



# TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

### MEETING INFORMATION

Date Submitted: June, 30, 2022 Date of Meeting: July 14, 2022  
 Submitted by: Town Council Chair Finlay Rothhaus & Vice Chair Nancy Harrington  
 Department: Time Required: 15 minutes  
 Speakers: Nancy Harrington Background Info. Yes:  No:   
 Supplied:

### CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
<b>Public Hearing:</b>	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

### TITLE OF ITEM

Ratification of May 26, 2022, Town Council Meeting Votes

### DESCRIPTION OF ITEM

Town Council to ratify the votes taken during the May 26, 2022, Town Council meeting.

### REFERENCE (IF KNOWN)

RSA: Warrant Article: \_\_\_\_\_  
 Charter Article: Town Meeting: \_\_\_\_\_  
 Other: N/A

### EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

### CONTACT INFORMATION

Name: Finlay Rothhaus Address: 6 Baboosic Lake Road  
 Phone Number: \_\_\_\_\_ Email Address: frothhaus@merrimacknh.gov

### APPROVAL

Town Manager: Yes  No:  Chair/Vice Chair: Yes  No:

Hold for Meeting Date: \_\_\_\_\_

# Memo



TO: Town Council

FROM: Town Manager Paul T. Micali

DATE: July 7, 2022

RE: **Ratification of May 26<sup>th</sup> meeting**

It has been brought to the Town's attention by a resident that the May 26<sup>th</sup> meeting did not meet quorum requirements. As you can recall, the chair was sick, another member just got out of the hospital and a third was on a business trip. In addition a 4<sup>th</sup> member called just before the meeting saying they were not feeling well. In order to have the meeting the vice chair made the call to go ahead and have the 4<sup>th</sup> member on the phone. According to the Town's Attorney all 4 members have to be in person in order to have a quorum.

In addition the town charter requires 4 members to have a quorum. The Council's rules of procedure (sect 107), as well as RSA 91-A:2, III(b), require that a quorum be physically present at the place of the meeting. These two provisions are almost identical.

Less than 4 physically present is possible, but it must be an "emergency". Both of those provisions go on to state the same substantive requirements for when less than 4 in person is acceptable:

"For the purpose of this provision, the term "emergency" shall mean that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the time required for action. The determination of whether or a not an "emergency" exists shall be made by the Chair and the reasons shall be so stated in the minutes. In the case of an emergency, a quorum of the Council is not required to be physically present at the meeting location and members may appear by telephone or by means of electronic communication as provided for herein."

The Council did not comply with those "emergency" provisions.

To correct, at the next duly noticed meeting where a quorum is physically present, the Council should vote to ratify all of the votes taken at the May 26<sup>th</sup> meeting. The items that were discussed at the May 26<sup>th</sup> meeting were:

- Consideration of Changes to Chapter 158, Sewer Use, of the Merrimack Town Code [Final Reading]
- Purchase and Sale of Tax Map Parcel 6E-1, Lot 15-1 (Old Pump House on 109 Front Street)
- Appointment of Trustee of Trust Funds Alternate Member
- Request to Withdraw from Road Infrastructure Capital Reserve Fund / Consideration of Combining the Wire Road Intersection Project with the US 3 Bridge Projects
- US Route 3 over Baboosic Brook Bridge Replacement Project Letter of Support
- Consideration of Accelerating the Souhegan River Trail Project to Federal FY22 / Request to Withdraw from Road Infrastructure Capital Reserve Fund

- Fire Equipment Capital Reserve Fund Withdrawal Request
- Consideration of Changes to Chapter 111, Conservation Areas, of the Merrimack Town Code [First Reading]
- Approve the minutes from the following Town Council meetings

I have included a draft motion below.

I move that the Council ratify all votes or other actions taken at the meeting held on May 26, 2022 due to the fact that less than a quorum of Councilors was physically present.

Roll Call-Majority Vote.



## Town Council Meeting Minutes



Thursday, May 26, 2022, at 7:00 PM, in the Matthew Thornton Room

### Call to Order

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

### Pledge of Allegiance

Vice Chair Harrington led the Pledge of Allegiance.

### Announcements

The Town offices will be closed on Monday, May 30<sup>th</sup> for the observance of Memorial Day. Thank you to the brave men and women who have courageously made the ultimate sacrifice for their country.

### Upcoming Town Council Meetings:

- Wednesday, June 8, 2022, 9:00 – 4:00 PM Town Council Retreat / Work Session; Buckley's Great Steaks at 438 Daniel Webster Highway
- Thursday, June 9, 2022, 7:00 PM Regular meeting
- Thursday, June 23, 2022, 7:00 PM Regular meeting

June 2<sup>nd</sup> is the next Household Hazardous Waste Collection. This one is a little different. It is on a Thursday night from 3PM to 7PM at 25 Crown Street in Nashua. As always, for \$15.00, Merrimack residents can bring up to 10 gallons or 20 pounds of household hazardous waste per vehicle. Additional charges of \$1.00 per gallon above 10 gallons apply. They accept cash or checks made payable to Nashua Regional Solid Waste District (NRSWD).

Rain barrels (\$72.00) and compost bins (\$68.00) are now available for purchase at the Transfer Station. These items are sold at our cost with no profit.

### Comments from the Press and Public

None.

### Recognitions, Resignations and Retirements

#### 1. Recognition of Retirement of Town Employee

*Submitted by Human Resources Director Sharon Marunicz*

The Town Council will present a recognition award to Dean R. Stearns in recognition of his retirement from the Merrimack Public Works Department after more than 21 years of full time service to the Highway Division: April 30, 2001 – May 31, 2022. Employees with at least 10 years of service receive a Plaque with Town Seal upon retirement.

### Appointments

#### 1. Annual Review with the Planning Board

*Submitted by Planning Board Chair Robert Best*

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

**Approved: June 9, 2022**

**Posted: June 15, 2022**

Planning Board Chair Robert Best was present to share some updates with the Council. He began by stating that since July 1<sup>st</sup>, the Planning Board has taken action on 45 applications, including but not limited to minor subdivisions, lot line adjustments, home occupations, and waivers of full site plan review. Some noteworthy among them relates to 57 and 59 DW Highway, which was a site plan for a 100,000 square foot warehouse building with 66,000 square foot manufacturing addition. At the Gilbert Crossing site owned by the Flatley Company, there was approval for a 120,000 square foot high bay warehouse and 96 additional residential units. At 50 Robert Milligan Parkway, they reviewed a site plan for a 323,750 square foot warehouse and distribution center. The former Brookstone building was proposed to convert to 90 apartments and was reviewed by the Planning Board.

Mr. Best then shared some membership changes, stating that Jaimie von Schoen and Brian Dano joined the board as full members, and Maureen Tracey joined as an alternate member. There is currently one alternate vacancy that remains. For terms, he shared that Jaimie von Schoen, Nelson Disco, and his terms are all up for renewal this year. The Council then discussed with Mr. Best the apartment growth patterns in the Town and the concerns expressed by residents about them.

### **Public Hearing**

None.

### **Legislative Updates from State Representatives**

#### **Legislative Update for May 26, 2022**

**By: Rep. Maureen Mooney**

Greetings:

- 1.) Last week, the House and Senate Committee of Conference *AGREED* to leave the transfer of Continental Blvd to Merrimack *OUT* of [HB 2022](#) the 10-year Transportation Plan. Today, the full House approved the Committee of Conference report. This is excellent news for Merrimack!
- 2.) The House and Senate Committee of Conference *AGREED* to a Senate amendment to [HB 1547](#) (AN ACT relative to perfluorinated chemical remediation in soil and procedures for certain hazardous waste generators) which does three things:
  - a.) amends the PFAS Remediation Loan Fund grants section in [RSA 485-H:11](#);
  - b.) allows the DES to establish rebate programs to assist impacted private well users with water treatment or connection to public water systems in [RSA 485-H:3](#);
  - c.) adds a whopping **\$25 million** to the PFAS Remediation Loan Fund in [RSA 485-H:10](#).
- 3.) The filing period to run for State Representative is June 1-10, 2022.

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

#### **Legislative Update – May 26, 2022**

**(Representative Bill Boyd): Release: House Approves Aid to Municipalities**

House Approves Aid to Municipalities

**Approved: June 9, 2022**

**Posted: June 15, 2022**

Concord, NH- Rep. Terry Roy (R-Deerfield) released the following statement after the NH House passed SB401, making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund, and permitting the department of transportation to operate dash cameras, on a voice vote.

“SB401 is further evidence that Republicans in the legislature are living up to campaign promises. By sending our municipalities over \$60 million dollars, towns can address much needed road and bridge construction while delivering much needed property tax relief to our constituents. State revenues have been coming in higher than anticipated as a result of responsible policies from the legislature, and the passage of this bill allows us to send some of those funds back to the taxpayer.”

### **Town Manager’s Report**

- The annual Town wide street sweeping is complete – the program swept all the Town’s 446 paved roads and all municipal and park parking lots.
- Do you want an excuse to get outside and get some light exercise? Do you want to help keep Merrimack clean? The Town’s Adopt A Road program may be for you! If you are interested in sponsoring an Adopt-A-Road please contact the Highway Division at 423-8551 to get more information.
- The paving portion of our summer roadwork plan is complete – remaining work includes placing the gravel shoulders adjacent to the new pavements, and striping the roads. Work is expected to be completed over the next two weeks.
- Merrimack Public Works recently hosted students from The Founders Academy at the Highway Facility to discuss Public Works, Leadership, and challenges faced. The program was well received and included a student leadership activity to protect their egg from a 35 foot fall from the bucket truck.
- This week and next, the Highway Division of Public Works is hosting Merrimack’s first grade classes from the three elementary schools for a tour of the facility and fun activities. Highlights of the field trips include the students finding their homes on our large scale maps and making painted hand prints on our wing plows so they can ‘wave’ to their families as we plow this winter.
- Merrimack TV will premiere the High School's Spring Concert this Friday May 27th at 7PM watch on xfinity CH 21 and HD 1071, [merrimacktv.com](http://merrimacktv.com), and streaming devices. The program includes performances from the Concert Band, Jazz Band, and Chorus.
- The Police Department and Merrimack TV have produced a short PSA about mindful driving, specifically paying attention to school buses, and the safety of students. The PSA will be made available on the Town's Facebook page and will show on our cable channels. We kindly ask residents to share the video to help spread the word about being a mindful driver and avoiding a ticket or causing an injury.

### **Consent Agenda**

#### **1. Consideration of Changes to Chapter 158, Sewer Use, of the Merrimack Town Code [Final Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapter 158, Sewer Use, of the Merrimack Town Code, pursuant to Charter Article V.

Approved: June 9, 2022

Posted: June 15, 2022

**MOTION made by Councilor Murphy and seconded by Councilor Hunter to accept the recommended changes to Chapter 158, Sewer Use, of the Merrimack Town Code, pursuant to Charter Article V.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**2. Town Council Committee Assignments (Follow-up Discussion)**

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

The Town Council will finalize committee assignments for the current year.

Vice Chair Harrington reviewed the previously agreed upon committee assignments to the Council.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to accept the finalized committee assignments for the current year.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**Old Business**

**1. Purchase and Sale of Tax Map Parcel 6E-1, Lot 15-1 (Old Pump House on 109 Front Street)**

*Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala*

The Town Council to consider entering into a Purchase and Sale Agreement to convey the landlocked parcel at Tax Map 6E-1, Lot 15-1 (109 Front Street), known as the Old Pump House to resident and abutter Gary Bailey for the purchase price of \$1.00.

Deputy Public Works Director / Town Engineer Dawn Tuomala was present to discuss the potential for a Purchase and Sale Agreement for the landlocked parcel known as the "Old Pump House". Before she began, Mr. Micali stated that it makes sense for the town to sell these parcels since they are landlocked and cannot do anything with them. Ms. Tuomala then presented a map to the Council highlighting that the parcel is in the middle of Mr. Bailey's property, and there is no easement so there is no way to get to the property. She has reviewed this with the town attorney, who presented language needed if the Council were to approve this sale and would like the Council to approve the sale of these two parcels to Mr. Bailey for \$1.00 each.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to convey the two parcels that make up the tax parcel 6E-1, Lot 15-1 as is where is to Gary Bailey by quit claim deed for the surrounding parcel and by deed without covenants for the inner parcel known collectively as "The Old Pump House" for \$2 total on the basis that the parcels are collectively .078 acres are landlocked, are contained within the Bailey's parcel consists of the town's former pump house which is no longer in use, and for these reasons has no value to the town or anyone else other than Mr. Bailey, and to authorize Town Manager Paul Micali to execute all documents necessary to affect this and convey the parcels.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**New Business**

**1. Appointment of Trustee of Trust Funds Alternate Member**

*Submitted by Trustees of Trust Funds Member Chris Christensen*

The Town Council to consider the Trustees of Trust Funds' nomination and recommendation to appoint Liz Petrides as an alternate member to the Trustees of Trust Funds, in accordance with RSA 31:22 and Charter Article 6-2 (A).

Trustees of Trust Funds Chairman Chris Christensen was present to discuss this recommendation, stating that he would prefer to make the appointment now as they do not meet in July, but this will fall into the same cycle. Town Manager Paul Micali stated that doing this now would ensure that there is less chance this gets looked over before the July deadline.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the Trustees of Trust Funds' nomination and recommendation to appoint Liz Petrides as an alternate member to the Trustees of Trust Funds, in accordance with RSA 31:22 and Charter Article 6-2 (A), effective July 2022.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

After voting, Ms. Petrides was sworn into her position as alternate member for the Trustees of Trust Funds.

*Before the discussion continued, Vice Chair Harrington requested to hear the next items in the following order: Item #2, Item #4, and Item #3. This is to group together the items dealing with Baboosic Bridge information.*

**2. Request to Withdraw from Road Infrastructure Capital Reserve Fund / Consideration of Combining the Wire Road Intersection Project with the US 3 Bridge Project**

*Submitted by Public Works Director Kyle Fox*

The Town of Merrimack has been offered the opportunity to combine two capital projects along the US Route 3 corridor into one project. The projects are in the NHDOT Ten Year Transportation Plan for construction two years apart (2025, 2027). The combination project proposes to construct the adjacent projects together in 2025.

Town Manager Paul Micali began by stating that this bridge, which is by the MYA building, has been in the works for as long as he has been with the town, over 15 years. Additionally, the Wire Road project has been on the list for several years as well, so these are being combined so they can be completed during the same



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timeframe. Public Works Director Kyle Fox then took over, sharing a PowerPoint Presentation on these two projects. He shared that these are both in the DOT's 10-year plan, highlighting the following:

- The US 3 Bridge replaces existing 30-foot span concrete arch bridge built in 1972, currently on NHDOT Red List
- Proposed structure is approximately 120-foot span
  - Steel I Beam with concrete deck
  - Sidewalks and shoulders on both sides of bridge
- The Wire Road Intersection is a safety improvement project
- Expected to include sidewalks to the library and Twin Bridge Road
- Project alternatives:
  - Stop sign with improved geometry
  - Traffic signal
  - Roundabout
  - Add 4<sup>th</sup> leg into MYA facility
  - Determine status of Church Street

US 3 Bridge background:

- SBA program- Design (80% / 20%)
  - 2024
- MOBIL- Construction (80% / 20%)
  - 2025
- Feasibility study completed October 2020
  - PIM held on August 4, 2020
- TC approved FEMA BRIC study 4/22/21- \$59,235
  - PO closed with balance of \$20,496 remaining
- Currently seeking FEMA HMGP Grant- NHDOT participating

Wire Road Intersection background:

- HSIP funded project (80% / 20%)
  - 2027

Mr. Fox then shared a slide showing the projects funding, which provided the following:

- US 3 Bridge
  - Previous funding: \$0
  - Current TYP funding: \$6,503,273
  - Future funding required: \$0
  - Total project cost: \$6,503,273
- Wire Road Intersection
  - Previous funding: \$0
  - Current TYP funding: \$1,114,374
  - Future funding required: \$0
  - Total project cost: \$1,114,374

Benefits to combining projects:

- Requested by town to GACIT in October 2019
- Cost savings

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- Eliminates reconstructing bridge approach for Wire Road work
- Better balances road work with bridge work
- One contract to administer in construction phase
- Reduced aggravation to users of the corridor
  - Wire Road currently scheduled to construct as bridge project concludes

After his presentation, Mr. Fox opened the discussion to the Council. He discussed the funding gap in more detail, stating that the state has agreed to cover their 80% portion regardless of if they receive the HMGP grant funds or not. The Council then discussed the amount that needs to be taken out of the capital reserve fund, clarifying with Mr. Fox and Mr. Micali that the majority will be paid for, but they still need to withdraw \$650,000.

Councilor Healey asked Mr. Fox about land acquisition, in which Mr. Fox stated that for many of the bridge projects, they end up acquiring easements for the properties, and in this case, they will need a significant easement as well as a temporary easement for the detour bridge that is proposed to run on the east side of DW highway bearing two lanes of traffic.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to appropriate and expend from the Road Infrastructure Capital Reserve Fund the withdrawal of \$650,000 for the consideration of combining the Wire Road Intersection project with the US 3 Bridge project, and to authorize the Town Manager to sign any and all necessary documentation.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**4. US Route 3 over Baboosic Brook Bridge Replacement Project Letter of Support**

*Submitted by Public Works Director Kyle Fox*

The Town Council to consider writing a letter of support/concern for the US 3 over Baboosic Brook bridge project. Quantum Construction Consultants, LLC (QCC) is in the process of preparing environmental documentation for the project. In an effort to ensure that all issues / resources associated with the project are appropriately evaluated, the Town Council is being asked to review project information and provide comment to assist in the preparation of the environmental document.

Town Manager Paul Micali began by stating that they are asking for a letter of support from the Council to state that they back the two projects previously voted on (Wire Road Intersection project and US 3 Bridge project), as the more support they can get, the better this will look when they present to the state. Mr. Fox highlighted that the purpose of this is because there are federal funds involved in this, and there are rules to follow put in place by the National Environmental Policy Act (NEPA). One of the major steps to complete before moving from the preliminary design stage to the final design stage is to get approval on this document, and this will all be considered before approving the project. Vice Chair Harrington then read the letter to the Council before a vote was taken on approving the letter of support.

Dear Mr. Rainey,

The Merrimack Town Council wishes to express our support for the US Route 3 over Baboosic Brook bridge replacement project. The project accomplishes a number of goals for the Town of Merrimack in the areas of safety, non-motorized traffic access, and flood mitigation.

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The US 3 bridge is a red list bridge by NHDOT. First and foremost, the replacement of the existing structure that was built in 1933 will ensure that motorists have a safe corridor to travel while moving along the Town's primary north/south route. US 3 is the highest traffic volume local road in the Town of Merrimack, carrying more than 16,000 vehicles per day. The existing bridge does not allow for proper guardrail installation, increasing the safety concern for vehicles.

The replacement bridge is proposed to include sidewalks on both sides of the bridge, creating safe non-motorized traffic passage where virtually none exists today. The sidewalks are a key part of the Town's Pedestrian & Trail master plan that was developed by the Merrimack Town Center Committee in 2009 and endorsed by the Town Council. The Town has projects in our Capital Improvement Program to extend the newly created sidewalks on the bridge to connecting sidewalks along the corridor.

The US 3 bridge is the final construction of the Baboosic Brook before it reaches the Souhegan River. The Town has previously replaced five bridges upstream of this bridge, bringing the brook back to its natural channel width. Replacement of this structure will complete the goal of reducing restrictions to the brook that lead to increased flooding, including over the FE Everett Turnpike during the predicted 100 year storm event.

Thank you for reaching out to the Merrimack Town Council for our input on this valuable project. We look forward to its completion.

The Merrimack Town Council  
Town of Merrimack, NH

**MOTION made by Councilor Murphy and seconded by Councilor Healey to approve writing a letter of support/concern for the Wire Road Intersection and US 3 Bridge project.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**3. Consideration of Accelerating the Souhegan River Trail Project to Federal FY22 / Request to Withdraw from Road Infrastructure Capital Reserve Fund**

*Submitted by Public Works Director Kyle Fox*

The Souhegan River Trail project is nearing the final design stage. Permitting requirements for the project have increased the anticipated construction cost of the project resulting in a gap in funding available for the project in FY23. Accelerating the design of the project to FY22 will allow NHDOT to cover the State portion of the cost increase. Town Council will be asked to consider a withdrawal from the Road Infrastructure Capital Reserve Fund to cover the Town portion of the cost increase.

Town Manager Paul Micali began by stating that this is another project that has been delayed for several years. Public Works Director Kyle Fox then shared a PowerPoint Presentation, showing the Council where this location is and sharing the following background information:

- Project initiated in 2014/15 TAP grant with 80% state funding

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- Originally designated a multi-use path, redesignated as a pedestrian trail for Natural Resource permitting and ADA compliance
- Repurposes extant historical remnants of former Merrimack Village Dam
- Engineering study completed March 2018
- Combination of funding from 2014 & 2016 TAP projects
- Original NHDES Wetland Permit application February 2020
- NHDES requested a portion of trail be constructed as a boardwalk
- Extensive historical coordination, studies, and eligibility determination
- Preliminary design completed March 2022, NEPA approved May 2022
- Proposed advertisement scheduled for September 2022- allows NHDOT to fund their portion of project cost increase (currently scheduled FY23, construction FY24)

Mr. Fox then presented a trail layout, highlighting all proposed changes and how the completed project is anticipated to look. Additionally, he shared the following project cost:

- Planning and Engineering: \$298,000
- Right of Way: \$0
- Construction Engineering: \$191,000
- Construction: \$1,274,000
- Project total: \$1,763,000
- Town approved FY17: \$586,000
- Town Approved FY18: \$105,000
- TC Request for withdrawal from Road Infrastructure CRF: \$1,072,000

Councilor Healey asked what the cost would be to just fix the bridge as this is a more urgent priority, in which Mr. Micali stated this would also be used for drainage, sidewalks, bridges, and major road reconstruction- not just to be putting an overlay on a road. Further, there is no breakdown of individual costs to include only the bridge, it is currently grouped to include sidewalks and the bridge repair, which would cost about \$264,000 out of the total \$358,000. The Council then discussed the importance of fixing both the road and the bridge, with some reservations over the cost and fixing the roads instead of just the bridge.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to appropriate and expend \$1,072,000 from the Road Infrastructure Capital Reserve Fund for the Souhegan River Trail project, and to authorize the Town Manager to authorize any and all necessary documents.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: No

Vice Chair Harrington: Yes

**MOTION CARRIES 3-1-0 with Councilor Healey in opposition**

**4. Fire Equipment Capital Reserve Fund Withdrawal Request**

*Submitted by Fire Chief Mark DiFronzo*

The Town Council to consider Merrimack Fire Rescue's request to withdrawal and expend \$108,975 from the Fire Equipment Capital Reserve Fund for the purchase of a replacement of the breathing air compressor system.

Fire Chief DiFronzo was present to discuss the purchase of a replacement breathing air compressor system, beginning by stating that the department received a grant to replace their SCBA (self-contained breathing

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apparatus) and showing the Council what this looks like and how it works. Their current breathing air compressor system needs to be repaired and will require a few thousand dollars to do so. Additionally, this current compressor is over 25 years old and was originally supposed to be replaced last fall, but things came up and this did not get done. If the Council agrees to the purchase of a new one, it will take several weeks to arrive and will cost about \$107,000, with an additional \$1,975 for electrical work. Councilor Hunter asked what the plan was for the old compressor system, in which Chief DiFronzo stated it is not usable and would not be worth anything, and Mr. Micali stated they will most likely scrap it or auction it off as a non-repairable system. Councilor Healey asked if they could utilize funds from the George Carroll and Shed Harris Reeds Ferry trust funds to save some of the budget and use a third of the funds to go towards the purchase of the new system. Mr. Micali stated that they could seek reimbursement from this, and he will look into it at the next Trustee of Trust Funds meeting.

**MOTION made by Councilor Healey and seconded by Councilor Murphy to appropriate and expend \$108,975 from the Fire Equipment Capital Reserve Fund with the fire department/Town Manager to try to get reimbursement from the Shed Harris fund to reduce the amount of money taken out of the Capital Reserve Fund.**

*Roll call vote:*

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**5. Consideration of Changes to Chapter 111, Conservation Areas, of the Merrimack Town Code [First Reading]**

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

The Town Council to consider the acceptance of recommended changes to Chapter 111, Conservation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

Town Manager Paul Micali began by presenting a map of the town to the Council with all the areas that represent Chapter 111. Tim Tenhave was then present to share a PowerPoint highlighting the recommended changes, stating the following:

- Chapter 111 covers 6 parcels of land since 1995
- All 6 parcels have the same restrictions, and there is a penalty for violation in accordance with RSA 31:39, III
- Restrictions include:
  - Cannot remain or stay from ½ hour after sunset to ½ hour before sunrise
  - No fires unless approved by MCC and fire warden
  - No glass
  - No throwing or leaving trash
  - No alcohol or unlawful drugs
  - No parking except where designated
  - No OHRVs except for as defined by RSA 215-A:1, fire, police, ambulance, emergency
  - No domesticated animals unless on a leash or caged
  - No discharge of an air powered or spring-powered gun, any type of bow, or firearm
  - No defacing of a building, equipment, tree, shrub, or flower
- Proposed Update

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- 64 parcels in total vs 6 parcels in the current Chapter
- Same base set of penalties on all 64 parcels
- 3 categories of parcels
  - All- base set of restrictions for all 64 parcels. Allows Town Council or designee to waive after receiving a recommendation of the MCC
  - Hours restricted- Adds a dawn to dusk restriction where you cannot stay or linger for 2 of the 64 parcels. Allows Town Council or designee to waive after receiving a recommendation of the MCC
  - Completely passive- Extends no motorized to also include all bikes and snowmobiles, does not permit any discharge of a firearm or the “taking” (hunting) of wildlife. Applies to 13 of the 64 parcels
  - Violation uses a tiered fine structure based on number of offenses
  - Mr. Tenhave provided a side-by side comparison of the current Chapter 111 with the proposed changes to highlight what was changing and what was remaining the same

After the presentation, the Council debated how “unlawful drugs” and “removal of trash” both have an option to be waived, as they cannot see why these would ever be waived. Mr. Tenhave stated that this is more of a universal language as this was how it was originally written, and Mr. Micali suggested adding a stipulation or removing “unlawful drugs” altogether, ultimately deciding to talk to the police chief for input on whether it should be removed or remain. Councilor Hunter asked if there would be any conservation area that would allow ATVs, in which Mr. Tenhave stated that there are places in Merrimack that allow ATV use, such as Greater Woods and Horse Hill. The main issue with ATVs is that the areas were not being properly cleaned after, so it was proposed that they would not be allowed unless a group comes together to provide maintenance. After some discussion, Mr. Tenhave shared some similar rules with the Council, such as not allowing motorized e-bikes, and updating the “no discharge” portion to include target shooting. He further stated that this is because target shooting has become a problem and the decision was made to add this to the restrictions. He wanted to state that this does not preclude someone from carrying their firearm or protecting themselves on the property; this strictly applies to target shooting.

**MOTION made by Councilor Murphy and seconded by Councilor Hunter to move this to a Public Hearing.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

### **Minutes**

Approve the minutes from the following Town Council meetings:

- ◆ April 28, 2022

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the minutes from April 28, 2022 as written.**

***Roll call vote:***

Councilor Murphy: Yes

Councilor Hunter: Yes

Councilor Healey: Yes

Vice Chair Harrington: Yes

**Approved: June 9, 2022**  
**Posted: June 15, 2022**  
**MOTION CARRIES 4-0-0**

◆ May 5, 2022

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the minutes from May 5, 2022 as written.**

***Roll call vote:***

Councilor Murphy: Yes  
Councilor Hunter: Yes  
Councilor Healey: Yes  
Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

**Comments from the Press**

None.

**Comments from the Public**

None.

**Comments from the Council**

Councilor Murphy wanted to remind everyone that the Hot Dogs for Alzheimer's event is coming up on June 30<sup>th</sup> from 11am-7pm at the Our Lady of Mercy parking lot and will include a drive-through option this year.

**Adjourn**

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

***Roll call vote:***

Councilor Murphy: Yes  
Councilor Hunter: Yes  
Councilor Healey: Yes  
Vice Chair Harrington: Yes

**MOTION CARRIES 4-0-0**

The meeting adjourned at 10:18pm.

Respectfully submitted by Jennifer Steagald