



Town Council Meeting Minutes



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

Call to Order

Chairman Rothhaus called the meeting to order at 7:02 pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, Councilor N. Murphy, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

The Merrimack Town Council would like to extend our sincere sympathies to the family and friends of Mrs. Anita Creager, who passed away at the age of 85 years old. She was a very special lady that contributed so much to the Town of Merrimack. Since 1968, her commitment to the Boy Scouts of America was unwavering and the impact she made on the youth was commendable. She was most recently honored by the Scouts when Camp Whip O Will in Merrimack was renamed Camp Creager in honor of her and her dedication of more than 50 years to scouting. Anita's wealth of historical knowledge of the Town of Merrimack was most impressive and her drive and love of history brought her to becoming a member and Chairman of the Heritage Commission and the President of the Merrimack Historical Society. Rest in peace, Miss Anita.

A moment of silence was held in honor of Anita Creager and for the families and loved ones of the victims of the Lewiston, Maine shooting.

Upcoming Town Council Meetings:

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

The Merrimack Police Department's Open House has been postponed to Saturday, November 4th 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 Parks & Recreation Department invites you to join them this Saturday, October 28th for the 31st Annual Town of Merrimack Halloween Party at Wasserman Park. The event features free games, crafts, demonstrations and other activities from 32 local business & community organizations along with the Annual Costume Contest and new Pumpkin Derby Races. The event is held from 12 – 3 pm. For details visit the Parks & Recreation Dept. website at www.merrimackparksandrec.org or call 882-1046.

The DEA's National Prescription Drug Take Back Day is Saturday, October 28th from 10 AM – 2:00 PM. Drop off your expired or unused medications in the lobby at the Merrimack Police Department. As always, please NO needles or liquids.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Resignation of Town Committee Member

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

The Town Council to consider the acceptance of the resignation of Barbara Healey as the Heritage Commission Town Council Representative Member.

Councilor Healey shared that she enjoyed being on this Commission for the past 4 years and will miss everyone.

MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to accept the resignation of Barbara Healey from the Heritage Commission.

MOTION CARRIES 6-0-1 with Councilor Healey abstaining

2. Recognition of Retirement of Town Employee

Submitted by Human Resources Director Sharon Marunicz

The Town Council will present a recognition award to Paul Dube in recognition of his retirement from the Solid Waste Division and then the Wastewater Division of the Public Works Department after more than 18 years of full time service to the Town of Merrimack: January 1, 2005 – October 15, 2023.

Mr. Dube was not present to accept his award, but Chairman Rothhaus shared that they will be presenting him with a plaque for his service.

Appointments

1. Annual Review with the Town Center Committee

Submitted by Town Center Committee Chair Nelson Disco

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

Town Center Committee Chairman Nelson Disco was present to share their annual review. He began by stating that this committee was formed in 2009 by the Council to implement the changes that were recommended from a Nashua Regional Planning Commission (NRPC) Integrating TRansportation and Community planning (iTRaC) study that was done to look at the center of Merrimack and see if it could be made more of a center and be more walkable. There are currently 7 members who meet every 6 weeks or so to discuss various topics. One of the first recommendations that came from the Town Center Committee was the Souhegan River Trail, which was designed to make a walking path from Watson Park to Wildcat Falls up to Courier Road if needed. They applied for a TAP grant through the state to help cover the cost of this project and they received the award in 2009. They have now reached a point where they have a contract with a contractor to begin the work, and they will have a groundbreaking ceremony at Watson Park on November 3rd to signify that they are finally opening up this trail. Mr. Disco also shared a spreadsheet of sidewalk projects in order of importance needed to complete the Town Center vision. He shared that quite a bit of these projects will be done by the state, with a large chunk of the sidewalks being around Baboosic and the overpass bridge on the FE Everett Turnpike around Wire Rd and Baboosic Lake Rd. They also have TAP applications out for any projects that met the requirements to help pay for these projects. Mr. Disco then shared that the school district will be building an administration headquarters building on the campus of Merrimack High School, and the sidewalk portion of this project runs long O'Gara Drive, so this has been

included as one of the priority items in their master plan. For next year, they are going to continue to work with the SAU in developing the high school master plan and tying it in with their master plan.

Public Hearing

1. Public Hearing - Consideration of Changes to Chapter 167, Stormwater Management Standards

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

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

Before beginning, Mr. Micali shared that legal has reviewed these recommended changes and made minor comments/changes, nothing that would require it (or Chapter 168) to go back to a first reading. Assistant Public Works Director / Environmental Leo Laviolette then spoke to the Council, highlighting that the revisions were minor, mainly wordsmithing.

The public hearing was opened at 7:37pm and closed at 7:38pm.

MOTION made by Councilor Koenig and seconded by Councilor Healey to move the Chapter 167 updates to the November 16th meeting on the Consent Agenda.

MOTION CARRIES 7-0-0

2. Public Hearing - Addition of Chapter 168, Illicit Discharge Detection and Elimination (IDDE), to the Merrimack Town Code

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

The Town Council will hold a public hearing 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.

Mr. Laviolette shared that there were minor changes for this Chapter as well, and also a definition was added for “non-stormwater discharge”. Mr. Micali stated that Chapter 168 is a new chapter for illicit discharges that was recommended by the EPA. Councilor Healey asked how an illicit discharge is determined, in which Mr. Laviolette stated this is investigated through MCM3; “high risk outfall” locations are sampled and if illicit discharge is found on those samples, they further investigate up the streams.

The public hearing was opened at 7:43pm and closed at 7:44pm.

MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to move the Chapter 168 to a third reading on November 16th on the Consent Agenda.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

Councilor N. Murphy shared that today was veto day at the New Hampshire house and they voted on a small number of bills, only one of which was overturned. One of the veto bills they voted on was HB342, a bill that she had written relative to providing lead testing and relaying health information to parents and documenting that information on health forms for daycares and schools, with the option for parents to opt out of this.

Town Manager's Report

The bench dedication honoring the late Phil Straight will be held on Wednesday, November 1st at 11:00 AM at Watson Park.

Work on the Seaverns / Fields Bridge on Amherst Road has been progressing on schedule. The weather has been holding so far which has helped keeping the project on schedule. This week they worked on the back retaining wall installing new rebar and setting up the forms. The first concrete pour will occur tomorrow on the back retaining wall. Next week they will concentrate on reconstructing the end of the deck section and will be making another pour as early as Wednesday, if the weather holds.

Continental Paving is working to wrap up all of the paving projects before winter sets in. The work to tie in the driveways and intersections into the new pavement is continuing. Once all of the paving has been completed the line striping crew will be in to stripe the roads.

Wastewater Upgrade Project is now nearing the 70% mark. This week featured a major turning point when the new screenings climber was installed in the new screenings building through the roof skylight.

The long awaited Souhegan River Trail Construction will have a Ground Breaking Ceremony to kick off the project. The Ceremony will be conducted by Town Center Committee on Friday, November 3 at 10 AM at Watson Park. The public is invited to attend. The project will begin in Watson Park and tie into the trail coming down from the High School. The trail will travel down from the park and will run under the Chamberlain Bridge utilizing the old canal. The path comes back through the headworks and will then cross the wetland area to the end of the trail from the High School.

Consent Agenda

1. Proposed Amendments to Chapter 193, Welfare Guidelines, of the Merrimack Town Code [Final Reading]

Submitted by Welfare Administrator Patricia Murphy

The Town Council to consider the final acceptance of recommended changes to Chapter 193, Welfare Guidelines, of the Merrimack Town Code, pursuant to Charter Article V.

**MOTION made by Councilor Koenig and seconded by Councilor Healey to move the Consent Agenda.
MOTION CARRIES 7-0-0**

Old Business

1. Town Council Committee Appointment

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

The Town Council to consider appointing the following individual on a Town Committee:

- Finlay Rothhaus – Heritage Commission (Town Council Representative)

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to appoint Finlay Rothhaus to the Heritage Commission as Town Council Representative.

MOTION CARRIES 6-0-1 with Chairman Rothhaus abstaining

2. Sewer Rate Study Presentation Follow-up

Submitted by Public Works Director Dawn Tuomala

To present a follow-up to the final Sewer Rates and Fees Study Report which identifies several financial inequities that need to be addressed to standardize billing practices.

Public Works Director Dawn Tuomala along with Jessica Richard, Strategic Funding Manager from Wright Pierce, were present to share the following information on the Sewer Rates and Fees Study Report via PowerPoint:

What is a Sewer Rate Study?

- Evaluates the actual costs of operating and maintaining a sewer system
- American Water Works Association (AWWA) recommends rate study is updated when system needs change
 - Living document
- Last sewer rate study completed in 2009
- Significant capital changes have been implemented or are currently being implemented since last study
- Projects improvements include
 - Sewer interceptor and manhole rehabilitation
 - WWTF Dewatering Upgrade
 - WWTF Phase II and Compost Facility Upgrade
 - WWTF Phase III, Phase IV, Phase V, and Pump Station Upgrades

Project Goals

- Develop budget projections
- Account for operations, maintenance, and capital costs
- Sufficiently fund the wastewater enterprise fund
- Maintain reserve funds
- Develop fair and equitable rate recommendations

Current Sewer Rate Structure

- Pays only for the operations of the WWTF
 - Does not include upgrades
- Upgrades are financed:
 - Capital Reserve Account
 - Annual recommended contribution of at least 50% of the operating budget
 - NHDES State Revolving Loans
 - State Aid Grants (SAG)
 - NH State Legislature has not fully funded the SAG in the previous 10 years

2019 Approved Sewer Rate Increases

Fiscal Year	Percentage Increase	Sewer Rate
18/19		\$242
19/20	12%	\$271

Approved: November 2, 2023

Posted: November 17, 2023

21/22	12%	\$304
23/24	12%	\$340
25/26	5%	\$357

Apartment Fee Phasing

Apartment Rate		2 Phase	3 Phase	4 Phase
Current Annual Apartment Revenue	\$149,732			
Annual Fee per Unit	\$85.71	\$191	\$102	\$56
Number of Units	\$1,747.00	\$382	\$204	\$112
			\$409	\$225
				\$450

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FY 29/30	FY 30/31	FY 31/32	FY 32/33
No phasing		\$625,425	\$627,176	\$672,958	\$674,842	\$724,103	\$726,130	\$800,980	\$803,223
2 phase		\$334,603	\$335,539	\$672,958	\$674,842	\$724,103	\$726,130	\$800,980	\$803,223
3 phase		\$179,012	\$179,514	\$360,032	\$361,041	\$724,103	\$726,130	\$800,980	\$803,223
4 phase		\$98,457	\$98,732	\$198,018	\$198,572	\$398,257	\$399,372	\$800,980	\$803,223
# of units	1,747	1,752	1,757	1,762	1,767	1,772	1,777	1,782	1,787

Recommended Sewer User Rates vs Planned Rates

Year	Recommended Increase	Planned Increase
Current	(271)	(\$271)
FY 2021/22	12% (\$304)	12% (\$304)
FY 2023/24	12% (\$304)	12% (\$340)
FY 2025/26	5% (\$357)	5% (\$357)
FY 2027/28	7% (\$382)	N/A
FY 2029/30	7% (\$409)	N/A

Recommended Septage Tipping Fees

Year	Increase (%)	Fee (\$1,000/gal)
Current	N/A	\$78.40
FY 2023/24	3%	\$80.75
FY 2025/26	3%	\$83.17
FY 2027/28	3%	\$85.67
FY 2029/30	4.5%	\$89.52

Recommended Sludge Tipping Fees

Year	Increase (%)	Fee (\$1,000/gal)
Current	N/A	\$65.04
FY 2023/24	8%	\$70.24
FY 2025/26	4%	\$73.05
FY 2027/28	4%	\$75.98
FY 2029/30	4%	\$79.01

Recommended Compost Sale Fees

Year	Increase (%)	Fee (\$/CY)
Current	N/A	\$10.00
FY 2023/24	3%	\$10.61
FY 2025/26	3%	\$10.93
FY 2027/28	4.5%	\$11.42
FY 2029/20	3%	\$11.76

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to accept the final Sewer Rates and Fees Study Report.

MOTION CARRIES 7-0-0

New Business

1. Consideration of Changes to Chapter 142, Parks & Recreation Areas [First Reading]

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council the acceptance of recommended changes to Chapter 142, Parks and Recreation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

Parks and Recreation Director Matthew Casparius was present to share the recommended changes to Chapter 142, highlighting the following:

- Most of the changes are minor
- The “definitions” section was alphabetized
- Section 142.3 added in a definition of charcoal grills
- 142.5 added in a line prohibiting people from disposing household trash
- 142.7 was deleted per the town attorney’s recommendation as it was stated elsewhere in the Chapter
- 142.8 changed some wording regarding animals to clean up the language
- Section 142.11, added vaping and cannabis to “Smoking”
- 142.13 changed “West Road” to “Lawrence Road”
- 142.15 is a proposed new section on metal detecting due to people asking if there are any rules regarding metal detectors
- 142.16 Violations & Penalties will move to 142.18

MOTION made by Councilor Healey and seconded by Councilor M. Murphy to move the Chapter 142 recommended changes to a public hearing at the November 16th meeting.

MOTION CARRIES 7-0-0

2. Direction for 2024/2025 Budget

Submitted by Town Manager Paul T. Micali & Finance Director Adam Britten

To ask the Town Council to contemplate budget parameters for the 2024/2025 budget season.

Town Manager Paul Micali shared the following budget parameters for the 2024/2025 budget season:

- They will still meet on Wednesdays and Fridays and have built in snow days as previous years
- The budget process will start in December as they have a Charter amendment this year (student being put on Planning Board)
- 2023 tax rate is expected to be done in the next couple of weeks, with tax bills expected to go out mid-November

Mr. Micali then shared the following information via PowerPoint presentation:

2024-25 Budget General Fund

- What we know
 - Increase in Workers Compensation Insurance (NTE 8%)
 - Increase in Property Liability (NTE 5%)
 - Increase in Health Insurance (20.1% GMR)
 - Increase in Short-Term Disability (12.8%)
 - Two Union contracts (3% wage adjustment)

 - Increase in Comp. Absences
 - Increase in Fuel Prices 10%
 - Steady Sand and Salt Pricing
 - Increase in Tipping Fees (6%)
 - Increase in Electric Supply Cost (\$.079/kWh to \$.099/kWh eff. 12/24)
 - Increase in CRF Deposits
 - Natural Gas Rates- 0% increase due to long term contract ending (12/2025) {\$.0671 per Therm}
 - Electrical Rates- increase due to new contract ending (12/2026) {\$.099/kWh}
 - Municipal portion of the Tax Rate to be \$4.11
 - 36 cent impact on Tax Rate
- Pending
 - State Revenues
 - Rooms & Meals
 - Teamsters & NEPBA 112 Contract Renewals
 - Non Union Wage Increase
 - Fund Use Balance

Minutes

Approve the minutes from the following Town Council meeting:

♦ October 12, 2023

MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to approve the minutes from October 12, 2023 as written.

MOTION CARRIES 6-0-1 with Councilor M. Murphy abstaining

Comments from the Press

None.

Comments from the Public

None.

Approved: November 2, 2023

Posted: November 17, 2023

Comments from the Council

Councilor N. Murphy shared that on November 3rd from 5pm-9pm & November 4th from 9am-3pm, Our Lady of Mercy church Knights of Columbus Craft Fair will be held at JMUES. She also shared that Wreaths Across America will host their annual event on December 16th at noon at Last Rest Cemetery. They need 286 more wreaths sponsored, and they are \$17 each, with a buy 2 get 1 free special going on right now.

Adjourn

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

MOTION CARRIES 7-0-0

The meeting adjourned at 9:17pm.

Respectfully submitted by Jennifer Steagald