



# Town Council Meeting Minutes



Thursday, March 24, 2022, at 7:00 PM, in the Matthew Thornton Room

## Call to Order

Chairman Koenig called the meeting to order at 7:01 pm. Present at the meeting were Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali.

## Pledge of Allegiance

Eagle Scout Nick Bourn led the Pledge of Allegiance.

## Announcements

### **Upcoming Town Council Meetings:**

- Thursday, April 14, 2022, 7:00 PM Regular meeting
- Thursday, April 28, 2022, 7:00 PM Regular meeting

### **IMPORTANT DATES TO REMEMBER:**

- Tuesday, April 12, 2022, 7:00 AM – 7:00 PM Ballot Vote / Voting Day at your designated polling place

The Library will host AARP Tax-Aide volunteers on Mondays from 9 am – 11 am from now through April 11. This assistance is by appointment only, with multiple slots available at 9 am, 10 am and 11 am. Please call the Library to make an appointment or for more information.

The Abbie Griffin Hospital Fund Applications are available for Merrimack Residents until April 20th this year. To get more information and an application call the Welfare Department at Town Hall at 603-423-8535 or email [welfare@merrimacknh.gov](mailto:welfare@merrimacknh.gov).

The Parks & Recreation Department invites you to join us on Saturday, April 9th at Wasserman Park for the 30th Annual Easter Egg Hunt. Egg hunts are held between 10:00 am – 11:30 am. To view to the time slot for your child’s age group, visit the Parks & Recreation Department’s website at [www.merrimackparksandrec.org](http://www.merrimackparksandrec.org)

The Filing Deadline for all Property Tax Exemptions and Property Tax Credits is April 15th

Absentee ballots for the second session of the Town and School District Meeting (Voting Day) are available at the Town Clerk’s office. Any voter who will be unable to appear at any time during the polling hours of 7 AM to 7 PM due to employment, confinement in a penal institution for a misdemeanor or awaiting trial, or who will otherwise be absent from Town on Election Day, or who is unable to go to the polls due to a disability or religious observance may vote by absentee ballot. Concerns for seasonal flu and COVID-19 qualify as a disability. Voters must send a signed written request specifying the reason an absentee ballot is needed to the Town Clerk or download and complete an absentee ballot request form from the Town’s website at: [www.merrimacknh.gov](http://www.merrimacknh.gov). The form is found on the home page of the Town website or in the Town Clerk’s section under Elections and Voting. Written requests or completed forms can be dropped off at the Town Clerk’s office, faxed to 603-423-8539, emailed to [townclerk@merrimacknh.gov](mailto:townclerk@merrimacknh.gov) or mailed to Town Clerk, Attn: Absentee Ballots, 6 Baboosic Lake Rd, Merrimack, NH 03054. Absentee ballots can only be given or mailed directly to the person making the request.

1 The late Thursday hours at the Transfer Station will begin on March 31 and continue through September 8.  
2 During that period, the operating hours at the Transfer Station will be 8:00 am to 4:00 pm on Tuesday,  
3 Wednesday, Friday and Saturday. Thursday hours are 8:00 am to 7:00 pm.  
4

#### 5 **Comments from the Press and Public**

6 None.  
7

#### 8 **Recognitions, Resignations and Retirements**

9 None.  
10

#### 11 **Appointments**

##### 12 **1. Eagle Scout Project Proposal – Gaga Ball Pit at Watson Park**

13 *Submitted by Life Scout Nick Bourn*

14 The Town Council to be presented with Life Scout Nick Bourn’s Eagle Scout project proposing to  
15 build a gaga ball pit at Watson Park.  
16

17 Eagle Scout Nick Bourn was present to share his Eagle Scout project, which includes building a gaga ball pit  
18 at Watson Park. He began by stating that he is a Life Scout in Troop 215 out of St John Newman in  
19 Merrimack, and he has been in scouts for over 10 years. He then stated that he wants to build a gaga ball pit  
20 because there are two at Wasserman Park that the public loves, and he thinks this would be good for the  
21 community and encourage more people to visit the park. Mr. Bourn then presented a video showing what a  
22 gaga ball pit is, in which it is similar to dodgeball- there is a softer ball that players use their hands to hit with  
23 and knock other players out by hitting them below the knee until there is only one person left standing. Mr.  
24 Bourn then presented a map of Watson Park with potential sites to build the gaga ball pit, with pros and cons  
25 of each location. He also shared with the Council his budget plan, anticipating this costing a little under  
26 \$2,000, as follows:

- 27 • Gaga Ball Kit- \$520.00
- 28 • Wood- \$652.00
- 29 • Food and Snacks- \$100.00
- 30 • Hardware- \$30.00
- 31 • Fundraiser (meatball sub fundraiser @ St. John’s)- \$500.00
- 32 • Plastic Wall Covers- \$22.00  
33

34 Mr. Bourn then presented his anticipated timeline for project completion:

- 35 • Finish proposal meetings by 4/12 (District Eagle Board)
- 36 • Fundraising
- 37 • Plan to buy supplies and build in June
- 38 • Finish build by 6/26  
39

40 Councilor Woods shared that Mr. Bourn gave a wonderful presentation to the Parks and Rec department and  
41 is confident that this will be a successful project. Councilor Murphy asked how big the ball pit is, in which  
42 Mr. Bourn stated that it is approximately 25 feet across and about 30 inches tall. Councilor Harrington  
43 suggested placing the ball pit at the gazebo location as people will be able to watch, and Chairman Koenig  
44 agreed with this.  
45

46 Councilor Murphy asked if there is a specific ball needed for this sport, in which Mr. Bourn stated you can  
47 use any ball, but people most commonly use a volleyball. Councilor Harrington asked if the wood is pressure  
48 treated, in which Parks and Recreation Director Matthew Casparius shared that the two pits at Wasserman  
49 Park haven’t required any maintenance on them and have held up for about 4 years now.  
50

1 **MOTION made by Councilor Hunter and seconded by Councilor Harrington to approve Life Scout**  
2 **Nick Bourn's Eagle Scout project proposing to build a gaga ball pit at Watson Park.**

3 **MOTION CARRIES 7-0-0**  
4

5 **2. Annual Review with the Highway Safety Committee**

6 *Submitted by Highway Safety Committee Chair / Police Chief Brian Levesque*

7 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with  
8 the Highway Safety Committee. This agenda item is to highlight the committee's significant actions,  
9 current projects, anticipated actions, and to raise any concerns the Council should know or could act  
10 on.  
11

12 Police Chief Levesque was present to share the Highway Safety Committee's annual review. He began by  
13 stating that the purpose of this Committee is to find and reduce traffic accidents, deaths, injuries, and  
14 property damages therein resulting from accidents. He also shared that the Committee did not meet at all last  
15 year as they were able to vet any issues to the proper channels, and that most of the time this is more  
16 education with the public that they can do one-on-one. They have also been able to set up their data  
17 collection devices for speed complaints and share the results with the complainant.  
18

19 **Public Hearing**

20 **1. Public Hearing – Abbie Griffin Memorial Fund (Merrimack Fire and Police Departments)**

21 *Submitted by Town Manager Paul T. Micali*

22 The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds  
23 from the Abbie Griffin Memorial Fund in the amount not to exceed \$22,555.00 for the purchase of  
24 rope rescue equipment on the two (2) new engines for the Fire Department and for a Law  
25 Enforcement Radar, four (4) simunition conversion kits for new Sig Sauer P320 XCarry pistols, and  
26 the purchase of two (2) Sig Sauer M400 semi-automatic patrol rifles equipped with sound  
27 suppressors and red dot optics for the Police Department, pursuant to RSA 31:95-b and Charter  
28 Article 8-15.  
29

30 Town Manager Paul Micali shared that this donation comes from an investment company that invests the  
31 money left from when Abbie Griffin died, and the funds each year are based on how well the investments are  
32 doing. These funds are specifically for equipment-based needs for the police and fire department and must be  
33 spent on department needs. Fire Chief DiFronzo was then present to discuss the spending for his department,  
34 sharing that they plan to purchase rope rescue equipment at about \$9,000 for the two new fire engines as  
35 their current equipment is aging. Councilor Hunter asked if the quotes the Council were given are final or a  
36 general number, in which Mr. Micali shared that once the Council approves the spending, they go out and  
37 bid on the equipment or can purchase off of state contracts, and the donation is usually split 50/50 or as close  
38 as possible to even based on the two department needs. Chairman Koenig asked how often rope and  
39 carabiners are used, in which Chief DiFronzo stated that even if this is just used one time, it is worth the  
40 investment for crew members to have safe equipment to use on patients. Additionally, there is monthly  
41 training for this equipment to ensure competency skills.  
42

43 Police Chief Levesque then presented the Police Department's portion, sharing that they will be using the  
44 funds for a Law Enforcement Radar to analyze traffic count (\$4,000), as well as four simunition conversion  
45 kits for new Sig Sauer P320 XCarry pistols, rugged rubberized keyboards for cruisers, and the purchase of  
46 two Sig Sauer M400 semi-automatic patrol rifles equipped with sound suppressors. Chief Levesque shared  
47 that the simunition kits are for scenario-based training, as these kits allow for the same firearm to be used  
48 with an interchangeable barrel to fire a "marking round", which is similar to a paintball round. This allows  
49 for scenarios involving actors and de-escalation techniques. Chief Levesque then shared that during Covid,

1 the department switched to rubberized keyboards and they have been much easier for cleaning after each  
2 shift, so they would like to purchase 5 more to complete the setup. Lastly, Deputy Chief Tarleton stated that  
3 they would like to purchase new Sig Sauer patrol rifles with suppressors as they are useful for reducing the  
4 sound for indoor situations in which a rifle would be discharged. One of the main concerns is the hearing of  
5 police officers, stating that there can be long-term hearing issues and damage due to the loud sounds of  
6 gunshots that are fired indoors. He then shared data regarding the loud decibels of guns without suppressor  
7 vs with, and how these suppressors can reduce the sound by 32-34 decibels which will reduce the risk of  
8 hearing loss for not only officers, but bystanders as well. Deputy Chief Tarleton then shared some  
9 surrounding departments that have these suppressors, stating that the goal is to cycle some newer rifles into  
10 their current fleet. After some discussion, the Council was in agreement that these items are important for the  
11 community and Police Department and are in agreement with their purchase suggestions.

12  
13 **MOTION made by Councilor Harrington and seconded by Councilor Woods to accept the requested**  
14 **Fire Department and Police Department requested items from the Abbie Griffin Memorial Fund in**  
15 **the amount not to exceed \$22,555.00 pursuant to RSA 31:95-b and Charter Article 8-15.**

16 **MOTION CARRIES 7-0-0**  
17

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

#### 19 **Legislative Update for March 24, 2022 from Rep. Maureen Mooney**

20  
21 Greetings, Councilors:

22  
23 Last week, the House was in session for three full days and evenings voting on close to 200 bills. Please  
24 know the status of the following bills of interest in the House:

- 25  
26 1. [HB 2022](#) (AN ACT relative to the 10-year transportation plan) which includes the section to transfer  
27 Continental Blvd to Merrimack PASSED in the House and now headed to the Senate.
- 28 2. [HB 1033-FN](#) (AN ACT prohibiting the use of state or local grants, appropriations, or property tax revenue  
29 for lobbying activities) was TABLED in the House.
- 30 3. [HB 1070](#) (AN ACT relative to the default budget in official ballot jurisdictions) PASSED in the House  
31 and now headed to the Senate.
- 32 4. [HB 1268](#) (AN ACT limiting the authority for city council bylaws and ordinances) PASSED in the House  
33 with [this amendment](#) and is now headed to the Senate. [Note: The original bill version is [here](#).]

34  
35 My suggestion now is to formally contact our State Senator Gary Daniels regarding HB 2022, HB 1070, and  
36 HB 1268 as I believe your positions are like mine - against.

37  
38 Respectfully submitted,  
39 Rep. Maureen Mooney

### 40 **Town Manager's Report**

41 Merrimack TV will premiere "Celebration of Song" this Friday night March 25th at 7PM and the "Cavalcade  
42 of Bands" next Friday, April 1st, at 7PM. You can watch on Comcast XFINITY 21, HD1071,  
43 [merrimacktv.com](#) and streaming devices. Additionally, both concerts will play while we await results during  
44 Merrimack TV's live election night coverage on Tuesday April 12th beginning at 7:30pm.

1 The repairs to the Stowell Road Bridge are nearly complete. Final work is scheduled to occur tomorrow and  
2 early next week. We expect that Stowell Road will be back open to traffic next week – please see the Roads  
3 Update tab on the Town of Merrimack website for updates.  
4

5 The Wastewater Division of Public Works submitted the annual Capacity Management Operation and  
6 Maintenance (CMOM – ‘see mom’) program report to NHDES and EPA. This report documents our  
7 collection system asset management program.  
8

9 NHDES recently completed a Compliance Evaluation Audit of the Wastewater Treatment Facility, focusing  
10 on the laboratory operations. I’m pleased to report that NHDES concluded the audit with a report of “No  
11 Deficiencies Observed”  
12

13 Although we had an early snow melt this year, athletic fields remain closed due to wet conditions. Updates  
14 will be provided on the Merrimack Parks and Recreation website.  
15

16 Since this is the time of the year when people are out beginning their lawn care for the year, the Town of  
17 Merrimack is joining forces with NH Sea Grant Extension and Squam Lakes Natural Science Center Water  
18 Resources and Horticulture Staff and others in presenting a FREE Virtual Workshop on Green Grass & Clear  
19 Water. This workshop will teach about the Do’s and Don’ts of lawn care habits that keep our rivers, lakes  
20 and ponds healthy and clean. The workshop will be held on Monday, April 18<sup>th</sup> at 6:30 PM. Registration is  
21 required. Can register at <https://bit.ly/GGCW2022>.

## 22 **Consent Agenda**

### 23 **1. Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code [Final 24 Reading]**

25 *Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus*

26 The Town Council to consider the acceptance of recommended changes to Article II, Elderly Tax  
27 Exemptions, of Chapter 178, Taxation, of the Merrimack Town Code, pursuant to Charter Article V.  
28

29 **MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to move the Consent  
30 Agenda.**

31 **MOTION CARRIES 7-0-0**

## 32 **Old Business**

### 33 **1. Community Garden Discussion**

34 *Submitted by Town Manager Paul T. Micali and Parks and Recreation Director Matthew Casparius*

35 The Town Council to be presented with a plan for the Parks and Recreation Department to take over  
36 and continue with the Community Garden plots located at Wasserman Park.  
37

38 Mr. Micali began by stating that the Parks and Rec department is able and willing to take over and continue  
39 with the Community Garden plots. He further stated that they have money set aside to continue running this  
40 while they wait for more income to come in, and DPW is in agreement with this plan as well. Mr. Casparius  
41 then spoke, stating that they need to increase the fees from \$10 for residents and \$15 for non-residents per  
42 plot to \$20 for residents and \$25 for non-residents in order to make a profit from the Community Garden and  
43 cover the direct expenses associated with running and maintaining this project. Councilor Woods asked how  
44 many non-resident plots they anticipate utilizing this year, in which Mr. Casparius stated he has not yet been  
45 able to secure the list of last year’s plot holders, but historically the garden has only been about half full so  
46 they do not anticipate selling out. Mr. Micali stated that if they do see that the plots are going fast, they will

1 ensure Merrimack residents get top priority for the plots. Councilor Healey asked how big the plots are, in  
2 which Mr. Casparius stated they are 10x10, 100 square feet.

3  
4 **MOTION made by Councilor Harrington and seconded by Councilor Healey to approve the increase**  
5 **of plot rental fee for the Merrimack Community Garden from \$10 for residents and \$15 for non-**  
6 **residents per plot to \$20 for residents and \$25 for non-residents and allow the Parks and Recreation**  
7 **Department to contribute to the Community Garden as presented.**

8 **MOTION CARRIES 6-1-0 with Councilor Woods in Opposition**  
9

10 **2. Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy Follow-up**  
11 **Discussion**

12 *Submitted by Town Manager Paul T. Micali*

13 The Town Council to discuss a Merrimack Private Well Owners PFAS Grant Program  
14 Reimbursement Policy for reimbursement for the installation of a Point of Entry System (POET),  
15 Point of Use System (POU) or hook-up to MVD public water.

16  
17 Town Manager Paul Micali shared some updates on the PFAS Grant Program Reimbursement Policy, stating  
18 that he tweaked some of the language that was discussed at the last meeting, such as adding in the POU  
19 System and clarifying what will be provided, as well as some useful links to post on the website. He also  
20 shared that he needs a Motion from the Council stating that the Town of Merrimack will accept the grant if  
21 approved by Governor Council. Councilor Harrington stated that this was very well done, and she  
22 particularly liked how Mr. Micali separated the application and the explanatory page, making it easy for  
23 everyone to understand. She thanked him and Councilor Murphy for their efforts on this. Councilor Hunter  
24 asked about the application and qualification process, in which Chairman Koenig clarified that this is  
25 specifically for the water testing costs.

26  
27 **MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the PFAS Grant**  
28 **Program Policy as presented; and the Town Council will accept the ARPA grant funding when**  
29 **approved by Governor Council, and the Town Manager to sign any and all necessary documents.**

30 **MOTION CARRIES 7-0-0**  
31

32 **New Business**

33 **1. Second Quarter Financial Update**

34 *Submitted by Finance Director Tom Boland*

35 The Town Council to be presented with the 2<sup>nd</sup> quarter 2021/22 budget year financial update.

36  
37 Finance Director Tom Boland was present to discuss the 2<sup>nd</sup> quarter 2021/2022 budget update that is  
38 specifically looking at July 1, 2021 through December 31, 2021. He shared a PowerPoint that highlighted  
39 that in terms of expenses and revenues, wages, benefits, and payroll taxes compromise about 70% of the total  
40 appropriations, making this the focus of the presentation. He then shared a slide that had the wages (without  
41 overtime) for each department for the first six months of the fiscal year. Mr. Boland stated that each year,  
42 they budget for full employment, stating that this is necessary because they need to have the money in the  
43 event that there is no turnover and people stay in their positions long-term. He then highlighted that certain  
44 departments, such as fire, police, and communications are departments that have significantly more than 50%  
45 of the budget in regular wages remaining, which reflects the fact that there are open positions in these  
46 departments, and they take time to fill due to the specialized training needed. Mr. Boland then discussed how  
47 the public works administration department is at under 50% of the remaining budget due to the fact that they  
48 have engineering interns in the summer that skew the overall budget. He then stated that short-term and long-

1 term disability also factor into wages, as they get reimbursed from the insurance company for employees that  
2 are out, so these expenses do not get reflected in the wage accounts.

3  
4 The next slide Mr. Boland showed was about health insurance cost comparisons, which is another significant  
5 expense for the Town. Overall, they are down a little bit from last year as they expected to be due to rates  
6 being reduced by about 4.5%. He then stated that the overall budget for health insurance is a little bit over  
7 \$3.5 million, and for the first six months of the year they have spent \$1,572,000, which is about 45% of the  
8 budget for the year.

9  
10 Next, Mr. Boland presented on the NH Retirement System comparison, which showed the expenditure levels  
11 in the current fiscal year for all three categories of employees. Fire and police are significantly higher than  
12 they have been in any of the prior years, but this was anticipated as they knew the mandated rates went up by  
13 more than 20% across the board. Overall, the budget for this is a little over \$3.3 million, and they have so far  
14 spent \$1,675,000 in the first six months, a 51% level spent. Mr. Boland then discussed overtime, sharing that  
15 there has been a significant increase from fire, police, and communications, which effects the budget for  
16 retirement as this is factored into overtime rates.

17  
18 Mr. Boland then further discussed the overtime comparison, highlighting how fire is slightly below where  
19 they were at last year, but they are still ahead of where they were budgeted, with police being significantly  
20 ahead of last year and ahead of what was budgeted, but this is necessary for staffing due to employees being  
21 out as well as the open positions. In other departments, overtime is down significantly compared to the prior  
22 year overall, minus communications and solid waste being up from last year.

23  
24 Mr. Boland then provided a departmental summary, which showed the budget of each department, the year-  
25 to-date expenditures through the first six months, the subtotal of what is remaining in the budget,  
26 encumbrances/amounts they are committed to spend but have not spent yet (things that are on order,  
27 contracts, etc.), and the final percentage of what is remaining in the budget for the year. Overall, the town is  
28 right on track for spending, sitting at about 50% for the first six months.

29  
30 Lastly, Mr. Boland shared a revenue comparison, sharing that they brought in \$2,890,000 through the first  
31 six months in auto registration with the budget number being \$5.6 million, which is a little over 50%. For  
32 building permits, they have received \$115,000 through the first six months with the annual budget being  
33 \$180,000, which is about 64% through the first six months.

### 34 35 Minutes

36 Approve the minutes from the following Town Council meetings:

37 ♦ February 24, 2022

38 **MOTION made by Councilor Murphy and seconded by Vice Chair Rothhaus to approve the minutes**  
39 **from February 24, 2022 as amended.**

40 **MOTION CARRIES 7-0-0**

41  
42 Page 2 second to last paragraph: “note voted” should say “not voted”

43 Page 4 second paragraph “rational” should say “rationale”

44 Page 5 Paragraph 2, last line” “POUTS” should say “POU’s”

1     ♦ March 9, 2022

2     **MOTION** made by Councilor Woods and seconded by Councilor Healey to approve the minutes from  
3     **March 9, 2022 as written.**

4     **MOTION CARRIES 7-0-0**

5

6     ♦ March 10, 2022

7

8     **MOTION** made by Councilor Healey and seconded by Councilor Woods to approve the minutes from  
9     **March 10, 2022 as written.**

10    **MOTION CARRIES 7-0-0**

11    **Comments from the Press**

12    None.

13    **Comments from the Public**

14    None.

15    **Comments from the Council**

16    Councilor Woods wanted to encourage everybody to vote on April 12<sup>th</sup>.

17    Chairman Koenig asked about coverage for the polling places, with the Council deciding to go to their usual  
18    polling positions.

19

20    Vice Chair Rothhaus wanted to share his condolences for the passing of Shirley Small of the Reeds Ferry  
21    Village Community. She was a 56-year resident and was very involved in the community and will be missed.

22    **Adjourn**

23

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

25    **MOTION CARRIES 7-0-0**

26

27    The meeting adjourned at 9:40pm.

28

29

30    Respectfully submitted by Jennifer Steagald