



# Town Council Meeting Minutes



Thursday, September 22, 2022, at 7:00 PM, in the Matthew Thornton Room

## Call to Order

Chairman Rothhaus called the meeting to order at 7:10 pm. Present at the meeting were Chairman Rothhaus, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Vice Chair Harrington was excused.

## Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

## Announcements

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

- Thursday, October 13, 2022, 7:00 PM Regular meeting
- Thursday, October 27, 2022, 7:00 PM Regular meeting
- Thursday, November 3, 2022, 7:00 PM Regular meeting

Merrimack TV will be covering this Friday's MHS Varsity Football game vs. Bishop Guertin and the Marching Band's halftime show. Kickoff is at 6:30PM and you can watch on cable channels 21, HD1071, online at [merrimacktv.com](http://merrimacktv.com) and streaming devices....GO TOMAHAWKS!

The Senior Fair is back! It will be held on Wednesday, October 26<sup>th</sup> from 9AM to Noon at the John O'Leary Center. There will be a lot of new agencies and groups that are here to assist our elderly population. We encourage all seniors to attend. There is no registration, and it is open to the public.

## Comments from the Press and Public

None.

## Recognitions, Resignations and Retirements

None.

## Appointments

### **1. Annual Review with the Zoning Board Adjustment**

*Submitted by Zoning Board of Adjustment Chair Rich Conescu*

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Zoning Board of Adjustment. 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.

*Tabled for a future meeting*

## Public Hearing

None.

1  
2 **Legislative Updates from State Representatives**

3 ***From Rep Healey:***

4 \$35 M in funding for emergency energy assistance for qualifying NH households is now available to help  
5 with high energy prices this fall and winter. Inquiries regarding eligibility and applying for assistance can  
6 be made by calling the Southern NH Services, Fuel Assistance Program at 603-889-3440.

7  
8 This information will also be added to the Town's website.

9  
10 Regards,

11  
12 Robert Healey  
13 NH State Representative  
14 Resources, Recreation and Development Committee  
15 Merrimack, NH  
16 Hillsborough 12  
17 603-521-0422

18  
19 **Town Manager's Report**

- 20
- 21 • The Public Works Department will be hosting a Local Concerns Meeting for the US 3/Wire Road  
22 intersection safety improvement project on Monday, September 26, at 6:00 PM here in the Matthew  
23 Thornton Room. The purpose of the meeting is to provide stakeholders with information on the need  
24 and possible scope for the project and to receive stakeholder input on concerns in the area to better  
25 inform the selection of alternatives for the project.
  - 26 • The Transfer Station will once again be hosting a Freon appliance recycling event this year. Bring  
27 your air conditioners, refrigerators, freezers, and dehumidifiers to the Transfer Station on Saturday,  
28 October 15 and the \$15 charge to you for each appliance will be covered by Eversource through their  
29 NHSaves program. Eversource staff will be at the event to discuss rebate opportunities on new  
30 appliances.
  - 31 • The Town received notification from NHDOT this week that the Souhegan River Trail project plans,  
32 specifications, and estimates have been approved by NHDOT and FHWA (Federal Highway  
33 Administration). We have been granted authorization to proceed to bidding of the project and  
34 anticipate advertising the project on October 14 and a bid opening of November 15.
- 35  
36

37 **Consent Agenda**

38 None.

39  
40 **Old Business**

41 **1. Health License Fee Schedule – Proposed Amended Fees [Tabled at the September 8, 2022 Town  
42 Council meeting]**

43 *Submitted by Health Officer Erin Olson & Fire Chief Mark DiFronzo*

44 The Town Council to consider the proposed amendments to the Health Division's fee schedule for  
45 food service establishment licenses.

46  
47 **MOTION made by Councilor Koenig and seconded by Councilor Healey to move this subject off  
48 the table from the last meeting.**

49 **MOTION CARRIES 6-0-0**

1 Town Manager Paul Micali began by stating that to maintain transparency, he wanted to share that licensing  
2 fees will be changing as of January 1<sup>st</sup>, 2023, in accordance with the ordinance that states that the town  
3 should be following the state when they change their restaurant license fees structure. The state originally  
4 changed their fee structure in 2019, but before Mr. Micali could come to the Council to discuss, the  
5 pandemic started so it was decided to withhold the fee change since people were not going out to restaurants.  
6 With the pandemic being over, they have decided now to reinstate the fee change to match the state.  
7 Councilor Healey raised concerns about the astronomical cost of goods and services needed to maintain a  
8 restaurant (cooking oil, gas/electrical costs, etc.) and the impact this will have on the food service industry.  
9 She would like to have this delayed until June of next year to give time for the economy to stabilize and for  
10 costs to go down so restaurants do not further suffer from this expense. The Council briefly discussed  
11 changing the ordinance to give restaurants extra time, with Mr. Micali stating that they are not going to enact  
12 this until January 1<sup>st</sup> to allow time for proper notice and ensure fairness that all restaurants are paying the  
13 same amount. Health Officer Erin Olson then discussed the reasoning behind the updated fee schedule,  
14 stating that in 2019 the state updated the FDA Food Code and made the license fees equivalent to what other  
15 states were using, as well as factoring in the cost of restaurant ownership (staffing, maintenance expenses,  
16 etc.) to come up with the new fees.

17  
18 **MOTION made by Councilor Koenig and seconded by Councilor Murphy to move forward with the**  
19 **suggested implementation of the new fees, effective January 1, 2023.**

20 **MOTION CARRIES 5-0-1 with Councilor Healey in Opposition**

21  
22 **New Business**

23 **1. 2023–2029 Capital Improvements Program (CIP) Presentation**

24 *Submitted by Town Manager Paul T. Micali*

25 The Town Council to be presented with the details of the 2023-2029 CIP.

26  
27 Town Manager Paul Micali briefly presented a PowerPoint on the CIP, sharing the following:

- 28 • Major projects- Depicts the annual expenditures or cash flow for proposed projects, which will cost  
29 \$100,000 or more and will be evaluated by the Planning Board. Regardless of the related cost, the  
30 Planning Board is generally not interested in the purchase of equipment. Its objective is to evaluate  
31 proposed building and infrastructure projects on the basis of the Master Plan and the Build-Out Study
- 32 • Minor Projects- Depicts the annual expenditures or cash flow for proposed projects, which will cost  
33 at least \$10,000 but will not be subject to Planning Board evaluation
- 34 • Mr. Micali is proposing roughly \$2,250,000 for projected CRF funding, an increase from \$1,927,000  
35 from the previous year
- 36 • Two major projects that partially caused the increase are Daniel Webster highway and road  
37 infrastructure (route 3 bridge and Wire Rd project)
- 38 • Mr. Micali provided a spreadsheet of general funding for major projects, available on the finance  
39 section of the town website, which provides a breakdown of all expenses and proposed funding for  
40 upcoming projects, as well as funding sources

41  
42 DPW director Kyle Fox was then present to discuss some of his upcoming projects, sharing that DW  
43 Highway paving was broken up over 3 different projects, with the pavement typically lasting between 10-12  
44 years on a main road such as DW Highway. He is proposing to have two staggered dates to complete a  
45 bonded wearing course to preserve the existing pavement, with the southern section scheduled for 2024/2025  
46 and the northern section scheduled for 2026/2027. Mr. Fox then discussed the MS4 project to install BMPs  
47 on existing town owned facilities, which will cost about \$642,000 and will improve the water quality by  
48 reducing the amount of phosphorus, hydrocarbons, and metal impairments that enter the surface waters from  
49 town owned properties. They plan to use funding from year 2 of the CIP to hire a consultant to conduct an  
50 analysis of the properties and prioritize moving forward.

1  
2 Mr. Micali then discussed the highway department's fuel tank, piping, and canopy replacement project,  
3 sharing that the fuel tanks located at the garage are in need of replacement, along with replacing the pipes  
4 that were installed in 2019 as the pipes have been failing. Mr. Fox then discussed the Naticook Rd triangle  
5 drainage and road improvements, sharing that the Merrimack Highway Safety Committee put in their  
6 recommendation that the triangle at the intersection of Naticook Rd and Camp Sargent Rd be eliminated and  
7 that a tee intersection be constructed. Additionally, neighbors have raised concerns about speed issues, lack  
8 of turn signals, and poor visibility. Mr. Fox wants to launch an investigation into how to make the road safer  
9 and less confusing for drivers. This project will also include repairing the drainage lines that have been  
10 failing.

11  
12 Mr. Micali then talked about some minor projects, such as paving the church parking lot across the street and  
13 the purchase of body cameras for the Police Department. Police Chief Levesque was present to discuss this  
14 further, sharing that Governor Sununu passed a recommendation that all police departments utilize body and  
15 vehicle cameras, and this would be through a subscription service that renews every 5 years with each  
16 individual officer being equipped with their own camera. He then discussed how the subscription service is  
17 similar to a cloud where data can be stored but not altered and will cost about \$385,000 for the 5 years for all  
18 the cameras and data storage. Chief Levesque then provided an update on the 800mghz system, sharing that  
19 they are still dealing with site approval for where to put the tower, but are planning on putting it on White  
20 Tail Ridge off Wilson Hill Rd.

21  
22 Fire Chief DiFronzo was then present with Mr. Micali to brief the Council on the fire department's CIP,  
23 sharing that they will replace an engine for \$650,000 as well as an ambulance for \$225,000. Chief DiFronzo  
24 would also like to replace an old forestry pickup truck, which is scheduled for 2023/2024, as well as convert  
25 a utility truck into a brush unit.

26  
27 Mr. Fox then spoke to the Council about the need to replace their catch basin cleaning truck, which is in poor  
28 condition and will not be able to be kept in service for very long. Because of the MS4 project, the need to  
29 clean the catch basins has increased, and in order to meet these needs he is proposing purchasing a vector  
30 machine, which is similar to the one Wastewater recently purchased but on a smaller scale and slightly  
31 cheaper, when the current vehicle is due to be replaced. Additionally, they will be looking to replace a  
32 sidewalk tractor for \$155,000.

33  
34 Mr. Micali shared some brief updates for Parks and Recreation, such as some paving projects and irrigation  
35 at Wasserman Park. He also shared that the library has a new phone system scheduled for 2024/2025 for  
36 about \$75,000, as well as various user fees such as Microsoft office and subscription services.

## 37 38 **2. MS-434 Update**

39 *Submitted by Town Manager Paul T. Micali*

40 The Town Council to receive an update on the MS-434.

41  
42 Finance Director Tom Boland was present to provide a brief update to the Council. He shared the following  
43 via PowerPoint:

- 44 • Significant increase in interest earnings on the town's cash reserves, around \$300,000
  - 45 • They are still waiting on the estimates for room & meals, which should be finalized in October
  - 46 • NH Retirement system is estimated around \$198,000, which will help reduce the tax rate
  - 47 • Undesignated fund balance is projected at \$8.9 million, with a projected use of fund balance of  
48 \$1,350,000
  - 49 • The estimated municipal tax rate is currently at \$3.93
- 50

1 **MOTION made by Councilor Koenig and seconded by Councilor Hunter to accept the fund balance**  
2 **number to offset taxes of \$1,350,000.**

3 **MOTION CARRIES 6-0-0**

4  
5 **3. Investment Policy**

6 *Submitted by Finance Director Thomas Boland*

7 The Town Council to review and consider the approval of the Town's Investment Policy, for the  
8 investment of public funds held by the Town Treasurer, in accordance with RSA 35:9 and RSA 41:29  
9 for FY 2022-23.

10  
11 Mr. Boland shared that this is something that is reviewed annually due to the RSA requirements and wanted  
12 to share that the current investment policy works, and he does not see any need for modifications or changes.  
13 Mr. Micali highlighted that the money is 100% collateralized, which means that if a bank fails, there is no  
14 loss in money for the town.

15 **MOTION made by Councilor Woods and seconded by Councilor Koenig to approve the Town's**  
16 **Investment Policy, for the investment of public funds held by the Town Treasurer, in accordance with**  
17 **RSA 35:9 and RSA 41:29 for FY 2022-23.**

18 **MOTION CARRIES 6-0-0**

19  
20 **Minutes**

21 Approve the minutes from the following Town Council meeting:

22 ♦ September 8, 2022

23  
24 **MOTION made by Chairman Koenig and seconded by Councilor Healey to approve the minutes from**  
25 **September 8, 2022 as amended.**

26 **MOTION CARRIES 5-0-1 with Councilor Healey abstaining**

27  
28 Amendments:

29 Page 2, Line 10: change "14 hours long" webinars to 14 "hour long" or 14 "hours' worth"

30  
31 **Comments from the Press**

32 None.

33  
34 **Comments from the Public**

35 None.

36  
37 **Comments from the Council**

38 Councilor Murphy shared that she recently attended a football game and the field staff mentioned that if  
39 there are any Eagle Scouts looking to complete a project, they are thinking of adding picnic tables to the  
40 area, and she thinks this would be a great opportunity for any scout to partake in.

41 Councilor Koenig shared that election night went smoothly and wanted to thank everyone who ran in and  
42 worked at the elections, and he looks forward to the general elections in November.

43  
44 **Adjourn**

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

46 **MOTION CARRIES 6-0-0**

47  
48 The meeting adjourned at 9:26pm.

49 Respectfully submitted by Jennifer Steagald