



Town Council Meeting Minutes



Thursday, December 7, 2023, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:05 pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, Councilor N. Murphy, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Today is National Pearl Harbor Remembrance Day. Let us pause to reflect on the sacrifice made by many Americans at Pearl Harbor on December 7, 1941 and during the grim struggle which followed.

We would like to extend our condolences to the family and friends of Jessica Wyman, who passed away on Tuesday, November 28th at the age of 52.

Jess was a firefighter for over 26 years - she worked for the Merrimack Fire Department as a firefighter / paramedic from 1992 until 2001, then she moved on to work for the Nashua Fire Department for 16 years where she was the first female firefighter to be promoted to the rank of Lieutenant in department history, retiring in 2017. Her career was extensive and impressive, which also included a Rescue Specialist for Massachusetts Task Force 1, several positions at Southern NH Medical Center and in 2021 she graduated from Eastern Kentucky University receiving her Doctor of Nursing Practice.

Upcoming Town Council Meetings:

- Thursday, December 21, 2023, 7:00 PM Regular meeting
- Wednesday, January 10, 2024, 6:30 PM Budget meeting
- Thursday, January 11, 2024, 7:00 PM Regular meeting
- Wednesday, January 17, 2024, 6:30 PM Budget meeting

Property Tax bills are due by Friday, December 29th. If you have not received your bill yet please reach out to the Town Clerk/Tax Collector's office at 603-424-3651.

The Town Hall offices will be closed on Monday, December 18th from 12:00 – 1:30 PM for an Employee gathering.

The Annual Food Drive is taking place from now through December 31st.

Non-expired canned food and non-perishable items accepted at the following locations:

- Highway and Equipment Maintenance Complex – 76 Turkey Hill Rd.
- Fire Department – 432 Daniel Webster Highway
- Police Department – 31 Baboosic Lake Road
- Library – 470 Daniel Webster Highway
- Public Works Administration – Lower Level @ Town Hall (6 Baboosic Lake Rd.)
- Town Hall – Upper Level (6 Baboosic Lake Rd.)
- Transfer Station – Recycle Building (1 Fearon Rd.)

1 Some suggested donations include toiletries and hygiene products, applesauce, juice boxes, canned soups,
2 macaroni and cheese, pasta, canned tuna, canned fruits and vegetables, crackers, cereal, bottled water, baby
3 formula, diapers & baby wipes. Donations will be brought to the two food pantries in Merrimack;
4 St. John Neumann and St. James United Methodist Church.

5
6 Merrimack Police Department would like to remind residents that the Town of Merrimack's Winter Parking
7 Ban (Ordinance 183-17) and Impeding Snow Removal (Ordinance 183-18) are in effect. No vehicle or trailer
8 shall be parked on any public street or highway between the hours of 11:00 p.m. and 6:00 a.m. from
9 November 15th through April 15th. Further, no vehicle shall be parked on any public street or highway from
10 November 15th through April 15th in such a manner as to impede snow removal. The Merrimack Police
11 Department and the Merrimack Public Works Department ask all residents to assist them in their efforts to
12 maintain safe roads and highways by complying with these requests. Thank you for your cooperation.
13

14 **Comments from the Press and Public**

15 None.

16 **Recognitions, Resignations and Retirements**

17 None.

18 **Appointments**

19 None.

20 **Public Hearing**

21 **1. Public Hearing – Town of Merrimack Charter Article 6-1 (B) Recommended Amendment**

22 *Submitted by Town Manager Paul T. Micali*

23 The Town Council will hold a public hearing to consider the recommended amendment to Charter
24 Article 6-1 (B), Conservation Commission, of the Town of Merrimack Charter.
25
26
27
28

29 Chairman Rothhaus recapped that this amendment would allow a student representative to be recommended
30 by the School Board, who would then recommend the appointment to the Council who then approves the
31 position to the Conservation Commission. Mr. Micali shared that this individual would be a non-voting
32 member and this member will not count towards quorums for this commission. Because this commission is
33 written into the Town Charter, they have to meet these requirements before any changes can be made. After
34 tonight, this has to go up to the state, where they have 45 days to vote on this, and then this comes back for
35 another public hearing to place it on the Town Warrant.
36

37 The public hearing was opened at 7:10pm and closed at 7:11pm.
38

39 **MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the**
40 **recommended amendment to Charter Article 6-1 (B), Conservation Commission, of the Town of**
41 **Merrimack Charter, and pass along to the Town Clerk to present to the proper authorities for their**
42 **approval.**

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

1 **Legislative Updates from State Representatives**

2 None.

3
4 **Town Manager's Report**

5 The Wastewater Treatment Facility recently completed the startup and testing of their new Emergency
6 Generators as part of the ongoing Phase III-V upgrade. This represents a significant milestone, this project is
7 now 80% complete with an anticipated final completion date of July 24, 2024.

8 As of December 1, 2023 the Wastewater Facility has stopped the sale and give away of compost for the 2023
9 season. Resident cards for compost give away for the 2024 season can be obtained after February 1, 2024,
10 the sales and give away of compost will resume mid-March 2024 weather dependent.

11
12 Merrimack Journal/Sunday Select –

13 This week will be the last publication of the Merrimack Journal / Sunday Select.

14
15 The River Trail is progressing with the contractor completing portions of the concrete work, and the bulk of
16 the excavation to the trail subgrade. In the next few weeks the contractor will continue with drainage
17 installation, concrete repairs and placement of the concrete support wall (weather dependent).

18 **Consent Agenda**

19 **1. Consideration of Changes to Chapter 142, Parks & Recreation Areas [Final Reading]**

20 *Submitted by Parks and Recreation Director Matthew Casparius*

21 The Town Council to consider the acceptance of recommended changes to Chapter 142, Parks and
22 Recreation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

23
24 **MOTION made by Councilor Hunter and seconded by Councilor M. Murphy to move the Consent
25 Agenda.**

26 **MOTION CARRIES 7-0-0**

27
28 **Old Business**

29 None.

30 **New Business**

31 **1. Proposed Girl Scout Silver Award Project at Wasserman Park Theater**

32 *Submitted by Parks & Recreation Director Matthew Casparius*

33 Girl Scout Nora Campbell to present the Town Council with her proposed Girl Scout Silver Award
34 Project to fix up the dressing room area of the Wasserman Park Theater as well as build wings on the
35 sides of the stage to hide actors when they are not on stage.

36
37 Girl Scout and Merrimack Middle School 8th grader Nora Campbell was present to talk about her project
38 ideas, sharing the following via PowerPoint:

39 **What is a Silver Award?**

- 40
- 41 • The silver award is the highest award a Girl Scout Cadette can earn
 - 42 • This award must fix/improve a problem that the girl has noticed in the community
 - The project should take at least 50 hours

- The girl has a project advisor who is skilled in the specific area of expertise, and a mentor to assist the project

My Inspiration

- I chose to fix up the Wasserman park theatre room for my project. I chose to do this as I love the arts. I have done many productions, two of which were performed in the Wasserman Theatre. The area has a lot of potential and is underutilized in my opinion. I want to change this!

The Overview

- Clean, update, and provide a facelift to the entry and dressing room areas of the theater at Wasserman Park. Build and install wings on the stage to hide the offstage cast and crew from audience members.
- Items below based on preliminary walk through with advisors Parks & Rec Director Matt Casparius, MMS Theater Director Jeff Caron, and Home Depot ASM David Campbell.
- Work to be completed by Cadette Girl Scout Nora Campbell, with help from fellow Girl Scout members, and Merrimack Home Depot associates during one or more build and painting days.

The Entry

- Deep clean
- Paint the walls
- Replace the ceiling tiles
- Information Memorial Plaques

The Stage

- Install two 4' wide stage to rafter wings on each side of the stage
- Add storage above the stairs

The Dressing Room in the Basement

- Replace current delaminating lauan walls
- Install new ceiling panels to cover exposed joists
- Install new ceiling lighting
- Install vinyl flooring
- Update mirror and lighting on the wall
- Broadway on Baboosic Mural
- Procure furniture to upgrade comfort that is also suitable for storage in basement conditions
- Insulate exterior basement walls

Changing Stalls

- Build two portable changing stalls
- Build a wood bench attached to the wall in each stall

Timeline for my Project

- Secure necessary approvals
- Parks and Rec (Nov 2023)
- Town Council (Dec 2023)

- 1 • GSGWM (Jan 2024)
- 2 • Finalize Design and Materials list (Jan 2024)
- 3 • Construction (Feb-Apr 2024)
- 4 • Painting (April-May 2024)
- 5 • Ribbon Cutting (May-June 2024)

6
7 **Totals for Entire Project**

8
9 **Basic:**

- 10 • Flooring: \$234.98
- 11 • Walls: \$542.96
- 12 • Ceiling: \$447.60
- 13 • Changing stalls: \$147.32
- 14 • Optional: \$217.33

15 **Total (without optional): \$1,372.86**

16 **Total (with optional): \$1,590.19**

17
18 **Upgrade:**

- 19 • Flooring: \$515.40
- 20 • Walls: \$812.94
- 21 • Ceiling: \$795.30
- 22 • Changing stalls: \$240.90
- 23 • Optional: \$217.33

24 **Total (without optional): \$2,364.54**

25 **Total (with optional) \$2,581.87**

26
27 **Funding**

- 28 • Monetary Donations
 - 29 ○ Girl Scouts
 - 30 ○ Home Depot
 - 31 ○ Other non-profit organizations
- 32 • Donations of Materials
 - 33 ○ Home Depot
 - 34 ○ Other suppliers
- 35 • Fundraising

36
37 **MOTION made by Councilor M. Murphy and seconded by Councilor N. Murphy to approve the**
38 **proposed Girl Scout Silver Award Project to fix up the dressing room area of the Wasserman Park**
39 **Theater as well as build wings on the sides of the stage to hide actors when they are not on stage.**

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

1 **2. National Wreaths Across America Day - Proclamation**

2 *Submitted by Town Councilor Nancy Murphy*

3 The Town Council to issue a proclamation designating December 16, 2023, as “National Wreaths
4 Across America Day” in the Town of Merrimack.

5
6 Town of Merrimack

7 Town Council

8 Proclamation

9 National Wreaths Across America Day – **December 16, 2023**

10
11 **WHEREAS**, the national nonprofit organization Wreaths Across America was founded in 2007 and coordinates
12 wreath-laying ceremonies at Arlington National Cemetery, as well as at more than 3,400 additional locations in all 50
13 states, at sea and abroad; and

14
15 **WHEREAS**, the mission of Wreaths Across America is to “Remember the Fallen, Honor Those Who Serve and Teach
16 Our Children the Value of Freedom”; and

17
18 **WHEREAS**, Wreaths Across America has chosen “SERVE AND SUCCEED” as its 2023 theme to encourage youth
19 to get involved in their own communities to serve in even small ways that can make a big impact; and

20
21 **WHEREAS**, Wreaths Across America is made up of more than 2,200 participating locations across the country run by
22 dedicated volunteers looking to share the mission to Remember, Honor, Teach, through annual wreath laying
23 ceremonies each December and awareness and education events throughout the year.

24
25 **NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Town Council of the Town of Merrimack hereby
26 proclaim December 16, 2023, as National Wreaths Across America Day in the Town of Merrimack, NH and extend
27 our thanks and appreciation to our Veterans for their service and sacrifice and to Wreaths Across America for bringing
28 this honor to our community.

29
30 **Proclaimed** this 7th day of December 2023 by the Merrimack Town Council.

31
32 **MOTION made by Councilor N. Murphy and seconded by Councilor Healey to accept the**
33 **proclamation designating December 16, 2023, as “National Wreaths Across America Day” in the**
34 **Town of Merrimack.**

35 **MOTION CARRIES 7-0-0**

36
37 **3. Septic Line Easement Request for 17 Jebb Road**

38 *Submitted by Public Works Director Dawn Tuomala*

39 Resident Todd Gamache has requested a septic line easement to allow the sewer line from the
40 property on 17 Jebb Road to cross under the road and into the septic system located on 16 Jebb Road.

41
42 Leo Laviolette and Leo Gaudette were present to share that the resident at 17 Jebb Road is rebuilding their
43 septic system and their plan is to put it across the street at 16 Jebb Road, so they are requesting an easement
44 for this. This will help the water quality issues around Baboosic as their house is on the lake side of the road,
45 and putting the septic across from that will help with the water quality. Mr. Micali stated that the owner owns
46 both properties, so the easement is simply due to the fact that the line will be going under the road, which is
47 public property.

1 **MOTION** made by Councilor Koenig and seconded by Councilor Healey to accept the septic line
2 easement to allow the sewer line from the property on 17 Jebb Road to cross under the road and into
3 the septic system located on 16 Jebb Road as outlined in the discussion tonight, and allow the Town
4 Manager to sign any necessary documents.

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

6
7 **4. Cider Court Drainage and Slope Easement Revision**

8 *Submitted by Public Works Director Dawn Tuomala*

9 The Town Council to consider a request to revise an existing drainage and slope easement on Cider
10 Court.

11
12 Leo Laviolette shared that this request is to have part of the existing drainage and slope easement given back
13 to the homeowner as he has young children and would like to put a fence up and square up his property line.
14 Mr. Micali shared that this doesn't affect the drainage area, and they will still be able to get their trucks in
15 and out of the area.

16
17 **MOTION** made by Councilor Koenig and seconded by Councilor M. Murphy to accept the request to
18 revise an existing drainage and slope easement on Cider Court, and allow the Town Manager to sign
19 any necessary documents.

20 **MOTION CARRIES 7-0-0**

21
22 **5. Withdrawal of Funds from the Sewer Capital Reserve Fund**

23 *Submitted by Public Works Director Dawn Tuomala*

24 The Town Council to consider a request to release the amount of \$90,696.21 from the Wastewater
25 Capital Reserve Fund for the purpose of paying the Sewer Utility Cost required by NH DOT for the
26 F.E. Everett Turnpike Widening Project.

27
28 Mr. Micali shared that this area is around St. Gobain where there is an existing sewer line where the pipe is
29 covered in a sleeve. The recommendation is to extend the sleeve on the western and eastern sides, so a bid
30 went out to have this work done. Audley won the bid as a bid alternative at about \$75,000, however the state
31 put a surcharge on it so the total is \$90,696.21 that has to be paid up front before the F.E. Everett Turnpike
32 project can be completed.

33
34 **MOTION** made by Councilor Hunter and seconded by Councilor N. Murphy to release the amount of
35 \$90,696.21 from the Sewer Infrastructure Capital Reserve Fund for the purpose of paying the Sewer
36 Utility Cost required by NH DOT for the F.E. Everett Turnpike Widening Project, and authorize the
37 Town Manager to sign any necessary documents.

38 **MOTION CARRIES 7-0-0**

39
40 **6. Withdrawal of Funds from the Sewer Capital Reserve Fund**

41 *Submitted by Public Works Director Dawn Tuomala*

42 The Town Council to consider a request to release the amount of \$5,578.54 from the Wastewater
43 Capital Reserve Fund for the purpose of paying the Sewer Utility Cost required by NH DOT for
44 Safety Improvements on the NH 101A / Continental Boulevard Project.

1 Mr. Micali stated that this project is around Boston Post Road to repair the sewer infrastructure, and this
2 amount is cost of the town's portion.
3

4 **MOTION made by Councilor N. Murphy and seconded by Councilor Healey to release the amount of**
5 **\$5,578.54 from the Sewer Capital Reserve Fund for the purpose of paying the Sewer Utility Cost**
6 **required by NH DOT for Safety Improvements on the NH 101A / Continental Boulevard Project, and**
7 **authorize the Town Manager to sign any necessary documents.**

8 **MOTION CARRIES 7-0-0**
9

10 **7. Wire Road/US Route 3 Intersection Traffic Signal Determination**

11 *Submitted by Public Works Director Dawn Tuomala*

12 The Town Council to determine whether the design should include traffic lights at the intersection of
13 Wire Road and US Route 3 Intersection.
14

15 Mr. Micali shared that they were in Concord at the State House for the traffic warrant and this failed, so the
16 consultants came back to re-evaluate it and the traffic warrant passed, but they now have to decide if they
17 should put infrastructure or traffic lights in. Leo Laviolette then shared that they have a couple of options.
18 They can put underground infrastructure in place and not put traffic lights in place, but they wouldn't be able
19 to include the second MYA entrance area or the left hand turn from the south bound side or straight coming
20 out of Wire Rd. They would have to have basically keep the current set up, with Wire Rd coming out with a
21 stop sign. He stated that this isn't the best option as now is the time to make changes since everything is
22 covered under the contract and the state is providing 80% financing so they can put in traffic lights now
23 instead of waiting and having to pay for everything on their own in the future. Vice Chair Harrington agreed
24 that this should be done now while the state is paying for a majority of it as this is the most cost effective
25 option for the town. Mr. Micali stated that the technology that would be going in would cover from CVS to
26 Front Street and would push traffic through that entire area. Vice Chair Harrington shared that these
27 coordinated lights would make a major difference for the traffic pattern. Councilor Healey voiced concerns
28 about stacking up traffic lights, asking if this will have options to bypass emergency vehicles, in which Mr.
29 Micali stated that all emergency vehicles will have the bypass system coordinated with these lights.
30 Councilor Koenig asked for the timing on this project, in which Mr. Micali stated this would be around late
31 2024 - early 2025.
32

33 **MOTION made by Vice Chair Harrington and seconded by Councilor Healey to install a traffic**
34 **signalization with traffic light at Wire Road, and authorize the Town Manager to sign any necessary**
35 **documents.**

36 **MOTION CARRIES 7-0-0**
37

38 **8. Consideration of Lease Agreement Between the Town of Merrimack and Verizon Wireless**

39 *Submitted by Town Manager Paul T. Micali*

40 The Town Council to consider allowing the Town Manager to enter into a lease agreement with
41 Verizon Wireless to erect an 800 MHz Communications tower and to authorize the Town Manager to
42 sign and execute the lease agreements.
43
44
45

1 Mr. Micali shared that this lease agreement would be for 22 years, meaning that this lease would go until
2 2045. Once the tower is erected, it will be turned over to Verizon to serve as the lease payment. They also
3 have prioritization of the antenna placement as part of their agreement with Verizon. Erecting this tower will
4 help with communications as the fire department currently uses the 800 MHz communications through
5 Motorola.

6
7 **MOTION made by Councilor Koenig and seconded by Councilor M. Murphy to allow the Town
8 Manager to enter into a lease agreement with Verizon Wireless to erect an 800 MHz Communications
9 tower and to authorize the Town Manager to sign and execute the lease agreements as presented.**

10 **MOTION CARRIES 7-0-0**
11

12 **Minutes**

13 Approve the minutes from the following Town Council meeting:

14 ♦ November 16, 2023

15
16 **MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to approve the
17 minutes from November 16, 2023 as amended.**

18 **MOTION CARRIES 6-0-1 with Chairman Rothhaus abstaining**
19

20 Amendments:

21 Page 7: Consent Agenda: Remove the second motion as the motion was to approve as presented

22 Page 7 Line 48: remove highlighted period after December 8.
23

24 **Comments from the Press**

25 None.

26 **Comments from the Public**

27 Shawn Farrell of 124 Wilson Hill Rd wanted to speak on the Verizon tower. He shared that he also works for
28 the fire department and wanted to speak on the current communication system he uses. He stated that he's
29 been part of this process for about 5 years and he works mostly in communications as his ancillary duty and
30 is well versed in how the system has been working. He shared that he has partaken in a study on the
31 communications system, and wanted to elaborate on what the 95% coverage really means. He shared that the
32 radios in the trucks put out a stronger signal than the ones that are worn on bodies when going into homes or
33 buildings, and the 95% coverage reflects the vehicles, not bodies. Mr. Farrell thinks the tower is a great first
34 step, but nobody believes that this will be a magic solution to solve all the communication issues. He would
35 like other considerations to be thought of during the upcoming budget cycle to have further improvements
36 made. He further shared that in the past 6 weeks alone, they've had multiple complete communications
37 failures, two of them being critical EMS incidents. Additionally, their back up plan is their old system that
38 they are trying to move away from. Mr. Farrell also spoke on the recent brush fires along the highway,
39 sharing that mutual aid had to use cell phones to communicate with them as they had such a hard time using
40 the communication system. He then spoke about surrounding cities and towns and the systems and booster
41 sites that they use, highlighting the importance of effective communication systems and how a solution is
42 needed outside of just the tower, which can take 2 years to complete.

1
2
3
4
5
6
7
8
9
10
11
12

Comments from the Council

None.

Adjourn

MOTION made by Councilor Hunter and seconded by Councilor Koenig to adjourn the meeting.

MOTION CARRIES 7-0-0

The meeting adjourned at 8:28pm.

Respectfully submitted by Jennifer Steagald

DRAFT