



Town Council Meeting Minutes



Thursday, January 26, 2023, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:06 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

Girl Scout Melody Roe led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, February 9, 2023 NO MEETING
- Thursday, February 16, 2023, 7:00 PM Special Council meeting
- Thursday, February 23, 2023, 7:00 PM Regular meeting
- Thursday, March 9, 2023, 7:00 PM Regular meeting

The Watson Park Ice Skating Rink is still currently closed. Thank you for your cooperation. For questions please call Parks & Recreation at 603-882-1046.

The members of the Merrimack Veterans of Foreign Wars invite all local veterans and their 18+ family members to attend the 2nd Living Life after Trauma Information Session tomorrow, Friday, January 27th, 2023 at 7pm at the Merrimack VFW Post 8641 in Merrimack, NH. In collaboration with more than 10 other organizations in Southern NH that serve the veteran community, attendees will be presented with information on coping and living their best life after enduring traumas associated with military and combat service such as MST, PTSD, TBI and more. Following the presentations from the organizations in attendance there will be the opportunity to ask questions and gather more information on specific programs and resources. It is often referenced how there is a very healing quality to laughter, and the final presentation of the night will be veteran and comedian Jason E. Jones who is traveling from Tennessee to perform a comedy routine for the attendees to enjoy, laugh and heal.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Recognition of Town Center Committee Member

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

The Town Council to recognize Bill Cummings for his volunteer service to the Town of Merrimack as a member of the Town Center Committee.

Appointments

None.

Public Hearing

None.

Legislative Updates from State Representatives

Regarding HB20, State Representative Jeanine Notter was present to ask the Council for a letter of approval to name a bridge in Merrimack after late speaker Richard Hinch. Mr. Micali read the following letter on behalf of the Council regarding their support of this bill:

Dear Chairman McConkey,

Thank you for the opportunity to provide comments regarding the naming of the bridge on Bedford Road after the Honorable Richard “Dick” Hinch. I am writing on behalf of the Merrimack Town Council to support HB 20.

The Town Council is in favor and fully support the naming of this bridge. Dick Hinch was a dedicated Merrimack resident who served the community as chairman of this board for 3 years, he served on the ZBA and many other committees. Dick was a State Legislator for seven terms and was named House Speaker. Dick had a tremendous impact not only in Merrimack but throughout the entire State of New Hampshire. Dick brought honor and dignity to everything he did. Dick is truly missed and by naming the bridge after him his legacy will live on in the community he served with the utmost pride and dedication.

Please feel free to contact me at (603) 424-2331, if you have any questions or comments on the information provided in this letter.

Sincerely,

Finlay C. Rothhaus

Town Council Chair

Town of Merrimack NH

Town Manager’s Report

- The Souhegan River Pedestrian Trail is back out to bid with a variable construction timetable:
 - Bids due – 2/13
 - To Council for approval
 - Anticipated notice to proceed - 4/19/23
 - Substantial Completion - 6/14/24
 - Final completion - 6/28/24
- The engineering study for the Wire Road – Route 3 bridge is near completion.

Consent Agenda

None.

Old Business

None.

New Business

1. Proposed Girl Scout Gold Award Project at Veterans Park

Submitted by Girl Scout Melody Roe

The Town Council to be presented with Girl Scout Melody Roe’s proposed Girl Scout Gold Award project to build a permanent story walk along the trails from the west entrance to Veterans Park.

Girl Scout Melody Roe was present to share her proposed project. She began by stating that she is from Senior Troop 13912 and is a freshman at Merrimack High School. She would like to do the Story Stroll for her Gold Award because she loves to read. She then explained that a Gold Award is the highest award in Girl Scouts, which is achieved after 80 hours of helping the community and is similar to a Boy Scout’s Eagle

Award. She then shared that a Story Stroll is a way to enjoy reading and being outdoors at the same time. There are laminated pages from children's books attached to posts installed along a trail, and as you stroll you can read the pages of the book in order. Book selections usually include a story that involves movement, so children can "skip" or "hop" from one post to the next if the story page involves that action. The Stroll Ms. Roe wants to construct will be at Veterans Memorial Park by the west entrance and will consist of 18 posts 20ft apart along the trail, with pressure treated wood for weather resistance, shade-friendly plants, and library partnerships to rotate book choices approximately every three months. The trail will begin behind the playground where there is a previous temporary Story Stroll by Merrimack Public Library. Benefits to this include getting family time outdoors, developing reading skills, and motivating families, specifically younger children, to visit the park. For fundraising, Ms. Roe is going to ask local small businesses to sponsor a post plaque. Phil P. from the Merrimack Lion's Club already sponsored the first post! Ms. Roe then presented a breakdown of the cost for this project, which will total an estimated \$63.11 per post. She then shared the following timeline of her project:

- December- received Gold Award approval from Council
- January- presented to Parks and Rec
- January- presenting to Town Council for approval
- February- fundraising
- March/April- Finalize book choices; laminate pages
- Summer- build posts
- Late August- install posts; ribbon cutting ceremony

MOTION made by Councilor Koenig and seconded by Councilor Healey to accept Girl Scout Melody Roe's proposed Girl Scout Gold Award project to build a permanent story walk along the trails from the west entrance to Veterans Park.

MOTION CARRIES 7-0-0

2. Ratification of Collective Bargaining Agreement

Submitted by Town Manager Paul T. Micali

The Town Council to consider the ratification of a tentative collective bargaining agreement for International Association of Fire Fighters (IAFF), Local 2904.

Town Manager Paul Micali stating that there was a meeting regarding this and the following ratifications to negotiate contracts for the town of Merrimack. He then shared that IAFF Local 2904 has 36 members and consists of firefighters, paramedics, and EMTs. Ultimately, it was agreed upon to do a 3% wage increase in the first year, as well as incentives that were rolled into the hourly rate. The total cost in the first year is \$154,367. The second year is a 3% wage adjustment totaling \$106,788. The third year is a 3% wage adjustment totaling \$100,613. The total cost of the contract for 3 years is \$361,768.

MOTION made by Councilor Hunter and seconded by Councilor Healey to ratify the Tentative Agreement reached with the International Association of Fire Fighters (IAFF), Local 2904, which includes a net cost of \$154,367 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting.

MOTION CARRIES 7-0-0

3. Ratification of Collective Bargaining Agreement

Submitted by Town Manager Paul T. Micali

The Town Council to consider the ratification of a tentative collective agreement for American Federation of State, County and Municipal Employees (AFSCME) 93, Local 3657.

For this ratification, Mr. Micali stated that this union has 16 members, which are the fire and police captains and lieutenants. They increased short-term disability from \$600 to \$700, added a pay band in the fire department for a lieutenant paramedic and captain paramedic, they rolled in the \$3,500 stipend they were getting. This is a 4 year contract, in the first year there is a 3% wage increase and a \$2 per hour adjustment to move the employees towards the average. The second year also has a 3% wage increase and \$1.50 per hour adjustment for the fire captains to keep moving them towards the average. In the third year, there is also a 3% wage increase with \$1 per hour adjustment for the captains and a \$0.50 adjustment for police captains and lieutenants to move them towards the average. In the fourth year, there is a 3% wage adjustment. The cost for the first year is \$153,941, the second year is \$76,059, the third year is \$90,757, and the fourth year is \$62,039, for a grand total of \$372,796.

MOTION made by Councilor Hunter and seconded by Vice Chair Harrington to ratify the Tentative Agreement reached with the AFSCME 93, Local 3657 – Police and Fire Supervisors Union which includes a net cost of \$153,941 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting.

MOTION CARRIES 7-0-0

4. Ratification of Collective Bargaining Agreement

Submitted by Town Manager Paul T. Micali

The Town Council to consider the ratification of a tentative bargaining agreement for American Federation of State, County and Municipal Employees (AFSCME) 93, Local 2986.

Mr. Micali shared that for this ratification, this is a 40 member group comprised of laborers at the highway division, wastewater division, solid waste division, and equipment maintenance. The agreement reached was also a three year deal, with a major factor being that they are currently without a contract so a contract was negotiated with a 0% raise however the payscale has been moved up two steps.

MOTION made by Councilor Murphy and seconded by Councilor Hunter to ratify the Tentative Agreement reached with the AFSCME 93, Local 2986 – Public Works Employees Union which includes a net cost of \$162,748 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting.

MOTION CARRIES 7-0-0

Donation Acceptance for Trustees of Trust Funds - Watson Scholarship Account

Submitted by Trustees of Trust Funds Chairman Chris Christensen

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$5,000 from the Harold Watson Foundation to the Trustees of Trust Funds Watson Scholarship Account to be used towards five separate Merrimack High School scholarships, pursuant to RSAs 31:19, 31:95-b and Charter Article 8-15.

Town Manager Paul Micali shared that this a new process to accept donations, stating that he has discussed with the town attorneys and it was determined that any new money going into these scholarship funds has to be approved by the legislative body, which is the Town Council for Merrimack.

MOTION made by Councilor Hunter and seconded by Councilor Healey accept and expend a donation in the amount of \$5,000 from the Harold Watson Foundation to the Trustees of Trust Funds Watson Scholarship Account to be used towards five separate Merrimack High School scholarships, pursuant to RSAs 31:19, 31:95-b and Charter Article 8-15, and for the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

5. Donation Acceptance for Trustees of Trust Funds – Watson Scholarship Account

Submitted by Trustees of Trust Funds Chairman Chris Christensen

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$1,000 from the Harold Watson Foundation to the Trustees of Trust Funds Watson Scholarship Account to be used towards the James Mastricola Upper Elementary School Lego Teams, pursuant to RSAs 31:19, 31:95-b and Charter Article 8-15.

MOTION made by Vice Chair Harrington and seconded by Councilor Murphy to accept and expend a donation in the amount of \$1,000 from the Harold Watson Foundation to the Trustees of Trust Funds Watson Scholarship Account to be used towards the James Mastricola Upper Elementary School Lego Teams, pursuant to RSAs 31:19, 31:95-b and Charter Article 8-15, and for the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

6. Donation Acceptance for Merrimack Fire Rescue

Submitted by Fire Chief Mark DiFronzo

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$500 from the Harold Watson Foundation to the Merrimack Fire Rescue Department to be used towards the purchase of fire investigation tools and equipment, pursuant to RSA 31:95-b and Charter Article 8-15.

Fire Chief DiFronzo was present to discuss the donation, stating that they would like to improve their fire investigation team, specifically tools and equipment to do the job functions.

MOTION made by Councilor Murphy and seconded by Councilor Hunter to accept and expend a donation in the amount of \$500 from the Harold Watson Foundation to the Merrimack Fire Rescue Department to be used towards the purchase of fire investigation tools and equipment, pursuant to RSA 31:95-b and Charter Article 8-15, and for the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

7. Online Privacy Policy Agreement Review

Submitted by Media Services Coordinator Nicholas Lavallee

The Town Council to review and consider the approval of the Online Privacy Policy Agreement.

Media Services Coordinator Nicholas Lavallee shared that this policy agreement is for the newer programs that are expanding to certain platforms to inform a user on what specific information is being collected and whether it's being kept confidential or being sold to third parties. This affects the dedicated streaming app, with the vendor being Tightrope Media Systems. Tightrope needs to submit the app to different platforms which require a privacy policy being stated on the MerrimackTV website. This policy was drafted with Tightrope and includes relevant changes for the Town. This document was submitted to legal counsel and was sent back with one change, to include the RSA Right-to-Know law. Councilor Healey asked if legal was okay with the section regarding the EU, because EU countries all have their own privacy policies in addition to the overarching policy of the EU. Mr. Micali stated that legal did not mention this, they only wanted to include the RSA Mr. Lavallee previously mentioned. Mr. Micali wanted to stress that people's information is not being collected or shared at all. Mr. Lavallee stated that the only information that would be collected would be to see if anyone is watching. Councilor Koenig asked about the Right-to-Know law, in which Mr. Lavallee stated that he was reading from an updated policy that has the only change required by legal.

Chairman Rothhaus called a brief recess to obtain the correct legal documents before making a motion on the online privacy agreement.

MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the Online Privacy Policy Agreement as submitted with the one correction under “disclosure of information” to read: “as required by law including but not limited to RSA 91:A or in response to a subpoena or search warrant.

MOTION CARRIES 7-0-0

8. Update – Status of Permit Requirements for Craft Fairs (Potential Exemption Request)

Submitted by Jody Donohue

Annual Craft Fair to be held May 13 from 10-5pm at Merrimack Premium Outlets.

Mr. Micali stated that Ms. Donohue was presented with the previous meeting minutes where this issue was discussed that stated that there was a one-time exemption as she was unaware she was supposed to be charged a yearly fee. Mr. Micali then stated that he decided to not change the policy because Anheuser Bush vendors were following the policy as written and the changes proposed in the policy would not affect the craft fair. He stated he can have the updated policy ready for a read in February to have it ready for the upcoming season. Since Ms. Donohue was not present tonight, the Council decided to table this agenda item for a future meeting where she can attend and speak on the matter.

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

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meetings:

♦ January 5, 2023

MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to approve the minutes from January 5, 2023 as amended.

MOTION CARRIES 7-0-0

Amendments:

Page 2 Line 25: change “mghz” to “MHz”

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 7-0-0

The meeting adjourned at 8:09 pm.

Respectfully submitted by Jennifer Steagald