

Town Council Meeting Minutes



Thursday, May 13, 2021, at 7:00 PM, in the Matthew Thornton Room

Call to Order

4 Vice Chair Rothhaus called the meeting to order at 7:01 pm. Present at the meeting were Vice Chair 5

Rothhaus, Councilor Harrington, Councilor Healey, Councilor Murphy, and Town Manager Paul T.

Micali. Chairman Koenig and Councilor Woods attended via telephone.

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Pledge of Allegiance

Vice Chair Rothhaus led the Pledge of Allegiance.

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Announcements

Upcoming Town Council Meetings:

- Thursday, May 27, 2021, 7:00 PM, Regular meeting
- Thursday, June 10, 2021, 7:00 PM Regular meeting
- Thursday, June 24, 2021 7:00 PM Regular meeting

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The Town Council Retreat/Goal Session is tentatively scheduled for Friday, June 4th at Buckley's Great Steaks located at 438 DW Highway.

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The New Hampshire Department of Environmental Services announced that they will be holding a Town of Merrimack PFAS Public Informational Meeting (as a webinar) on Tuesday, May 25th at 6:30

PM. More information can be found on the Town's website: www.merrimacknh.gov.

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The Town Clerk's office reminds dog owners that dog license renewals were due by 4/30/21. Owners who have not yet licensed their dog are urged to do so ASAP. Late charges will begin June 1st and fines are expected to be issued around June 10th.

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As part of the Town's 275th Anniversary celebration, this Saturday, May 15th there will be a 2.75 mile road race which begins at Merrimack Town Hall. Runners will travel up McElwain Street, down O'Gara Drive, turn onto Baboosic Lake Road. They will then turn on to Currier Road to Souhegan

31 Drive and then back up Baboosic Lake Road to end at Town Hall. Roads will remain open during the 32 race. Advanced registration is required, and registration closes at midnight tonight. For questions

contact Parks & Recreation at 882-1046 or visit their website.

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The town wide resident parking only for the Currier Dr./Wildcat Falls area will begin on May 15th.

Residents that need to get their placards can do so at the Town Manager's office at Town Hall.

Residents in the area who will be having parties can notify the Police Department and they will be given party placards for the day.

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Comments from the Press and Public

None.

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Recognitions, Resignations and Retirements

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Vice Chair Rothhaus moved Item #1 under Old Business up to be discussed and voted on first so that the Town Council vacancy can be filled.

1. Deliberation to Fill the Town Council Vacancy

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus
The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council until the April 2022 election, pursuant to Charter Article 4-5.

Vice Chair Rothhaus allowed the present candidates to each speak to the public briefly before deliberation. The three candidates were Bob L'Heureux, Charles Lafond, and Andy Hunter. Mr. L'Heureux addressed the public first, sharing his history with Merrimack and its departments. Mr. Hunter then addressed the public, sharing his background in his career and how his experience could benefit the Council and residents of Merrimack. Mr. Lafond was not present at the meeting; thus he was unable to address the public. The Council did not have any questions or comments, therefore Vice Chair Rothhaus proceeded to nominate all three candidates for appointment, and a vote was called:

- Councilor Woods voted for Mr. Hunter.
- 15 Chairman Koenig voted for Mr. Hunter.
- 16 Councilor Healey voted for Mr. Hunter.
- 17 Councilor Harrington voted for Mr. Hunter.
- 18 Councilor Murphy voted for Mr. L'Heureux.
 - Vice Chair Rothhaus voted for Mr. Hunter.

After voting, Mr. L'Heureux asked the Council to call a motion to make the votes unanimous.

<u>MOTION</u> made by Chairman Koenig and seconded by Councilor Harrington to appoint Mr. Hunter to fill the vacancy of Town Councilor. <u>MOTION CARRIES 6-0-0</u>

Mr. Hunter was then appointed to the Council and was sworn in immediately at 7:10 pm by Vice Chair Rothhaus

Appointments

 1. Ratification of Town Council Actions Regarding the Town Manager Position
Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus
The Town Council to consider the ratification of the appointment of Paul T. Micali as the Town Manager for the Town of Merrimack.

Paul T. Micali was sworn in as Town Manager for the Town of Merrimack by Vice Chair Rothhaus. Mr. Micali thanked the Council for the appointment, as well as his family for their support.

Chairman Koenig left the meeting at 7:25 pm

2. Annual Review with the Parks and Recreation Committee

Submitted by Parks and Recreation Committee Chair Laura Jaynes

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Parks and Recreation 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.

Parks and Recreation Committee Chair Laura Jaynes provided an update for the Committee. She thanked the Council for the support for the Committee. She shared that the few vacancies they have are soon to be filled as they have many residents interested in the Committee. The current big project is Wasserman Park as well as upgrades to the Parks and Recreation office. There will also be a new waterline being installed at the dog park as well as playground bark mulch and ball pit for the area.

Naticook Daycamp will be ready to open on June 21st with ongoing registration. They are still looking to fill positions for lifeguard and swim instructors. Community Clean up day was on April 10th, with over 100 volunteers to clean up Merrimack. The Tennis Court is scheduled to be resurfaced mid-June once the high school tennis season ends. All the summer movies at Wasserman Park have been scheduled, as well as concerts at Abbie Griffin Park. The Senior Center remains closed at the time due to renovations but should be opened this spring. Registrations for youth softball, baseball, and spring soccer are now open; please visit www.merrimackyouthassociation.com for more information.

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Public Hearing

None.

Legislative Updates from State Representatives

Greetings, Town Councilors:

1.) The following bills *passed* through the full House and have recently had Senate Hearings. We are awaiting the Senate committees' recommendations on:

<u>HB 236</u> (AN ACT creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances);

<u>HB 271</u> (An ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater);

<u>HB 135</u> (An ACT requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution).

2.) The time frame for State Reps to file bills for next year is: September 13, 2021 through September 17, 2021 at 4 p.m.

Thank you for all you do.

32 Respectfully submitted,

 Rep. Maureen Mooney (R-Merrimack)

Town Manager's Report

• The Media Division will be covering 4 school concerts beginning next week. You can watch Merrimack High School's spring concert this Tuesday, May 18th at 7pm, the Middle School on June 1st, and JMUES on June 2nd and 3rd. Watch LIVE on Comcast channel 21, streaming devices, and Merrimack TV.com

• The LED lighting upgrade project at the Police Department is substantially complete as of today. The project will save more than 25,000 kWh each year, projecting in annual savings of more than \$4,000 in savings. The project was subsidized by the NH Saves program through Eversource resulting in a \$15,800 investment by the Town and a \$13,400 investment by Eversource. The upgrade is projected to pay for itself in energy and maintenance savings in less than four years.

• This year's street sweeping program is underway. Every year, the Public Works Department sweeps our 180 miles of paved roads to remove buildup of sand and debris from the public roads, and school and Town parking lots. The program provides aesthetic, safety, and environmental benefits for the Town and is a required program in our MS4 Permit through

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49 50 51 EPA. This year's program began on April 12th, and at this time we are almost 65% complete with the sweeping operations. You can follow the progress or track when your neighborhood may be swept by checking on the Town's website at https://www.merrimacknh.gov/highwaymaintenance. Questions on the program can be answered by our Highway Division staff at 423-8551.

The Public Works Department is gearing up to begin construction of the roundabout at the intersection of Turkey Hill Road and Baboosic Lake Road. Following a competitive bidding process, the Town has selected F.L. Merrill of Louden, NH to perform the work. The preconstruction meeting for the project is scheduled for next week and we anticipate construction starting in June. Details and updates on the project can be found on the Public Works page on the Town website and on the Public Works Facebook page at facebook.com/merrimackdpw.

Consent Agenda

None.

Old Business

2. Updated Covid-19 Guidance – Town of Merrimack 4th of July Celebration Submitted by Parks and Recreation Director Matthew Casparius The Town Council to discuss the latest Covid-19 guidance as it pertains to large scale community events and whether to proceed with July 4th festivities in 2021.

Town Manager Paul Micali opened the conversation by stating that Mr. Casparius has been working diligently to determine what events can and cannot be done this summer based on guidelines from the Governor's office. He wanted to reiterate that many individual businesses still require face masks to enter buildings, including Town Hall. He then shared that Governor Sununu has stated that he wants the state to be opened up by July, but the town has not received any guidance on this, so they are awaiting further updates from the Governor on how to proceed.

Councilor Lon Woods left the meeting at 7:45 pm

Parks and Recreation Director Matthew Casparius shared that he has reviewed the now-expired mask mandate documents from Governor Sununu and spoken with Erin Olsen at the Health Department, as well as the Police and Fire Chiefs, and it was determined that the town can proceed with the 4th of July festivities. He is now in the process of working with various bands to play at the festivities. Mr. Casparius would like to ask the Council if it is okay to move forward with planning out the festivities so he can finalize his plans.

Vice Chair Rothhaus stated he is willing to proceed with the planning. Councilor Healey stated that based on CDC guidelines and regular reports from state epidemiologist Dr. Benjamin Chang regarding masks, she in favor of the 4th of July parade and fireworks, and believes in letting people decide what they feel necessary for their own health and families. Councilor Harrington agreed with Councilor Healey, stating that individuals can be responsible and decide for themselves if they choose to wear a mask or not. She then wanted to clarify that the breakfast and the midway- both hosted by the Rotaryare not taking place, and the parade and fireworks are being discussed at this meeting because the Town is putting on these events. Councilor Harrington then stated she is in favor of moving forward with planning these festivities. Councilor Hunter agreed with Councilor Healey, stating that he is in favor of moving forward based on current CDC guidelines.

Mr. Casparius then asked that since he has extra money in the budget, he is wondering if the Council or Town would be interested in an outdoor concert at James Mastricola Upper Elementary School or the high school before the fireworks take place, or if he should plan for fireworks only. Councilor Harrington asked if there would be money requested for other activities, in which Town Manager Paul Micali wanted to clarify that Mr. Casparius is talking about two different fiscal years since the fiscal year begins on July 1st. The request brought forward in this meeting is under the current 2021 fiscal year, whereas the July festivities would be under next year's fiscal year. Based on this information, the Council is in agreement with moving forward with the July 4th festivities.

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3. Merrimack's 275th Anniversary Celebrations & Funding Update Submitted by the 275th Committee and Parks and Recreation Director Matthew Casparius The Town Council will receive an undete on Marrimack's 275th Appropriate Council will receive an undete on Marrimack's 275th Appropriate Council will receive an undete on Marrimack's 275th Appropriate Council will receive an undetector of the Council will be considered and the Council

The Town Council will receive an update on Merrimack's 275th Anniversary celebrations and discussion of upcoming plans with a request for additional funding

discussion of upcoming plans with a request for additional funding.

Parks and Recreation Director Matthew Casparius stated that the Committee has been working since November, and currently has planned out 3-6 activities for each month. This past month highlighted historical Merrimack schools, and next month will focus on photos of Chief Passaconaway and Merrimack's earliest history. Another topic the Committee worked on was creating 275th anniversary commemorative license plates. The plates went on sale in April and have sold 83 as of this past Monday. License plates are \$20 and are for sale at the Finance Office in Town Hall as well as the Parks and Recreation office and Transfer Station. Another accomplishment from the Committee was the creation of 275th anniversary banners that were placed along the DW Highway from Rite Aid to MYA and then at the center of town up to the Legion. These banners will remain up for the year and will be paired with American flags for the 4th of July. The Committee also has been working on creating a cookbook to share recipes from residents all over town. Over 54 recipes have been submitted for the cookbook, and Mr. Casparius estimates the cost of producing these cookbooks to be around \$850. The Committee would like to purchase about 100 books to sell to the community to commemorate the 275th Anniversary.

Mr. Casparius then wanted to discuss the budget he was given for these plans; he shared that the Committee has spent the initial \$5,000 they were given on the previously mentioned projects and he is looking for additional funding. The Committee is looking to plan an end of summer Old Homes Day/back to school type fall festival, ideally in early October. They would also like to plan a Militia Reenactment in either late summer or early fall, as well as a 275th Anniversary parade. Mr. Casparius also wanted to share that the Fundraising Committee has been working on their covered bridge project for Twin Bridge, and they are looking to give some type of item to people who donate, such as a pin or patch as a thank you for their support. The Committee is also looking to do an initial investment in clothing items to sell at events or outside of organizations. They have asked for \$3,000 to get this underway, with the goal of recouping the money when they start selling the items. All combined, the Committee is asking for upwards of \$25,000 to fund these goals. Mr. Casparius stated that since the town did not have any festivities last year and the Rotary is not doing festivities this year, there is extra money in the budget to spend towards these items. Town Manager Paul Micali then clarified that the Rotary would like to partner with the Town for the Old Homes day/fall festival and put their \$10,000 towards that event. Mr. Micali then said that he informed the Rotary that they can be added to the agenda at one of the June Town Council meetings to discuss their plans with the Council. Mr. Micali then shared that there is \$40,000 left over from last years cancelled 4th of July festivities.; Without additional funding, there will be \$15,000 left for this years 4th of July budget.

 MOTION made by Councilor Harrington and seconded by Councilor Healey to designate \$25,000 for future planning for any and all 275th Anniversary activities and other items.

MOTION CARRIES 5-0-0

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4. Transfer Station Swap Shop Re-opening Discussion

Submitted by Public Works Director Kyle Fox and Town Manager Paul T. Micali The Town Council to discuss the possibility of re-opening the Swap Shop located at the Merrimack Transfer Station.

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Town Manager Paul Micali stated that the Swap Shop was closed during the initial emergency orders from Governor Sununu last year. As of last week, the emergency orders have ended, and the public has been inquiring when the Swap Shop will reopen. Public Works Director Kyle Fox has created a plan to safely reopen the Swap Shop. Because of the small size of the Swap Shop, Mr. Micali and Mr. Fox have worked out how to limit the number of people allowed in the trailer at a time, as well as limit the amount of time an individual can be inside. They are asking for no more than 2 people in at a time with a 10-minute time limit for shopping. Additionally, facial coverings will be mandatory due to the enclosed space. Mr. Fox shared that the Swap Shop is a popular amenity for residents that helps keep items out of the waste stream. He then stated that he is nervous to reopen it and anticipates issues. He is trying to take a measured approach to this to see how reopening will go; if residents are unable to adhere to the proposed rules, they will have to close the Swap Shop again. Councilor Murphy agreed that the Swap Shop is a wonderful amenity but is concerned with rule enforcement as well as the safety of the workers who may find themselves in challenging positions. Mr. Fox agrees with these concerns, but stated that the Swap Shop is not staffed, rather there are security cameras in the area and the Foreman will go out if there are any issues and call the Police if escalation occurs. Mr. Micali informed the Council that they will have signage in the area to ensure residents are aware of the policies and it may take a bit of time for these new rules to be learned by the community. Councilor Murphy then asked if it would be up to the public to inform employees if there are extra people in the Swap Shop or if people are in there for longer than 10 minutes, in which Mr. Micali replied that there is usually staff around the area who can keep an eye out to ensure rules are being followed.

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Vice Chair Rothhaus asked if there were cameras inside the trailer, in which Mr. Fox said that there are not. Vice Chair Rothhaus then asked if cameras can be installed inside, as that may solve the issue of ensuring the rules are being followed. Councilor Harrington agreed with Councilor Murphy's concerns and thinks it's unreasonable for people to self-regulate these limits and does not think DPW staff should be involved with this. Councilor Healey agreed with Councilor Harrington, sharing that the Swap Shop trailer is a very tight area and she doesn't think people will be cognizant of these new rules. Further, she stated that DPW staff were not hired to police the Swap Shop and she does not want to put this responsibility on them. Mr. Micali then said that based on this feedback, they will keep the Swap Shop closed and keep monitoring the situation based on conditions with the pandemic.

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New Business

1. Committee Appointments

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus
The Town Council to consider appointing the following individuals to Town committees,
pursuant to Charter Article 4-8:

- **Ellen Kolb** Conservation Commission (Alternate member)
- Laurie Rothhaus Parks and Recreation Committee (School Board Representative)
- ➤ Shannon Barnes Parks and Recreation Committee (Alternate School Board Representative)

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<u>MOTION</u> made by Councilor Harrington and seconded by Councilor Murphy to appoint Ellen Kolb to the Conservation Commission, Laurie Rothhaus to the Parks and Recreation Committee, and Shannon Barnes to the Parks and Recreation Committee.

MOTION CARRIES 5-0-0

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After the vote, Vice Chair Rothhaus swore in Ellen Kolb as Alternate Member to the Conservation Committee.

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2. Donation Acceptance for the Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius The Town Council to consider the acceptance and expenditure of a donation in the amount \$240 from the Lions Club of Merrimack to the Parks and Recreation Department to be used towards Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept a donation in the amount \$240 from the Lions Club of Merrimack to the Parks and Recreation Department to be used towards Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter **Article 8-15. MOTION CARRIES 5-0-0**

The Council thanked the Lions Club for their donation.

3. Donation Acceptance for the Parks and Recreation Department

Submitted by Parks and Recreation Director Matthew Casparius The Town Council to consider the acceptance and expenditure of a donation in the amount \$16.12 from Boy Scout Joy Morris to the Parks and Recreation Department to be used towards Wasserman Park, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Healey and seconded by Councilor Harrington to accept a donation in the amount \$16.12 from Boy Scout Joy Morris to the Parks and Recreation Department to be used towards Wasserman Park, pursuant to RSA 31:95-b and Charter Article **8-15. MOTION CARRIES 5-0-0**

The Council thanked Joy Morris for her donation.

4. Acceptance of Homeland Security Grant for the Merrimack Police Department Submitted by Lieutenant Michael Marcotte

The Town Council to consider the acceptance and expenditure of a grant in the amount of \$3,600 awarded by Homeland Security to the Merrimack Police Department for the purpose of conducting Counter Terrorism and Active Shooter training for the Special Response Team (SRT), pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Michael Marcotte shared that each year Homeland Security awards funds to each tactical team in NH based on their team size, needs, and capabilities. This will be the 3rd training grant awarded to the Police Department from Homeland Security. This year, the SRT was awarded the funds with the speculation that the money would be used towards terrorism and/or active shooter training. The team has chosen to conduct training that specifically focuses on fleeing into a wooded area. Because Merrimack is a heavily wooded town, the likelihood of an active shooter or terrorist fleeing into a woodland area is very high. The training will be conducted by Ed Anzalone, a retired US Marine, of Long Range Ranch LLC in Lyndeborough, NH.

MOTION made by Councilor Harrington and seconded by Councilor Murphy to approve, accept, and expend the funds from a grant awarded by Homeland Security in the amount of \$3,600 to the Merrimack Police Department for the purpose of conducting Counter Terrorism and Active Shooter training for the Special Response Team (SRT), pursuant to RSA 31:95-b and Charter Article 8-15 and allow the Town Manager or his proxy to be able to sign the necessary paperwork. MOTION CARRIES 5-0-0

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5. Town Center Committee Charge Revision

Submitted by Vice Chair Finlay Rothhaus

The Town Council to consider the recommended revision to the Town Center Committee Charge membership makeup adding a representative from the Media Services Division.

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10 11 Vice Chair Rothhaus stated that he sits on the Town Center Committee and he would like to have a representative from the Media Services Division added on as a voting member of the Town Center Committee. Town Manager Paul Micali agreed, stating that Nicholas Lavallee and the entire Media Services Division brings the social media presence to the Town Center Committee and helps get important information out to younger generations. Further, the Media Services Division records and attends the Town Council meetings and are aware of issues in the town.

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MOTION made by Councilor Harrington and seconded by Councilor Healey to add a representative of the Media Services Division to the membership of the Town Center Committee. **MOTION CARRIES 5-0-0**

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Minutes

Approve the minutes from the following Town Council meeting:

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MOTION made by Councilor Murphy and seconded by Councilor Harrington to approve the Town Council meeting minutes for April 22, 2021 with revisions. MOTION CARRIES 4-0-1

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♦ April 22, 2021

25 **Amendments:**

Councilor Healey: Page 7, 3rd paragraph: "from the BRIC Program", remove spacing between BRIC and Program.

Councilor Murphy: Page 11, second to last paragraph from bottom when referring to Councilors

Harrington and Murphy switching positions on the Commission: after beginning insert "wrote the legislation that created the Bill".

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Comments from the Press

33 None.

34 **Comments from the Public**

35 None.

Comments from the Council

Councilor Murphy questioned how the upcoming NH DES PFAS meeting is going to be noticed in the 37 38

town, such as adding signage to ensure the public is aware. Town Manager Paul Micali stated that

39 there will be a sign put up at Watson Park as well as several electronic signs throughout the town, such

as at the Police Station, Transfer Station, Public Works Garage, and Library. They will also look at 40

41 putting a sign board up at the north end of town near the Fire Station. Additionally, information will be 42

on Channel 20, as well as the Town's website. Mr. Micali will ask all departments that have social

43 media accounts to post the information on their accounts as well.

44 Councilor Healey asked what signage is available for the southwestern part of town towards the lower

45 end of Continental. Mr. Micali said it is difficult to put signs down there as the state takes over from

46 Industrial Dr. to 101 and there is not a lot of room on the side of the road to put a sign. Councilor

Harrington asked if the town has ever asked Fidelity to put a sign up in their area, in which Mr. Micali 47

says he will ask Fidelity. He then stated that considering there are only 2 message boards, the town has 48

49 to determine where they want them placed. Mr. Micali suggested discussing this topic further at the

50 retreat.

Councilor Murphy then stated that between March 2016 and October 2017, 217 Merrimack residents had blood tests drawn by DHHS for the MVD PFAS Community Exposure Assessment. The consents that were signed at the time allowed DHHS to retain those samples until the study was over. During discussions at the House Bill 737 PFAS Commission, it was questioned whether those samples could have potential future value. The Commission agreed to request that DHHS retain those samples for a period of 5 additional years, which DHHS cannot do without the reconsent of the participants. On May 4th, letters were sent out to the 217 participants asking them to agree or disagree to keeping the samples for the 5 year period. Since there is a 30 day timeframe to respond to this, she is asking that those that received letters please respond to DHHS as soon as possible. If any participants did not receive this letter, she is encouraging them to call DHHS to let them know if they can keep the sample on file.

Adjourn

The meeting adjourned at 9:00 PM

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<u>MOTION</u> made by Councilor Healey and seconded by Councilor Murphy to adjourn the meeting. MOTION CARRIES 5-0-0