



Town Council Meeting Minutes



Thursday, September 14, 2023, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:09 pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor N. Murphy, and Town Manager Paul Micali. Councilor M. Murphy was excused.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, September 28, 2023, 7:00 PM Regular meeting
- Thursday, October 12, 2023, 7:00 PM Regular meeting
- Thursday, October 26, 2023, 7:00 PM Regular meeting

The Merrimack Police Department's Open House is back.

It will be held on Saturday, October 21st from 10:00 AM -1:00 PM. Station tours, static displays, and demos!

Merrimack Fire & Merrimack Police (Bases & Badges) 2023 softball game that was scheduled for Saturday, September 16th has been postponed due to the forecasted weather. No date has been confirmed for another game.

October 6, 2023 is the last day for registered voters to change their party affiliation prior to the Presidential Primary election. *Undeclared voters may declare a party at the polls and vote on Primary Day. The date of the Primary has not yet been set*

To check your party affiliation visit the NH Secretary of State's website at: <http://app.sos.nh.gov>. Party changes may be completed at the Town Clerk's office during business hours. The Supervisors of the Checklist will hold a public session to accept new voters and party changes on October 6th at the Town Hall from 7:00 to 7:30 PM.

Merrimack Fire Rescue Department's Open House will be held on Saturday, October 14th from 10:00 AM – 1:00 PM. There will be displays and a live fire demonstration.

The next Household Hazardous Waste Collection is Saturday, October 7th from 8am to 12pm at 25 Crown Street, Nashua. For the cost of \$15.00 per vehicle Merrimack residents can bring their household hazardous waste. This fee covers up to 10 gallons or 20 pounds of waste. There is an additional charge of \$1 per gallon above 10 gallons and 50 cents per pound above 20 pounds. These fees are payable by cash or check.

The MERRIMACK TV app is here! Download "Merrimack TV" from the App Store on your iPhone, iPad, or Android device. Merrimack TV is also available on Roku, Apple TV, and Amazon Fire TV devices. The Merrimack TV app streams all 4 of our cable TV channels 24/7 in HD and has hundreds of searchable on-demand content too.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Recognition of Resignation of Town Employee

Submitted by Human Resources Director Sharon Marunicz

The Town Council will present a recognition award to Community Development Director Timothy J. Thompson in recognition of his resignation from the Merrimack Community Development Department after more than 12 years of full time service to the Town of Merrimack: August 2, 2011 – September 8, 2023.

2. Recognition of Retirement of Town Employee

Submitted by Human Resources Director Sharon Marunicz

The Town Council will present a recognition award to Finance Director Thomas Boland in recognition of his retirement from the Merrimack Finance Department after more than 10 years of full time service to the Town of Merrimack: August 26, 2013 – September 15, 2023.

Appointments

None.

Public Hearing

None.

Legislative Updates from State Representatives

Councilor N. Murphy shared that this week is the week to file legislative service requests for any potential bills to sponsor this year. The deadline is tomorrow, September 15th, at 4pm. She also shared that she wrote a bill to reestablish the PFAS commission, as well as a bill to reestablish the commission for environmentally triggered chronic illness, which runs parallel to all the work done in the PFAS commission. Lastly, she submitted a bill relative to the PFAS remediation loan fund.

Town Manager's Report

- Last Thursday, September 7th, was the last of the Summer Hours at the Transfer Station and we will be closing at 4:00 PM Tuesday through Saturday until next spring.

Consent Agenda

None.

Old Business

1. Merrimack Conservation Commission Request - High School Representative Member Position (Follow-up Discussion)

Submitted by the Merrimack Conservation Commission

The Town Council to discuss a request of an addition of a High School representative member position on the Merrimack Conservation Commission.

Mr. Micali shared that he did some research and discovered that the charter article states that the commission is to have six members appointed by the Town Council for terms of three years, such term staggered, and one Town Council member shall be appointed annually to serve as ex-officio, and three alternate members

appointed in the same manner as regular appointed members, except no more than one alternate appointed to the term shall expire in one year. Further, state law states that the commission must be capped at seven members. Because of this, Mr. Micali suggested to the commission to change the student member to a student representative this way they could continue to have seven voting members plus a student rep, which the commission agreed to. Mr. Micali just needs the Council to affirm their decision so he can begin changing the charter to update the language to reflect this.

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to reaffirm the decision made by the Conservation Commission related to the student representative, and allow the Town Manager to begin the charter change to reflect this.

MOTION CARRIES 6-0-0

New Business

Chairman Rothhaus moved Item #3 to be heard first.

3. Low Power FM Discussion

Submitted by Media Services Coordinator Nicholas Lavallee

Media Services Coordinator Nicholas Lavallee seeking Town Council approval to apply for a transfer of low power FM frequency from another community.

Media Services Coordinator Nicholas Lavallee was present to share information on the low power FM frequency transfer. He began by stating that low power FM stations are available to non-commercial educational and public safety entities, and not available to individuals or commercial companies. These stations became available by the FCC in January 2000, and neighboring communities like Manchester and Bedford have been operating their FM stations for years through their community media divisions, with public safety in mind. Both stations fill 168 hours of programming with community-minded shows and meeting coverage, live sports, and other events. Merrimack's media division has listed low powered FM on their CIP for several years, but each year has been pushed to a lower priority due to the unavailability to apply for a frequency from the FCC. He shared that there is no cost to apply for a transfer of a low power FM frequency, and the potential to bring this to Merrimack arrived this past summer when the FCC announced in June that the filing period to apply would be the first week of November. Further, the Londonderry school district relayed that they are considering liquidating their radio stations equipment and are open to transferring their frequency to another community. They presently operating 102.9 FM WLLO in Londonderry. Mr. Lavallee stated that transferring this low power would be easier than establishing their own low power as it can be competitive and difficult to get your own station. He feels that this would be a great resource to add to the media division. The Council discussed how the transfer works and how to relinquish the channel if this doesn't work out, ultimately deciding to accept the transfer of the low power FM frequency from Londonderry.

MOTION made by Councilor Koenig and seconded by Councilor Healey to approve the application of the low power FM frequency from another community, and authorize up to \$10,000 for the purchase and acquisition of equipment to get this process started, as well as allow the Town Manager to sign any necessary documents.

MOTION CARRIES 6-0-0

1. Heritage Commission Membership Discussion

Submitted by Town Manager Paul T. Micali

The Town Manager to provide an update to the Town Council on Heritage Commission membership requirements as requested at the Town Council Retreat / Work Session.

Mr. Micali shared that he looked into this and determined that this commission could be deactivated, however this would require a charter change if this is what the Council decided to do. If the Council decides to continue with this commission, the Planning Board will need to be asked to recommend an ex-officio member as the charter article states that there must be a member from the Planning Board on the Heritage Commission. Mr. Micali would also begin working on changing the language in the bi-laws to reword some language, such as “selectman” to “Town Council” and “three members” to state “one Town Council and one Planning Board member”, as well as update RSA requirements. The Council discussed this and ultimately decided to keep the Heritage Commission and see if they can make it work.

2. Committee Appointments

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

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

- **Danielle Melanson** – Conservation Commission (*Alternate member*)
- **Mark Williams** – Planning Board (*Alternate member*)

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to appoint Danielle Melanson to the Conservation Commission (*Alternate member*) and Mark Williams to the Planning Board (*Alternate member*), pursuant to Charter Article 4-8:

MOTION CARRIES 6-0-0

4. Proposed Zoning Ordinance Amendments – Mixed Use Developments Permitted in the I-1 District by Conditional Use Permit [First Reading]

Submitted by Town Council Chair Finlay Rothhaus & Town Manager Paul T. Micali

The Town Council will hold a first reading for the proposed Zoning Ordinance amendments to repeal Section 2.02.4.D (Mixed Use Developments Permitted in the I-1 District by Conditional Use Permit) and the correction of Section numbers in the remainder of Section 2.02.4., pursuant to Charter Article V.

Vice Chair Harrington began by stating she is recusing herself to ensure that any discussion and deliberation of votes are perceived as not being tainted by her involvement due to her past concerns about the development of the premium outlets.

Mr. Micali began by stating that they are looking to repeal the entire section that talks about mixed use developments printed in the I-1 district by a conditional use permit and change some of the language. Councilor Healey shared that she has received several emails regarding the issues with the constant building and how what gets approved isn't what is being built. Councilor Koenig stated he was on the Planning Board when this was in effect, and agreed with Councilor Healey that the CUP presentations came in different than what was initially approved. He shares that this gives him a chance to step back and review the whole process. Councilor Hunter shared that he is in support of this, but does not want to rush the process or spend tax payer's money. Robert Best was present and shared that the Master Plan is scheduled to be reviewed in 2024, but the process is long so a final plan might not even be available until 2025.

MOTION made by Councilor Koenig and seconded by Councilor Hunter to move this to a second reading.

MOTION CARRIES 5-0-0 with Vice Chair Harrington recused

5. Amherst Road Bridge Emergency Repairs - CIP Withdrawal Request

Submitted by Public Works Director Dawn Tuomala

The Town Council to authorize the request for the withdrawal of funds from the Road Infrastructure Capital Reserve Fund and to be designated for the emergency expansion joint repair of the Amherst Road Bridge, totaling \$156,970.00.

Deputy Director Leo Laviolette was present to speak on the repairs needed on the Amherst Rd Bridge. He stated that last winter a plow hit an expansion joint and damaged it. He states that the expansion joint is still doing its job, but needs to be repaired before any deterioration sets in.

MOTION made by Councilor Healey and seconded by Councilor Koenig to authorize the withdrawal of funds from the Road Infrastructure Capital Reserve Fund and to be designated for the emergency expansion joint repair of the Amherst Road Bridge, totaling \$156,970.00, and allow the Town Manager to sign any necessary documents.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ August 17, 2023

MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the minutes from August 17, 2023 as written.

MOTION CARRIES 6-0-0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

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

MOTION CARRIES 6-0-0

The meeting adjourned at 8:32 pm.

Respectfully submitted by Jennifer Steagald