



Special Town Council Meeting Minutes



Thursday, February 16, 2023, 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 Healey, Councilor Hunter, Councilor Koenig, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Chairman Rothhaus was excused.

Pledge of Allegiance

Vice Chair Harrington led the Pledge of Allegiance.

Announcements

The Town Offices will be closed on Monday, February 20th for the observance of President’s Day.

Upcoming Town Council Meetings:

- Thursday, February 23, 2023, 7:00 PM Regular meeting
- Thursday, March 9, 2023, 7:00 PM Regular meeting
- Thursday, March 23, 2023, 7:00 PM Regular meeting

IMPORTANT DATES TO REMEMBER:

- **Wednesday, February 22, 2023 thru Friday, March 3, 2023 at 5:00 PM**
Filing period for Town Offices to be elected at Town Meeting on April 11, 2023
- **Wednesday, March 15, 2023, 7:00 PM in the All-Purpose Room at James Masticola Upper Elementary School located at 26 Baboosic Lake Road**
Deliberative Session
- **Tuesday, April 11, 2023, 7:00am-7:00pm**
Annual Voting Day
James Masticola Upper Elementary School located at 26 Baboosic Lake Road
St John Neumann Church, 708 Milford Rd (Route 101A)
Merrimack Middle School, 31 Madeline Bennett Ln

The Parks & Recreation Department invites you to join them on Saturday, February 25th for the 31st Annual Winter Carnival at Wasserman Park from 12 – 3 pm. Despite not a lot of snow on the ground, we have 26 groups providing free games, crafts, raffles and other activities. We’re anticipating special appearances by Mack the Police Dept.’s Comfort Dog as well as the Oscar Meyer Weinermobile. Food will be available for purchase during the event. For questions contact the Parks & Recreation Department at 603-882-1046 or go online to www.merrimackparksandrec.org

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

1 **Appointments**

2 None.

3 **Public Hearing**

4 **1. Public Hearing – Consideration of Changes to Chapter 178, Taxation (Article V, Optional**
5 **Veterans Credit), of the Merrimack Town Code**

6 *Submitted by Town Manager Paul T. Micali*

7 The Town Council will hold a public hearing to consider the acceptance of recommended changes to
8 Chapter 178, Taxation (Article V, Optional Veterans Credit), of the Merrimack Town Code, pursuant
9 to Charter Article V.

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11 Vice Chair Harrington opened the public hearing at 7:03pm.

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13 Mr. Micali stated that this is to change Article V of the Optional Veterans Credit as the legislation voted on
14 additional language, which is “to include eligible active duty veterans”, as well as the fact that if the Council
15 did not vote on this, the credit would go back to \$50, but since this is being voted on the \$500 will stay in
16 place now.

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18 The public hearing closed at 7:04pm.

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20 **MOTION made by Councilor Koenig and seconded by Councilor Healey to move the Chapter 178**
21 **changes to the third reading Consent Agenda.**

22 **MOTION CARRIES 5-0-0 with Councilor Hunter recusing himself**

23
24 **2. Public Hearing - Milfoil Grant Funds for Horseshoe Pond & Naticook Lake**

25 *Submitted by Planning and Zoning Administrator Robert Price*

26 The Town Council will hold a public hearing to authorize the acceptance and expenditure of up to
27 \$18,580 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which \$9,290 is
28 from a grant from the New Hampshire Department of Environmental Services (NHDES) for milfoil
29 control, and the Town’s matching share is \$9,290, to be funded from the Milfoil Expendable Capital
30 Reserve Fund, and to authorize the Town Manager or his designee to execute any and all documents
31 which may be necessary, pursuant to RSA 31:95-b and Charter Article 8-15.

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33 Mr. Micali and Community Development Director Tim Thompson discussed how this is a yearly grant in
34 which DES works with Planning and Zoning Administrator Robert Price to go through the grant process.
35 This year’s proposal is for diver assisted suction harvesting as it was for last year, and DES is going to cover
36 50% of these costs.

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38 The public hearing was opened at 7:09pm and closed at 7:10pm.

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40 **MOTION made by Councilor Koenig and seconded by Councilor Healey to authorize the expenditure**
41 **of up to \$18,580 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which**
42 **\$9,290 is from a grant from the New Hampshire Department of Environmental Services (NHDES) for**
43 **milfoil control, and the Town’s matching share is \$9,290, to be funded from the Milfoil Expendable**
44 **Capital Reserve Fund, and to authorize the Town Manager or his designee to execute any and all**
45 **documents which may be necessary, pursuant to RSA 31:95-b and Charter Article 8-15.**

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

1 **3. Public Hearing – Proposed Municipal 2023-24 Operating Budget and Warrant Articles**

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

3 The Town Council will hold a public hearing to discuss the following:

- 4 • 2023/24 Proposed Municipal Operating Budget
- 5 ○ Mr. Micali summarized that the budget has an increase of roughly 16 cents on the tax rate, about a \$900,000 (4.1%) increase
 - 6 ○ Broken down into further categories, with a total of \$2,334,945(7.1%) increase
 - 7 ○ Increases in revenue of \$1,439,962 (10.5%)
 - 8 ○ Tax overlay for abatements increased about \$17,000 (5.26%)
 - 9 ○ Staffing budget increased by \$784,871
 - 10 ○ General Fund increased by \$574,785
 - 11 ○ Net revenue increased by \$398,544
 - 12 ○ Total reduction to Fund Unreserved Balance is \$2,384,500
 - 13 ○ Other Capital increased by \$960,160
 - 14 ○ Road Infrastructure increased by \$800,000

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17 The public hearing was opened at 7:22pm and closed at 7:23pm.

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19 **MOTION made by Councilor Koenig and seconded by Councilor Woods to move \$38,791,564 for the Operating Budget to the Town Warrant.**

20 **MOTION CARRIES 6-0-0**

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- 23 • Collective Bargaining Agreement(s), if any
 - 24 ○ International Association of Fire Fighters (IAFF), Local 2904
 - 25 ▪ 36 members
 - 26 ▪ Three year deal totaling \$361,768
 - 27 ▪ Year 1: 3% wage increase plus adding EMT, AEMT, Para Cert, FFII, longevity into base pay and 10 cents adjustment
 - 28 ▪ Year 2: 3% wage increase
 - 29 ▪ Year 3: 3% wage increase
 - 30 ▪ Increased uniform items in paragraphs 5 and 8 and reduced prorated allowance for probation employee from \$70 to \$50
 - 31 ▪ Paragraph 3- life insurance- increase benefits to 1x salary for employees, \$10,000 for spouse, \$5,000 for children

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36 The public hearing was opened at 7:28pm and closed at 7:29pm.

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38 **MOTION made by Councilor Healey and seconded by Councilor Hunter to move \$154,367 for the Collective Bargaining Agreement between the Town and IAFF to the Town Warrant.**

39 **MOTION CARRIES 6-0-0**

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- 42 ○ American Federation of State, County and Municipal Employees (AFSCME) 93, Local 3657
 - 43 ▪ Police and Fire union, 16 members
 - 44 ▪ Four year deal totaling \$372,796
 - 45 ▪ Year 1: 3% wage increase with a \$2 per hour adjustment to move employees closer to the average of comparable communities. Incorporating Paramedic Stipend into base pay for Fire Captains and LT's
 - 46 ▪ Year 2: 3% wage increase with a \$1.50 per hour adjustment for Fire Captains
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- Year 3: 3% wage increase with a \$1 per hour adjustment for Fire Captains and \$0.50 cent adjustment for Police Captains and LT to move employees toward the average
- Year 4: 3% wage adjustment

The public hearing was opened at 7:33pm and closed at 7:34pm.

MOTION made by Councilor Hunter and seconded by Councilor Woods to move \$153,941 for the Collective Bargaining Agreement between the Town and AFSCME Local 3657 to the Town Warrant. MOTION CARRIES 6-0-0

- American Federation of State, County and Municipal Employees (AFSCME) 93, Local 2986
 - DPW Labors (Highway, Solid Waste, Equipment Maintenance and Wastewater), 40 members
 - Three year deal totaling \$375,329
 - Year 1: slide pay scale 2 steps and add 2.5% between year 10 and 15 and year 15 and 20 (top 2 steps)
 - Year 2: slide pay scale 1 step and add 3% between the 15 and 20 year step then a 3% wage increase
 - Year 3: 3% wage increase
 - Added new classification for Equipment Operator 3s at Wastewater; added \$0.50 cents to pay scale
 - Added language for pay for extra 2 hours for on call during holidays
 - Added language to require all new hires and those promoted or transferred to be added to on-call schedule as part of the on-call rotation
 - Added language for vacations and clothing allowance increase

The public hearing was opened at 7:42pm and closed at 7:43pm.

MOTION made by Councilor Murphy and seconded by Councilor Woods to move \$162,747 for the Collective Bargaining Agreement between the Town and AFSCME Local 2986 to the Town Warrant. MOTION CARRIES 6-0-0

- Capital Reserve Deposits General Fund
 - Mr. Micali is not proposing any changes this year
 - Asking for \$1,947,250 for general fund capital reserve deposits

The public hearing was opened at 7:45pm and closed at 7:46pm.

MOTION made by Councilor Woods and seconded by Councilor Healey to move \$1,947,250 for the General Fund Capital Reserve to the Town Warrant. MOTION CARRIES 6-0-0

- Capital Reserve Deposits Wastewater
 - Increase from \$500,000 to \$550,000
 - \$32 million upgrade going on, older equipment at pump stations that need to be upgraded as well

The public hearing was opened at 7:51pm and closed at 7:52pm.

1 **MOTION made by Councilor Healey and seconded by Councilor Koenig to move \$550,000 for the**
2 **Wastewater Capital Reserve to the Town Warrant.**

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

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- 5 • Petitioned Bonds, if any

6 ○ N/A

- 7 • Other Petitioned Warrant Articles, if any

8 These hearings are being held pursuant to the requirements of NH RSA 33:8-a (I), NH RSA 32:5, I,
9 NH RSA 21:35, NH RSA 40:13 II-b and Town of Merrimack Charter Article 8-3.

10 ○ N/A

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12 **Legislative Updates from State Representatives**

13 Councilor Murphy provided an update on HB614, which was filed back in November. This bill was for
14 collecting data for the Town of Merrimack regarding the health impacts of PFAS exposure and the link to
15 cancers. DHHS shared with Councilor Murphy that this was an overwhelming task, so she redrafted the bill
16 to focus solely on kidney cancer. This bill was voted on yesterday (19-1) and is going in front of the finance
17 committee next.

18 **Town Manager's Report**

- 19 • The Merrimack Public Library will be featured in an upcoming segment on NH Chronicle
20 highlighting how libraries have changed over the years. Reporter Jean Mackin and photographer Joel
21 Wade visited the library on Feb. 13 and were particularly interested in investigating our Library of
22 Things Collection, that includes cake pans, musical instruments, night vision goggles, outdoor yard
23 games, video gaming systems and video games and much more. This collection has been purchased
24 using Library Trustee funds and Friends of the Library donations as well as through partnerships with
25 several Merrimack Girl Scouts completing their Silver Awards. We're honored to be included to
26 promote our innovative library alongside the Peterborough Town Library, the Dover Public Library,
27 and the Minot-Sleeper Library in Bristol.

28

29 **Consent Agenda**

30 None.

31 **Old Business**

32 None.

33 **New Business**

34 **1. Consideration of Changes to Chapter 180, Temporary Sales Locations and Vendors, of the**
35 **Merrimack Town Code [First Reading]**

36 *Submitted by Town Manager Paul T. Micali*

37 The Town Council to consider the acceptance of recommended changes to Chapter 180, Temporary
38 Sales Locations and Vendors, of the Merrimack Town Code, pursuant to Charter Article V.

39

40 Mr. Micali discussed the changes to Chapter 180, sharing that they added the definition of “contact
41 information” to clarify information required such as name, address, email, etc. that tells how you can be
42 contacted if there are any venue changes. Another update was looking at license requirements and
43 exemptions, with Mr. Micali stating that they have added language to include that if the event sponsor has
44 taken responsibility for you, you do not have to provide other permit information. Further, license permits

1 will be required by everyone and they will have to pay the registration fee. They have also added in a line
2 defining “yard sales” to be more specific, and included door-to-door hawkers or sales people notifying the
3 police and dispatch where they will be selling products. The Council then discussed liability and permits and
4 various scenarios in which the exemption would be appropriate or not, with some discussion on how
5 background checks work. Mr. Micali also shared that they have decided to update the start of the year for all
6 permits, making March to April the registration time period in lieu of a rolling date. Another update involved
7 multiple locations, with Mr. Micali stating that they are adding in a tiered “multiple location” permit option
8 for traveling vendors. For this, all locations have to be listed out for the application, and vendors have to
9 notify the police 24 hours ahead of time to confirm the location they will be at. For the first permit, there is a
10 \$250 fee, \$100 for the second location, and \$25 for each additional location thereafter.

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12 **MOTION made by Councilor Koenig and seconded by Councilor Murphy to move this agenda item**
13 **with agreed upon changes to a Public Hearing.**

14 **MOTION CARRIES 6-0-0**

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16 **2. Town of Merrimack Naming Policy Review & Discussion**

17 *Submitted by Town Manager Paul T. Micali*

18 The Town Council to review and discuss the Town of Merrimack’s Naming Policy.

19
20 Mr. Micali began by stating that there was a section added for benches as there were unclear specifications
21 for bench naming in the policy as well as tree planting clarification for the parks. The Council discussed the
22 tree planting process, as well as adding in language to include historical signs as there are several around the
23 town. There was also discussion to change the wording to clarify “granite” benches, and possibly add
24 language about regular benches.

25
26 **MOTION made by Councilor Koenig and seconded by Councilor Healey to table this agenda item**
27 **until March 9th, 2023.**

28 **MOTION CARRIES 6-0-0**

29
30 **3. Review of the 2023-2024 Default Budget**

31 *Submitted by Town Manager Paul T. Micali*

32 The Town Council will review the 2023-2024 Default Budget.

33
34 Finance Director Tom Boland was present with the following highlights for the 2023-2024 Default Budget:

- 35 ○ Default budget is the mechanism that the legislators came up with so that
36 municipalities could continue to operate in the event that voters vote “no” on the
37 proposed operating budget
- 38 ○ Defined by statute, calculated by taking the amount of the same appropriations as
39 contained in the operating budget authorized for the previous year reduced and
40 increased as the case may be by debt service, contracts, and other obligations
41 previously incurred or mandated by law and reduced by one-time expenditures
42 contained in the operating budget
- 43 ○ One-time expenditures are appropriations that are not likely to reoccur in the
44 exceeding budget
- 45 ○ Last year’s operating budget of \$36,218,840, plus adjustments for collective
46 bargaining agreements
- 47 ○ \$190,000 for health insurance coverage for union employees
- 48 ○ Any eliminated positions must be included in this calculation as well
 - 49 ○ \$71,000 for the police secretary and \$64,000 for the account clerk at the tax
50 collector’s office

- Need to eliminate any one-time capital expenses that were in the prior year's operating budget
- Adjustment for debt service- plug in current year's and remove previous year's
- Default budget appropriation is at \$35,300,821, subtract adjusted revenues and include tax overlay and veteran's exemptions and property tax levy divided by the current year valuation to get a total tax rate of \$3.42.
- The proposed operating budget minus the default budget calculation equals a difference of \$3.5 million

MOTION made by Councilor Koenig and seconded by Councilor Healey to move the Default Budget of \$35,300,821 to the Town Warrant.

MOTION CARRIES 6-0-0

4. Review of the 2023 Town Warrant

Submitted by Town Manager Paul T. Micali

The Town Council to review and make recommendations on each article of the 2023 Town Warrant.

MOTION made by Councilor Koenig and seconded by Councilor Woods to move the wording of the Warrant Articles to the Warrant as printed.

MOTION CARRIES 6-0-0

MOTION made by Councilor Koenig and seconded by Councilor Healey to move to recommend Article 2 Operating Budget and move Article 2 to the Deliberative Session.

MOTION CARRIES 6-0-0

MOTION made by Councilor Koenig and seconded by Councilor Healey to move to recommend Article 3 General Fund CRF and move Article 3 to the Deliberative Session.

MOTION CARRIES 6-0-0

MOTION made by Councilor Healey and seconded by Councilor Woods to move to recommend Article 4 Wastewater CRF and move Article 4 to the Deliberative Session.

MOTION CARRIES 6-0-0

MOTION made by Councilor Murphy and seconded by Councilor Koenig to move to recommend Article 5 IAFF Contract and move Article 5 to the Deliberative Session.

MOTION CARRIES 6-0-0

MOTION made by Councilor Hunter and seconded by Councilor Woods to move to recommend Article 6 AFSCME 3657 and move Article 6 to the Deliberative Session.

MOTION CARRIES 6-0-0

MOTION made by Councilor Woods and seconded by Councilor Murphy to move to recommend Article 7 AFSCME 2986 and move Article 7 to the Deliberative Session.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meetings:

- ◆ January 12, 2023

1 **MOTION** made by Councilor Koenig and seconded by Councilor Hunter to approve the minutes from
2 **January 12, 2023 as amended.**

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

4
5 Amendments:
6 Page 2 Line 45: change “pirm” to “firm”
7 Page 10 Line 7: change “Chairman Koenig” to “Councilor Koenig”
8

9 ♦ January 18, 2023

10 **MOTION** made by Councilor Koenig and seconded by Councilor Hunter to approve the minutes from
11 **January 18, 2023 as amended.**

12 **MOTION CARRIES 6-0-0**

13
14 Amendments:
15 Change template to reflect that this was a budget meeting
16 Page 2 Line 22: “mag” change to say “Magnesium”
17

18 ♦ January 19, 2023

19 **MOTION** made by Councilor Hunter and seconded by Councilor Woods to approve the minutes from
20 **January 19, 2023 as amended.**

21 **MOTION CARRIES 6-0-0**

22
23 Amendments:
24 Change template to reflect that this was a budget meeting
25 Page 2 Lines 32 and 33: Summer day camp/after school program- clarify if this should be two separate topics
26 (revolving fund per Mr. Micali) or combined as one
27

28 ♦ January 25, 2023

29 **MOTION** made by Councilor Hunter and seconded by Councilor Healey to approve the minutes from
30 **January 25, 2023 as amended.**

31 **MOTION CARRIES 6-0-0**

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33 Amendments:
34 Change template to reflect that this was a budget meeting
35 Page 1 Line 20: Jonathan Diaz is in Information Technology, not Media
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♦ January 26, 2023

MOTION made by Councilor Woods and seconded by Councilor Healey to approve the minutes from January 26, 2023 as amended.

MOTION CARRIES 6-0-0

Amendments:

Page 2 Line 32: Last bullet point under Souhegan River pedestrian trail is actually about Wire Rd, should be pulled out and made a separate bullet point

Page 2 Line 47; Capitalize “High School”

Page 4 Line 43: seconded by Councilor Healey “to accept”, same on Page 5 Line 8, and line 25 as well

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

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

MOTION CARRIES 6-0-0

The meeting adjourned at 9:37 pm.