church St closure
 - Major relocation of aerial utilities required
 - FY 2022 construction cost - \$1,610,000
- Option 3- signalized intersection (recommended alternative)
 - Similar realignment to option 1
 - Includes new MYA access/egress at intersection
 - New fully activated traffic signal for traffic and pedestrian movements
 - Traffic signal coordination with other signals on US Rt 3
 - Existing MYA entrance reconfigured to US Rt 3 NB RT in and MYA RT out
 - Traffic signal coordination with other signals on US Rt 3
 - Pedestrian sidewalk on east side of US Rt 3

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- Pedestrian sidewalk completed on west side of US Rt 3
- Minimal impact to abutters for sidewalk slope easements
- Church St closure
- FY 2022 construction cost- \$1,400,000

Environmental & Cultural Resources Considerations:

- NHDES standard shoreland permit required
- Alteration of terrain permit (AoT) required
- No endangered or threatened species will be impacted
- No historical resources impacted or additional studies
- National environmental policy act documentation (NEPA)
- FHWA Section 4(f) for parks

Preferred Alternative:

- Signalized intersection at Wire Rd
- Signal coordination with exiting signals
- Realignment of Wire Rd
- New MYA access/egress
- Sidewalks both sides of US Route 3
- Smallest footprint of impact
- Least impact to aerial utilities

Recommendations:

- Complete final design and permitting of project
- Request NHDOT reimbursement for 80% of engineering cost
- Start construction FY 2025

The public hearing was opened at 8:26pm.

Phil Knotts of Wire Road shared that he is a graduate civil engineer and has lived in Merrimack since 1985, and frequents the Wire Rd intersection. He is unsure if closing Church St is necessary, and feels that the Wire Rd and DW Highway intersection should have a left turn lane put in so that traffic is not being backed up. Additionally, moving the MYA driveway would eliminate the backup for those who want to turn left into the MYA.

Nelson Disco, Chairman of the Town Center Committee, stated that this project fits in with the plans for the Town Center, and wanted to emphasize the pedestrian point of this project. He wants the sidewalks to stay in as they are an important part of Merrimack as they allow people to walk safely from the Library to the Post Office.

Thea Knust, whose son lives on Wire Rd, shared that she agrees with Mr. Disco regarding the sidewalks, stating that concept 1 might be the best option, but her concern is also the backup of traffic on the old Route 3.

Bill Boyd, State Rep, of 139 Joppa Rd shared his point of view, agreeing with Ms. Knust that this will cause a lot of traffic back up, and he is determined to maintain a close relationship with the DOT to make sure communication remains open between DOT, project engineers, and the town to mitigate any challenges that may occur during this project. Mr. Boyd also shared that if Wire Rd could be curved and narrowed with a

four-way intersection and no lights, it would create a more reasonable flow of traffic in that intersection, similar to what Mr. Knotts suggested. He also asked them to consider some type of indentation or cut in the road to slow traffic down before the pedestrian crosswalk.

Kate Tyler, who lives behind the Post Office off McGaw Bridge, agreed that the traffic and speed issue in her area is a problem, and the intersection is difficult for seeing without pulling out into the intersection. She was wondering if they considered the left turns from McGaw onto Wire Rd. towards DW highway. She also commented on the roundabout option, asking them to consider emergency vehicles and if this would slow them down.

Chairman Rothhaus shared an email that came in regarding this issue:

Tom Bomberg of 2 Brant Dr. shared that he is against the rotary and stop light option, stating that it would create further backups when driving through town during peak hours. If the option is to make this more of a 90 degree turn eliminating the looking back onto DW Highway, then a left-hand lane needs to be created to allow drivers turning right to proceed. In his opinion, you should still not be able to turn left from Wire Rd. to DW highway.

The public hearing was closed at 8:45pm.

Chairman Koenig asked if this is really a safety improvement project as there could still be accidents with a turn signal option, and asked if anything is really being improved for \$1.4 million. Beta Group responded that regardless of efficiency, having a turn signal light is immensely improved vs a non-signalized intersection. Vice Chair Harrington shared that she is not in favor of the lights, but she does want stop signs in both places and to get it set up so that if in the future they decide to put in lights, the infrastructure is there. She asked about the crosswalk intersection for kids, in which Beta Group stated that for pedestrian safety, there should be some type of light signage to let drivers know there is a crosswalk and to yield to pedestrians.

Councilor Healey asked to have the following read for the record: regarding proposals 1 & 3, new access to the MYA is nice to have as she's been there for Saturday games and the cars clear the parking lot very quickly. If the property is used for a different purpose in the future, then changes can be made then accordingly. Any changes made now can be a waste of money and might need to be revised based on the future use, so it would be logical to wait and make those changes based on actual project requirements. A right turn and left turn lane is also not needed for current traffic volume. Cars entering and exiting the parking lot currently have very little wait time in making turns. Cars heading north already have the right turn, so a separate lane is not needed. Adding a left turn lane would only increase traffic congestion in this area and delay cars trying to make the turn. Adding a traffic light would only back up traffic more severely on DW highway, especially during rush hours when traffic is at its peak volume. It would also be too close to the lights at Baboosic Lake Rd, the distance being the equivalent of one city block. Another solution would be to leave the road as is and restrict left turns or no left turns from Wire Rd to DW highway and leave the sidewalk and existing stop sign as is. Sidewalk has not been completed on the west side only in front of Lewis Towing and there is no sidewalk on the east side in this area as stated in the report. It has been the plan to complete a sidewalk for Merrimack360 Plaza to Bedford Rd on the west side as part of the bridge project and is therefore redundant. She is also against closing Church St at the DW highway intersection for safety reasons. Closing the street would leave only one entrance to the street for emergency vehicles. If for some reason the street became locked or damaged near the cemetery or church, emergency vehicles would not be able to get to the homes, community center, or maybe even the church. Instead, look to lessen the grade of the road as it intersects with DW Highway. Another consideration, although the potential funding for this project is an 80-20 split, as we have learned from other recent projects, cost estimates have greatly

exceeded the original estimates, so for a project that is estimated to be \$1.4 million this month could very well exceed \$2 million or more by the time the project goes out to bid. Eliminating the options that do not work for our town or our traffic patterns that are “nice to have” would save the tax payers from increases on their property taxes and yet will still yield the desired results.

Councilor Hunter shared his thoughts, stating that if the town were to pass on this, another community will get a better and safer intersection, and to keep in mind that the town is only responsible for paying 20% of the \$1.4 million, so it’s really about \$280,000 and he doesn’t believe the town could rebuild sidewalks for that price. He also shared that he has had no problem taking a left onto Wire Rd, but there are other individuals who would never consider taking a left from Wire Rd. He also shared that this project would benefit the MYA property for future use and make the area safer as there is only a 12 second slow down with the option. Overall, he is in favor of option 3.

Councilor Woods shared that he has used that intersection for around 50 years and has never had an issue turning, but agrees that it could be for some. He also shared that he is in agreement with Mr. Disco and Vice Chair Harrington regarding the future use for the MYA building and the sidewalks, and is thus in agreement with option 3.

There was some discussion with the Council, Mr. Micali, and Fire Chief DiFronzo regarding one way streets and Church St potential closure/reconfiguration.

MOTION made by Councilor Hunter and seconded by Councilor Koenig to proceed with option 3, the recommended option, for the proposed safety and capacity improvements for the US Wire Rd intersection and corresponding corridor improvements, with instructions for the Town Manager to work with the engineering firm to look at options to reconfigure Church St and coordinate as necessary with NHDOT.

MOTION CARRIES 6-0-0

Legislative Updates from State Representatives

Legislative Update on January 12, 2023

By: Rep. Maureen Mooney

Greetings:

1. The Merrimack House delegation has members on the following House standing committees:
House Finance
House Science, Technology and Energy
House Resources, Recreation and Development
House Public Works and Highways
House Criminal Justice and Public Safety
2. The first year of the legislative biennium is the state budget year. The process begins with the Governor's draft of the operating budget due to the House Finance Committee no later than February 15, 2023.
3. Like last term, I am keeping a legislative tracking chart of PFAS related legislation for the Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals. It is a Google document that I can share, if requested, at this link: https://docs.google.com/document/d/1deV1qUrRZ7-xUKKDRhqG-mGq3T6_zZOIrsMKfQZnWnA/edit

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

State Rep Bill Boyd was present to share some brief updates, stating that Rep Mooney is on finance and is Vice Chair of division 3 so she will be heavily involved with health and human services, and Jeanine Notter is on science, technology, and energy with Rep Thomas. Rep Boyd then shared a bill (HB20) that is scheduled to be brought to the Public Works and Highway Committee on January 25th. This will name the bridge going off of Baboosic Brook in the name of Richard Hinch.

Councilor Murphy wanted to mention the bills that she is sponsoring- LSR201, which is relative to lead testing in children, LSR256 which will direct the Department of Health and Human Services to develop a health outcomes repository related to per and polyfluorinated alkyl substances, LSR590 which is for data sharing and memorandum of agreement for DHHS and DES, and LSR605 which is for the state to be put in compliance with federal special education laws. Councilor Murphy also wanted to highlight some recent events: Eagle Scout Chase Morin whose court of honor ceremony was held last Saturday. Chase's project was to build a buddy bench for students on the playground at Reeds Ferry School; and Merrimack High School freshman Matthew Brown had reached out some time ago to ask about the possibility of submitting a bill to improve student health outcomes and save the lives of NH students. Along with representatives, he drafted a bill that would eventually be known as HB35 that would require student IDs for NH student's grade 6 through 12 to include the national eating disorders hotline phone number. Recognizing that eating disorders are a major mental health issue facing our youth, Reps Rung and Murphy testified in support of this bill.

Town Manager's Report

- There are several staffing vacancies. Please visit the Town's website if you are interested in joining the Town of Merrimack.

Consent Agenda

None.

Old Business

None.

New Business

1. **Acceptance of Town Roads, for Phase I of the Chestnut Hill Properties, LLC – Section of Madeline Bennett Lane & Captain Bannon Circle**

Submitted by Chestnut Hill Properties, LLC

The Town Council to consider the acceptance of a section of Captain Bannon Circle between Old Blood Road and the intersection of Madeline Bennett Lane from the intersection to the Middle School Driveway. Also to accept all associated slope and drainage easements within Phase I.

MOTION made by Councilor Woods and seconded by Councilor Murphy to accept a section of Captain Bannon Circle between Old Blood Road and the intersection of Madeline Bennett Lane from the intersection to the Middle School Driveway. Also to accept all associated slope and drainage easements within Phase I, and authorize the Town Manger to sign any and all necessary documents.

MOTION CARRIES 6-0-0

2. Donation Acceptance of Funds to Twin Bridge Funds

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$675.42 from Boy Scout George Schwartz to the Parks and Recreation Department to be used for future park improvements at Twin Bridge Park, pursuant to RSA 31:95-b and Charter Article 8-15. This is surplus money from his fundraising efforts that he raised to complete his Eagle Scout Project at Twin Bridge Park.

MOTION made by Vice Chair Harrington and seconded by Councilor Hunter to accept and expend a donation in the amount of \$675.42 from Boy Scout George Schwartz to the Parks and Recreation Department to be used for future park improvements at Twin Bridge Park, pursuant to RSA 31:95-b and Charter Article 8-15. This is surplus money from his fundraising efforts that he raised to complete his Eagle Scout Project at Twin Bridge Park, and authorize the Town Manger to sign any and all necessary documents.

MOTION CARRIES 6-0-0

3. Donation Acceptance for Merrimack Fire Rescue Department

Submitted by Fire Chief Mark DiFronzo

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$2,500 from the Digital Federal Credit Union for the Merrimack Fire Rescue Department to be used towards programs and services that make a difference in the community, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Koenig and seconded by Councilor Murphy to accept and expend a donation in the amount of \$2,500 from the Digital Federal Credit Union for the Merrimack Fire Rescue Department to be used towards programs and services that make a difference in the community, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manger to sign any and all necessary documents.

MOTION CARRIES 6-0-0

4. Consideration of Changes to Chapter 178, Taxation (Article V, Optional Veterans' Credit), of the Merrimack Town Code [First Reading]

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

The Town Council to consider the acceptance of recommended changes to Chapter 178, Taxation (Article V, Optional Veterans' Credit), of the Merrimack Town Code, pursuant to Charter Article V.

Town Manager Paul Micali shared that this is the first read, and the change includes active duty veterans to the tax credit. This now needs to be moved to a public hearing. Chairman Rothhaus shared that he previously recused himself as he has the potential to benefit from this tax credit, and is going to recuse himself again as well.

MOTION made by Councilor Murphy and seconded by Councilor Koenig to accept the recommended changes to Chapter 178, Taxation (Article V, Optional Veterans' Credit), of the Merrimack Town Code, pursuant to Charter Article V and move this to a public hearing.

MOTION CARRIES 4-0-0 with Chairman Rothhaus and Councilor Hunter recusing themselves.

5. Acceptance of Donation of Trees for Sklar Waterfront Park Sub-committee

Submitted by Michael Drouin

The Town Council to consider the acceptance of a donation of 100 seedlings from Michael Drouin

Approved: February 16, 2023

valued at approximately \$117.50 purchased from the State nursery to the Sklar Waterfront Park Sub-committee to assist in the enhancement of the property's habitats, pursuant to RSA 31:95-e and Charter Article 8-15.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to table this agenda item until further notice.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ December 15, 2022

MOTION made by Vice Chair Harrington and seconded by Councilor Woods to approve the minutes from December 15, 2022 as amended.

MOTION CARRIES 5-0-1 with Councilor Koenig abstaining

Amendments:

Page 9 Line 5, change "their" in "their deliberative session to "the Town" for clarity.

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

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

MOTION CARRIES 6-0-0

The meeting adjourned at 9:47 pm.