



Town Council Meeting Minutes



Thursday, May 5, 2022, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order at 7:00 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

Chairman Koenig led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, May 26, 2022, 7:00 PM Regular meeting
- Thursday, June 9, 2022, 7:00 PM Regular meeting
- Thursday, June 23, 2022, 7:00 PM Regular meeting

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 former Assistant Fire Chief Shawn Brechtel in recognition of his retirement from Merrimack Fire & Rescue Department after more than 20 years of full time service to the Merrimack Fire & Rescue Department: October 29, 2001 - April 30, 2022.

Employees with at least 10 years of service receive a Plaque with Town Seal upon retirement.

Fire Chief DiFronzo was present to share kind words and well wishes for Assistant Fire Chief Shawn Brechtel and thanked him for his service. Assistant Fire Chief Brechtel will be receiving a plaque for his dedication and devotion to the community. Councilor Harrington wanted to give special thanks for Mr. Brechtel’s leadership during the Covid pandemic, stating that he was instrumental in developing a procedure by which paramedics could evaluate the covid status of individuals calling for help. This procedure was so effective and efficient that it was adopted by the state to be utilized by other towns. She wanted to give him special recognition for these efforts.

Reorganization of the Town Council

• Pursuant to Charter Article IV, 4-2, Organizational Meeting

Councilor Woods nominated Vice Chair Rothhaus for Chair. Vice Chair Rothhaus accepted this nomination, and the Council voted unanimously in favor of this; 6-0-1 with Vice Chair Rothhaus abstaining.

Councilor Hunter nominated Councilor Harrington for Vice Chair. Councilor Harrington accepted this nomination, and the Council voted unanimously in favor of this; 6-0-1 with Councilor Harrington abstaining.

Appointments

None.

1 **Public Hearing**

2 **1. Public Hearing - Consideration of Changes to Chapter 158, Sewer Use, of the Merrimack Town**
3 **Code**

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

5 The Town Council will hold a public hearing to consider the acceptance of recommended changes to
6 Chapter 158, Sewer Use, of the Merrimack Town Code, pursuant to Charter Article V.

7
8 Assistant DPW Director/Wastewater Assistant Director Sarita Croce was present to discuss the Town
9 Council comments on the Sewer Use Ordinance revisions. Town Manager Paul Micali wanted to state that
10 they did get buy in from both the EPA and DES for the changes that they are going to present to the Council
11 and public tonight. Additionally, he stated that they did notify businesses that they thought would be
12 interested in this ordinance change, however there were no comments from the businesses. Ms. Croce then
13 reviewed the sewer ordinance and why they were presenting to the Council, highlighting the following
14 reasons for the revision:

- 15 • To comply with USEPA required revisions
- 16 • To comply with NHDES regulatory changes
- 17 • To match the most recent USEPA model ordinance
- 18 • To match the most recent USEPA Local Limits Development Guidance Document
- 19 • Administrative changes to provide further clarity to the SUO

20
21 Ms. Croce then shared the following revisions made during the April 14th meeting:

- 22 • NHDES no longer requires industrial users served by a WWTP that have an EPA approved
23 pretreatment program file an Industrial Wastewater Indirect Discharge Request (IDR) under Env-Wq
24 305.10 and obtain DES approval prior to issuance of a permit by the WWTP
- 25 • The Town has revised the SUO to include the IDR requirements previously included in Env-Wq
26 305.10
- 27 • Revisions are presented on Redline Version- Page 43-44
- 28 • Added section 158-56(I)
- 29 • The ordinance allowed for the review and approval of the Town IDR application by both EPA and
30 NHDES:
 - 31 ○ (i) The completed application shall be sent to both NHDES and USEPA for review and
32 approval
 - 33 ○ (ii) Comment period shall be 30 days. Should either NHDES or USEPA not provide
34 comments, the IDR permit application shall be considered approved
- 35 • Town Council questioned the need for NHDES review
- 36 • 158-56 (I) revised to remove the requirement for both EPA and NHDES to review and approve the
37 IDR application
- 38 • EPA believes that the Town has the authority to review and approve the IDR without EPA's
39 oversight
- 40 • NHDES concurred with the Town Council's comment
- 41 • 158-56(I) revised as follows:
 - 42 ○ (g) The approval shall be based on and apply only to the subject discharge request and all
43 associated plans and supporting information as submitted in the completed, signed discharge
44 request
 - 45 • 158-56(I) revised per NHDES request:
 - 46 ○ Changed "Indirect Discharger" to "Industrial User" as indicated below:
 - 47 ○ (I) Industrial Wastewater Discharge Request
 - 48 ▪ (a) Subject to (b), below,
 - 49 ▪ (1) Is from a significant industrial user

- 1 • 158-56 (I):
 - 2 ○ Added “decrease” as indicated below:
 - 3 ○ (f) The indirect discharger shall now make changes to any processes that contribute to the
 - 4 wastewater discharge that would increase/decrease the amount of flow, change the
 - 5 characteristics of the pollutants discharged, or increase the concentration of any pollutant
 - 6 without prior approval by the Town through the submission of a new industrial wastewater
 - 7 discharge request
- 8 • 158-57 Wastewater discharge permit reconsideration
 - 9 ○ Any person, including the industrial user, may petition the Town Manager to reconsider the
 - 10 terms of a wastewater discharge permit within 30 calendar days of its issuance
 - 11 ○ Added “calendar” to the citation for clarity

12
13 After Ms. Croce’s presentation, there were no comments from the Council, therefore the public hearing was
14 opened at 7:26pm and closed at 7:27pm.

15
16 **MOTION made by Vice Chair Harrington and seconded by Councilor Koenig to move this item to the**
17 **Consent Agenda.**

18 **MOTION CARRIES 7-0-0**

19
20 **Legislative Updates from State Representatives**

21 None.

22
23 **Town Manager’s Report**

24 None.

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26 **Consent Agenda**

27 None.

28
29 **Old Business**

30 None.

31
32 **New Business**

33 **1. Ambulance Capital Reserve Fund Withdrawal Request & Discussion**

34 *Submitted by Fire Chief Mark DiFronzo*

35 The Town Council to consider the request to withdrawal \$303,000 from the Ambulance Capital
36 Reserve Fund for the purchase of a new ambulance for the Merrimack Fire Rescue Department.

37
38 Town Manager Paul Micali began the discussion by stating that this ambulance was in the Capital Reserve
39 Fund under the Capital Improvement Plan since 2019. Chief DiFronzo then shared that with the high volume
40 of ambulance calls, they are in need of a new ambulance to cover the town’s needs. He then stated that if
41 they were to trade in their current ambulance, they would only get about \$20,000, mostly due to the fact that
42 there is a power load stretcher system mounted in the truck. In lieu of this, they decided they could keep this
43 ambulance as a spare in case a truck goes out of service. Purchasing a new ambulance will cost just over
44 \$231,000 for the truck, \$32,000 for the striker load system, \$10,000 for radios, and about \$100,000 for
45 supplies. He also shared that they would also like to purchase a cardiac compression device as they currently
46 do not have one and this is a good opportunity to invest in one. There was some discussion among the
47 Council regarding collecting the data to back up the need for another ambulance and the capital reserve fund
48 balance, with the Council ultimately agreeing on this purchase.

1 **MOTION** made by Councilor Hunter and seconded by Councilor Healey to approve the request to
2 withdrawal \$303,000 from the Ambulance Capital Reserve Fund for the purchase of a new ambulance
3 for the Merrimack Fire Rescue Department, and to authorize the Town Manager to sign any and all
4 documents necessary.

5 **MOTION CARRIES 7-0-0**

6
7 **2. Public Works Week Proclamation**

8 *Submitted by Public Works Director Kyle Fox*

9 The Town Council to proclaim May 15-21, 2022 as National Public Works Week.

10
11 Deputy Director / Town Engineer Dawn Tuomala was present to discuss National Public Works Week on
12 behalf of Kyle Fox. She shared that the theme for this year is “ready and resilient”, and they want to
13 showcase each and every one of their public works employees as superheroes, since they are always ready to
14 serve the community and residents. Whatever challenges and adversities they face, they are always there
15 providing service to the community and are always able to pick themselves up and carry on. She continued,
16 stating that they support every other department in the town, aiding with police, fire, etc. during emergencies.
17 Ms. Tuomala then shared that first graders will be visiting to touch the trucks and spend time touring the
18 facility. Lastly, she is asking that the Town Council share the Proclamation presented tonight to show their
19 support for the public works employees.

20
21 **National Public Works Week Proclamation**

22 **May 15–21, 2022**

23 **“Ready and Resilient”**

24 WHEREAS, public works professionals focus on infrastructure, facilities, emergency management, and
25 services that are of vital importance to sustainable and resilient communities and the public health, high
26 quality of life, and well-being of the people of MERRIMACK, New Hampshire; and,
27 WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts
28 of public works professionals, who are state and federally mandated first responders, and the engineers,
29 managers, and employees at all levels of government and the private sector, who are responsible for
30 rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid
31 waste systems, public buildings, and other structures and facilities essential for our citizens; and,
32 WHEREAS, it is in the public interest for the citizens, civic leaders, and children in MERRIMACK, New
33 Hampshire to gain knowledge and maintain ongoing interest and understanding of the importance of public
34 works first responders and public works programs in their respective communities; and,
35 WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American
36 Public Works Association be it now,
37 RESOLVED, We, the MERRIMACK TOWN COUNCIL, do hereby designate the week May 15–21, 2022,
38 as National Public Works Week; I urge all citizens to join with representatives of the American Public
39 Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to
40 our public works professionals, engineers, managers, and employees and to recognize the substantial
41 contributions they make to protecting our national health, safety, and quality of life.
42 IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Merrimack,
43 DONE at the Merrimack, New Hampshire this 5th day of May 2022.

44
45
46 **MOTION** made by Councilor Healey and seconded by Councilor Koenig to accept the Public Works
47 Week Proclamation presented tonight.

48 **MOTION CARRIES 7-0-0**

1 **3. Town Council Committee Assignments**

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

3 The Town Council will determine committee assignments for the current year.

4
5 The Council discussed and agreed on the following committee assignments:

6 Adult Community Center: Councilor Woods

7 Authorized Sewer Representative: Town Manager Paul Micali

8 Cemetery Trustee: Town Manager Paul Micali

9 Chamber of Commerce: Town Manager Paul Micali

10 Commission on Environmental Public Health Impacts: Councilor Murphy

11 Conservation Commission: Councilor Hunter

12 Heritage Commission: Councilor Healey

13 MYA: Vice Chair Harrington

14 Nashua Regional Planning Commission: Chairman Koenig

15 Parks and Recreation: Councilor Woods

16 Town Center: Chairman Rothhaus

17 NH Rail Transit Authority: Councilor Hunter

18
19 **4. Consideration of Changes to Chapter 180, Temporary Sales Locations and Vendors of the Merrimack Town Code**

20 *Submitted by Town Manager Paul T. Micali*

21 Town Manager to present several options to the Town Council for them to consider prior to bringing
22 Chapter 180 for the first reading

23
24
25 Town Manager Paul Micali began the discussion by stating that he has been working on solutions for a
26 change to Chapter 180 and has come up with three amendments. The first is Section 180-3, B. (3), license
27 requirement exemptions. This currently provides a license exemption for an itinerant vendor who operates a
28 permanent business in the state, occupies temporary premises or predominantly displays the permanent
29 business name and permanent address while business is conducted from the temporary premises. This option
30 includes individuals who operate businesses in their homes, which would apply to artisans attending various
31 events throughout the town. He suggested deleting this line and instead creating language that states that no
32 matter where you have a permanent business, either brick and mortar or in your house, you must go through
33 the licensing agreements and pay the fee to the town.

34
35 Another option would be to define what a “permanent business” is, in which Mr. Micali suggested: “an
36 individual or entity's regular trade occupation profession operated from a permanent facility and occupied for
37 the purpose of making retail sales and goods to the public. A permanent business does not include home
38 occupations or any other business operating out of a residence.” He stated that by defining this, brick and
39 mortar businesses and restaurants do not have to pay, but individual home sellers would have to pay. Mr.
40 Micali then stated he is looking for guidance from the Council as to how they want to proceed with these two
41 options.

42
43 Councilor Murphy asked if “permanent business” only includes town businesses or throughout the state, in
44 which Mr. Micali clarified it would be anyone in the state who has a permanent business. Chairman
45 Rothhaus shared that he would like the simplest solution that can cover the costs of inspections and such that
46 are needed before a vendor can sell their products at a location. The Council discussed what permanent
47 business vs home business means, clarifying how and why individuals would need to pay the fees.

48
49 Mr. Micali then presented the third amendment option, which is for 180-7 D, expiration of license fees non-
50 transferability. He suggested striking the last part of the last sentence, which states “or for any change in

1 location of the vending business”, making the amendment state: “licenses are not transferrable and shall be
2 issued only on specific cart, stand, or vehicle or be located at a specific location. Any additional license shall
3 be required for each additional cart, stand, or vehicle.” He is proposing they add appendix “e”, which should
4 read: “discounted multiple site licenses are available for annual license holders, available only at the time of
5 the initial application. Each additional site will require a separate application to be filled out with the town
6 following the required documentation in 80-5, 80-6, and 80-10. After the initial \$200 fee it’s a \$250 annual
7 license fee. The first additional site will be \$150 and then each additional location will be \$100 for a specific
8 cart, stand, or vehicle to be located at an additional specific location.” Mr. Micali then shared that the fees
9 can be changed, he just wants to highlight that this is primarily for multiple site discounts. He then shared
10 surrounding communities’ application fees and exceptions in their policies to help the Council decide how
11 they want to proceed. The Council discussed in detail licenses and fee options for the town, taking into
12 consideration what surrounding towns are doing to help decide on what is most beneficial for all involved.
13 Ultimately, the Council agreed they are comfortable with the tiered approach for multiple licenses, so Mr.
14 Micali is going to further research this and come back to the Council with some numbers to determine what
15 it would cost to provide these services.

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17 **Minutes**

18 None.

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20 **Comments from the Press**

21 None.

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23 **Comments from the Public**

24 None.

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26 **Comments from the Council**

27 Councilor Koenig congratulated both Chairman Rothhaus and Vice Chair Harrington on their new positions
28 and thanked the Council for his opportunity to serve as Chairman.

29
30 Councilor Murphy wanted to inform the public about the NHDES meeting held regarding PFAS/ St. Gobain.
31 She wanted to encourage anyone that is having water delivery problems to please contact NHDES as this is a
32 continuing problem in the town. Additionally, she wanted to remind Merrimack residents to not apply for the
33 PFAS rebate program that the state is offering for \$1,500 because the one from Merrimack will have a higher
34 threshold.

35
36 Chairman Rothhaus wanted to thank everyone for the opportunity to serve as Chairman and appreciates the
37 support from the Council.

38
39 Councilor Woods wanted to thank Councilor Koenig for his service to the Council.

40
41 **Adjourn**

42 **MOTION** made by Councilor Woods and seconded by Councilor Koenig to adjourn the meeting.

43 **MOTION CARRIES 7-0-0**

44
45 The meeting adjourned at 9:07pm.

46
47
48 Respectfully submitted by Jennifer Steagald