



Town Council Meeting Minutes



Thursday, October 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 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, October 26, 2023, 7:00 PM Regular meeting

The Town Council meets on the first & third Thursdays in the months of November & December:

- Thursday, November 2, 2023, 7:00 PM Regular meeting
- Thursday, November 16, 2023, 7:00 PM Regular meeting

KIDS COVE PLAYGROUND – NOTICE OF TEMPORARY CLOSURE

The Department of Public Works will need to temporarily close Kids Cove Playground for the week of October 23rd – October 27th for necessary maintenance and repairs to the playground. Public Works will be installing the replacement slides that were damaged in a storm last winter; repairing several playground elements and adding new surfacing throughout the playground. Signage will be installed notifying park users of the temporary closure.

Merrimack Fire Rescue Department's Open House will be held this Saturday, October 14th from 10:00 AM – 1:00 PM. Please join us for a day of fun and education to include: advanced life support demonstration, fire engine water deck gun demonstration, arson dog demonstration (if available), air bag demonstration by Jim Bailey, firefighter emergency bailout demonstration, burn building demonstration, live fire extinguisher training, obstacle course and much more.

The Merrimack Police Department's Open House is back.

It will be held on Saturday, October 21st from 10:00 AM -1:00 PM.

Special events to include: NH Fire Marshal Demo (K-9 Anthem), K-9 Demo with Sgt. Steve Wallin and K-9 Drei, Taser demo, bomb robot demo (Nashua PD Bomb Unit), Station tours, MPD Comfort Dog Mack, MPD new Search & Rescue Vehicle, Incident Command Vehicle, Search & Rescue drones, Southern NH Special Operations Unit SWAT Bearcat Armored Vehicle and much more.

The Town of Merrimack's Media Division, Merrimack TV, encourages residents to celebrate "Community Media Day" on Thursday October 20th. Community media connects residents to their neighbors, community organizations, schools, and local government. Learn more by following Merrimack TV on social media.

There also is a proclamation that is being signed by the Town Council

The last Household Hazardous Waste Collection for the 2023 season is Saturday November 4th from 8:00 am until 12:00 pm in Nashua at 9 Stadium Drive. For the cost of \$15.00 per vehicle Merrimack residents can bring up to 10 gallons or 20 pounds of waste. There is an additional charge of \$1 per gallon if over 10 gallons or 50 cents per pound if over 20 pounds. Cash or checks only. Please make checks payable to NRSWMD.

Beginning November 15th, the Library's elevator will be temporarily out of service for a refurbishment and repair project. We expect this project to take 5 weeks to complete. During this time, the lower level - including the Children's Room, restrooms and the Klumpp Room - will only be accessible using the main stairs. Please check the library's events calendar for programming updates and contact Library Director, Yvette Couser with any questions. We apologize for any inconvenience.

Vice Chair Harrington wanted to correct information from the September 28th meeting minutes regarding the zoning adjustments reports that they had received, specifically this section:

"Vice Chair Harrington asked how many hearings they've had, in which Mr. Conescu shared that they don't have exact metrics, but this particular year has been very similar to the last two years, with typical requests. Vice Chair Harrington asked for a guestimate on approval vs disapprovals, in which Mr. Conescu stated that the approvals are around 85% for variances, and there is a firm history of denying appeals."

She stated that she emailed the Chair and Vice Chair of the Zoning Board of Adjustment and offered to have them come in to correct the record, but they chose to have her correct it. She became aware that a report was submitted to the Zoning Board of Adjustments in preparation for the annual meeting, and she quoted the following from the information that they were provided:

"Since the start of 2023, the Merrimack Zoning Board of Adjustment has granted 21 variances and 2 special exemptions. Of the granted petitions, a few stand out, including the approval of a variance to permit a 520.8 square foot billboard sign to be erected at 526 DW Highway, a variance to allow residential units on a 19,140ft lot, whereas 40,000sqft per unit is required at 2 Railroad Avenue in town center overlay district, and a special exemption to permit a drive through restaurant use in the C1 district related to the Hot Rise Café. The board has not issued any denials this year, but had 2 appeals of administrative decisions. The board currently has additional 4 variance applications, therefore they've had no denials the entire year."

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Recognition of Employee Upon Retirement from Town Employment

Submitted by Human Resources Director Sharon Marunicz

Philip Meschino will be recognized for his retirement from Town of Merrimack Public Works Department with more than 39 years of full time service. June 18, 1984 – October 1, 2023.

Mr. Meschino was not present for his recognition, but he would have been receiving a rocking chair. In lieu of this, he is requesting that the monetary amount spent to purchase the rocking chair be donated to St James Food Pantry.

Appointments

1. Workforce Housing Presentation

Submitted by Community Development Director Robert Price

Town Council to be presented with an overview presentation on Workforce Housing (what it is, isn't, and how the law works).

Community Development Director Robert Price was present to share an overview on the Workforce Housing, which is a law that was passed in 2008 and became effective in 2010. He stated that this law was created to help in affordable housing, especially as this is an unprecedented time for building affordable houses with the median sales price of a home upwards of \$400,000 or more, with rentals in high demand. He also presented a video to the Council reflecting the importance of housing to keep the economy strong, as well as myths and facts on workforce housing. Mr. Price then shared that workforce housing is defined as

housing that's affordable to a renter, family of three making 60% of the area median income, or a family of four making 100% of the area median income. He clarified that median income doesn't mean that it has to be a family of three or four, that's just how the income maximum was determined. Further, there is no age restriction. He then shared that for Merrimack, 60% of the area income comes out to about \$62,750, meaning that gross rent would be around \$1,570. Median rent is around \$1,600 for the state. To purchase a home, the median income was around \$116,200, which would equal a house around \$333,000 purchase price. Mr. Price then shared the NH Housing website, which shows different properties and values, as well as the economics of development.

Public Hearing

1. Public Hearing – Proposed Amendments to Chapter 193, Welfare Guidelines, of the Merrimack Town Code

Submitted by Welfare Administrator Patricia Murphy

The Town Council will hold a public hearing to consider the acceptance of recommended changes to Chapter 193, Welfare Guidelines, of the Merrimack Town Code, pursuant to Charter Article V.

Welfare Administrator Patricia Murphy shared that the updates are looking at some of the cost allowances and making sure they are updated and more relevant to what the costs are as well as inflation. Some updates are cremation and burial costs, maintenance, telephone costs, and residency.

The public hearing was opened at 8:14pm and closed at 8:15pm.

MOTION made by Councilor Healey and seconded by Councilor Koenig to move this to the Consent Agenda.

MOTION CARRIES 6-0-0

Legislative Updates from State Representatives

None.

Town Manager's Report

Mr. Micali asked the Council how they want to proceed with the CIP. He shared that the Charter states that he has to go to the Planning Board first and then meet with the Town Council, but the advantage of going to the Town Council first is that if there's a project that the Council doesn't support in the major section, it can get pulled out before it goes to the Planning Board and gets voted on. On the flip side, if the Planning Board hears projects first and puts their recommendations in as needed, necessity, or a must, then that can be reviewed by the Council once the projects are ranked.

The Wastewater facility, the Solid Waste (Recycling) facility and the Highway Garage will be CLOSED to the public next Wednesday on October 18th between the hours of 11 AM to 1 PM for mandatory training.

The Seaverns/Fields Bridge on Amherst Road at Seaverns Bridge Road and County Road at the Amherst Town line has been closed for repairs. They began work on Tuesday October 10th. Demolition work on the bridge expansion joint has begun.

Consent Agenda

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

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

The Town Council will hold a final 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.

Before beginning, Vice Chair Harrington recused herself. Chairman Rothhaus stated that this amendment removes section 2.02.4.D which repeals the entire section, realigns numbering, and adds the following paragraph:

All previously approved Mixed Use Conditional Use Permits (CUPs) that existed at the time of this Section being repealed (10/12/2023) shall be subject to the requirements of the former section 2.02.4.D (as existing in the Zoning Ordinance revised as of January 14, 2021). Any proposed modifications or amendments to those previously approved CUPs shall be required to comply with the requirements of the underlying Zoning District they are located within and/or with provisions of Section 9 Non-conforming uses.

MOTION made by Councilor Hunter and seconded by Councilor Healey to approve 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, to include the revised language that the Town Council Chairman read.

MOTION CARRIES 5-0-0

Old Business

1. Heritage Commission Review

Submitted by Town Manager Paul T. Micali

Town Manager to give an update on membership requirements for the Heritage Commission.

Town Manager Micali shared that by law, the Heritage Commission is a land use board, and since there is already a Council member that sits on both the Planning Board and Heritage Commission, another member cannot sit on the Commission as there is only one member allowed to be appointed to land use boards. The recommendation is to have another Town Council become part of that fifth member until the conflict goes away. After some discussion, the Council decided that Councilor Healey will step down from her position on the Heritage Commission, and be replaced by Chairman Rothhaus.

New Business

1. Electric Vehicles Discussion

Submitted by Town Councilor Barbara Healey

Town Council to receive an update from the Fire Chief on proper electric vehicle charging stations.

Fire Chief DiFronzo shared a PowerPoint presentation on electric vehicles and safety measures that the public may not be aware of. He highlighted the following in his presentation:

- Before buying an EV- have a qualified electrician install:
 - A new, dedicated circuit for your EV charging device. Older home wiring may not be suitable for use with EV supply equipment.
 - A level II charging device- standard is Level I
 - Level I= standard 120-V outlet, slower charging
 - Level II= higher voltage 240-V, faster charge time

- Follow manufacturer's guidelines when charging your vehicle. Check with your local dealer if you need additional information.
- Charging EVs
 - Purchase a charging device that is certified by a nationally recognized testing laboratory.
 - Plug Level I EV chargers directly into an outlet designed to handle the amperage of the charging device. Never use a multi-plug adapter or extension cord.
- Install a residual current device with the charging unit. It will turn off the power if a fault is detected and help prevent a fire.
- Place all charging device components out of reach of children when not in use.
- Maintain the components of your charging station according to the manufacturer's maintenance guidelines. Signs of excessive wear may indicate a potential shock hazard. Never use an EV charger with obvious signs of damage.
- Cover the EV charging station outlet to stop water from entering. Check the manufacturer guidelines to make sure it is safe to charge EV in wet conditions.
- Charging an EV is safe when done with certified equipment. By following these tips, you can lower your risk of having an associated fire or an electric shock injury.

After the presentation, Councilor Healey asked about public charging stations, in which Chief DiFronzo stated that public stations should be well maintained, but if anything looks off or there appears to be wear and tear, do not use the station and go to another one.

2. Health Officer Review and Update with Town Council

Submitted by Health Officer Erin Olson

The Town Council and Health Officer to meet the annual meeting and reporting requirement as well as review and complete the "Summary of Readiness to Address Local Public Health Threats" report for the Department of Health and Human Services (DHHS), in accordance with RSA 128.

Health Officer Erin Olson was present for the annual review. She presented the following information via PowerPoint:

2023 Health Division Program Updates

- Routine inspections and licensing
- Updated Food Service License fee structure implemented January 1, 2023
- Open Gov permitting software integration
- Regional health Equity Work Group
- DHHS offering Regional in-person meetings of Health Officers- Encouraging municipal leaders and BOH members to attend. (Date of meeting TBD)

After the presentation, Councilor N. Murphy asked about the drinking water contamination section on section four of the narrative, specifically the portion that requests to name the top three public health issues challenging the community. She wanted to mention that they just received \$500,000 from DHHS for a kidney cancer feasibility study because kidney cancer is associated with PFAS contamination, which Merrimack has had significant exposure to.

2022 Top 3 Public Health Challenges in Merrimack- Determined at 2022 BOH Meeting

- Water Quality and Drinking Water Contamination
- Rental Housing Conditions
- Public Health Emergency Preparedness

- Minor correction to make- Councilor Hunter is listed twice, and Councilor M. Murphy is missing. Ms. Olson will make that correction and update the date as well
- Merrimack residents can follow the Nashua health division website to receive a weekly letter about important health updates (flu season, covid, etc)

Must Determine Top 3 Public Health Challenges for 2023 Readiness Report

- What are the top three public health or sanitation challenges facing the town of Merrimack?
- Chief DiFronzo was present to help the Council decide which challenges are most important to put on this list
- The Council discussed housing issues, enforcement authority issues (bed bugs, egregious health hazards, etc)
- The Council discussed utilizing ambulance calls to help identify public health issues in the community
- Ultimately, the Council decided on Water Quality as # 1, health emergency preparedness as #2, and housing conditions as #3

3. Consideration of Changes to Chapter 167, Stormwater Management Standards [First Reading]

Submitted by Public Works Director Dawn Tuomala and Assistant Public Works Director / Environmental Leo Lavoilette

The Town Council to consider the acceptance of recommended changes to Chapter 167, Stormwater Management Standards, of the Merrimack Town Code, pursuant to Charter Article V.

Public Works Director Dawn Tuomala and Assistant Public Works Director Leo Lavoilette were present to share the changes to Chapter 167, which include improving code 167 and updating the illicit discharge and detection program that wasn't listed in the 167 (now under Chapter 168). Chapter 167 relates to storm water management and standards. For this, they have enhanced the purpose of intent, specifically the water quality, as well as added in a few definitions and regulatory information, and enhanced the section plans on storm water management. The Stormwater Management Plan was updated to define what the coalition states ("SWMP Plan") as well as list the operations and maintenance for pre-construction, post-construction, reconstruction, and encompass everything that happens in the future. They also added in bond release requirements and verbiage on enforcements. These updates have been in effect, this is a matter of updating the formalities and creating additions to put EPA recommendations into writing. Mr. Micali stated that the town attorneys are currently reviewing this and will let the Council know if there are any major changes to make.

MOTION made by Councilor Healey and seconded by Vice Chair Harrington to accept the recommended changes to Chapter 167, Stormwater Management Standards, of the Merrimack Town Code, pursuant to Charter Article V, and move to a Public Hearing dependent on the feedback from legal review.

MOTION CARRIES 6-0-0

4. Addition of Chapter 168, Illicit Discharge Detection and Elimination (IDDE), to the Merrimack Town Code [First Reading]

Submitted by Public Works Director Dawn Tuomala and Assistant Public Works Director / Environmental Leo Lavoilette

The Town Council to consider the addition of Chapter 168, Illicit Discharge Detection and Elimination, to update the Merrimack Town Code to the current requirements of the EPA MS4 Permit, pursuant to Charter Article V.

Approved: October 26, 2023

Posted: October 30, 2023

Ms. Tuomala then discussed Chapter 168, which is a new chapter created to detect where there could be issues with illicit discharge and resolving those issues, such as people tying into the drainage line instead of the sewage line, dumping paint cans down catch basins, etc. The fire chief and health officer have been written into this to conduct authority on managing illicit discharges and reporting to NHDES. Legal will review this as well.

MOTION made by Councilor Healey and seconded by Vice Chair Harrington to accept the addition of Chapter 168, Illicit Discharge Detection and Elimination, to update the Merrimack Town Code to the current requirements of the EPA MS4 Permit, pursuant to Charter Article V, and move to a Public Hearing dependent on the feedback from legal review.

MOTION CARRIES 6-0-0

5. Souhegan River Local Advisory Committee (SorLAC) Membership Discussion

Submitted by Town Manager Paul T. Micali

Town Council to discuss the SoRLAC vacancy and the next steps on filling the vacancy.

Mr. Micali stated that the standard policy is to give 30 days' notice. The Council agreed to follow the standard appointment policy.

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to follow the standard appointment policy for filling the SoRLAC vacancy and initiate the search.

MOTION CARRIES 6-0-0

6. Memorial Bench Donation to Wildcat Falls

Submitted by Town Councilor Andy Hunter

The Lo Verme Family would like to donate and install a Memorial Park Bench with an estimated value of \$2,760, at a site by the river along the trail system at Wildcat Falls in honor of Michael Lo Verme who passed away in 2012, pursuant to RSA 31:95-e and Charter Article 8-15.

Councilor Hunter shared that this came in front of the Conservation Commission and was voted in favor of this, but the Commission doesn't have the authority to accept donations so this has to go through the Council. The LoVerme family has found a vendor to get the bench out to Wildcat Falls and place it for the family. Councilor Healey states that the trail needs a bench and this is a very nice gesture.

MOTION made by Councilor Hunter and seconded by Councilor N. Murphy to accept the donation and installation of a Memorial Park Bench with an estimated value of \$2,760, at a site by the river along the trail system at Wildcat Falls in honor of Michael Lo Verme who passed away in 2012, pursuant to RSA 31:95-e and Charter Article 8-15.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ September 28, 2023

MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to approve the minutes from September 28, 2023 as amended.

MOTION CARRIES 6-0-0

Approved: October 26, 2023

Posted: October 30, 2023

Amendments:

Page 5 Line 47: Add Bill numbers

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Healey shared that on Saturday, there was a Vet the Vote event at James Mastricola Upper Elementary School (JMUES) that had a decent turn out. Merrimack TV and other news outlets were there to do a brief synopsis, and she believes more videos will be coming out to educate the community on the voting process.

Councilor N. Murphy wanted to again mention Wreaths Across America, which is on December 16th. There are currently 333 wreaths purchased and they need 317 more. There will be a table at the Knights of Columbus Fair, which is November 3rd and 4th.

Councilor Koenig shared that the Special Olympics is hosting a ball game this weekend and is accepting donations to raise money for the Special Olympics in NH. The police and fire will be competing in this baseball game, and more information can be found on the Special Olympics website.

Chairman Rothhaus shared that his parents had their 70th anniversary on Tuesday, and his child got engaged this past Sunday.

Adjourn

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

MOTION CARRIES 6-0-0

The meeting adjourned at 9:23pm.

Respectfully submitted by Jennifer Steagald