



Town Council Meeting Minutes



Thursday, April 11, 2024, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:01 PM. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Koenig, Councilor M. Murphy, Councilor N. Murphy, and Town Manager Paul Micali. Councilor Hunter arrived at 7:24pm.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, April 25, 2024, 7:00 PM Regular meeting
- Thursday, May 9, 2024, 7:00 PM Regular meeting
- Thursday, May 23, 2024, 7:00 PM Regular meeting

The filing deadline for all property tax exemptions and tax credits is Monday, April 15th.

Beginning on April 25th, the Transfer Station will be open on Thursday nights until 7:00 PM during the summer months.

The first Household Hazardous Waste Collection of the 2024 season will be held on Saturday, April 20th from 8am until 12pm at the Nashua Public Works Garage located at 9 Stadium Drive in Nashua.

2024 Dog Licenses available at the Town Clerk’s Office. Per NH State law, all owners of dogs four months and older are required to license their dog by May 1st. Owners must present a valid rabies certificate and a neutering or spaying certificate, if applicable. If you no longer have your dog, please contact the Town Clerk’s office at 603-424-3651 so that we may update our records.

The Merrimack Police Department has seen a large increase in scam activity. The scams have been reportedly involving our elderly community, but not always. We have taken several reports where the scammers have used the internet, emails, and telephone, both cell and landline to steal thousands of dollars from our citizens. In an effort to assist our community and cut down on this fraudulent activity, we are looking to put together an email list. This email list will be used to communicate valuable information involving scams and other important information that we receive through multiple federal agencies and organizations. Signing up is easy and free.

Send your email address, name and phone number to our Community Services Officer, Det. Bill Vandersyde at: wvandersyde@merrimacknh.gov. If you have any questions, please contact Det. Bill Vandersyde at 603-420-1842 or wvandersyde@merrimacknh.gov.

Comments from the Press and Public

None.

1 **Recognitions, Resignations and Retirements**

2 **1. Recognition of Resignation of Town Employee**

3 *Submitted by Human Resources Director Sharon Marunicz*

4 The Town Council will recognize Carol Miner for more than 21 years of full time service to the
5 Town of Merrimack. Carol worked in the Building and Health Division: September 23, 2002 – March
6 8, 2024.

7
8 Chief DiFronzo spoke on how great of an employee Ms. Miner was. Ms. Miner will be presented with a
9 plaque for her years of service with the Town of Merrimack.

10
11 **2. Recognition of Resignation of Town Employee**

12 *Submitted by Human Resources Director Sharon Marunicz*

13 The Town Council will present a recognition award to former Fire Marshal John Manuele in
14 recognition of his retirement from Merrimack Fire Rescue Department after almost 18 years of full
15 time service: November 21, 2005 – November 29, 2023.

16
17 Chief DiFronzo also spoke on Captain Manuele and how knowledgeable of an employee he was. Captain
18 Manuele was present to receive his recognition plaque.

19
20 **Appointments**

21 None.

22
23 **Public Hearing**

24 **1. Public Hearing – Proposed Discontinuance of the Intersection of Church Street and Daniel
25 Webster Highway**

26 *Submitted by Public Works Director Dawn Tuomala*

27 The Town Council will hold a public hearing to discuss the proposed discontinuance of the
28 intersection of Church Street and Daniel Webster Highway to allow for the construction of a sidewalk
29 along Daniel Webster Highway, north of the Merrimack Public Library and extending to Wire Road,
30 pursuant to RSA 231:43.

31
32 Town Manager Paul Micali shared that this has been an ongoing part of the planning process to see how the
33 Council feels about discontinuing Church Street once construction begins. Ms. Tuomala, along with Chris
34 Turgeon from the Beta Group, were then present and shared the following information via PowerPoint:

- 35
36
 - There is a section of Church Street that is currently prohibiting the extension of the Town Center
37 sidewalk along the west side of Route 3 (DWH) north from the Merrimack Public Library to Wire Rd

38
39 **Recommendations and Considerations**

- 40
 - The intersection poses safety problems for motorists
 - The intersection also prohibits a sidewalk along the west side of Route 3 (DWH) north from the
41 Merrimack Public Library to Wire Rd
 - Abutter feedback has been supportive, most of the concerns are centered around traffic implications
42 on the remaining portion of Church St
 - The Police and Fire departments as well as the Town Center Committee are all in favor of closing
43 this section of the road
 - If the proposal passes and the road is closed, additional work is needed to create a turnaround on the
44 remaining section of road for emergency vehicles
 - Address the concerns that have been brought up by the abutters
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1
2 **Abutter Notes of Concern**

3 *From: Daniel Wiedenheft*
4

- 5 • The east end of Church St is pretty much a free-for-all. People drive through the parking lots and park
6 in the street. This hinders emergency vehicles' access and turning. We should establish where the
7 street ends and where the parking areas are, install signage and mark the pavement accordingly.
- 8 • People accelerate up the library exit, sweep left across the Senior Center parking lot, and re-enter
9 Church St. in front of my house going at high speeds. We should make the transition from the library
10 exit to Church St. an actual intersection, complete with a 90 degree turn and a stop sign, and prevent
11 cutting through the Senior Center lot.
- 12 • Students (and other pedestrians) walk down Church St., and then up DW Hwy. This will result in
13 worn tracks if any grass is planted, resulting in mud and erosion. We should install a path of some
14 sort, such as gravel or even pavement, to accommodate foot and bicycle traffic.
- 15 • The proposed guard rail at the top of the closed area is industrial and ugly. Can we put in something
16 more attractive? Such as giant boulders, cement pillars (which the school art dept could paint), wood
17 fence, shrubs, etc.?
- 18 • When it rains, there's a raging torrent along the north side of Church St. This carries debris, sand,
19 rocks, etc. from upstream across Madi's parking area, and down into DW Hwy. Let's make sure any
20 plans include good drainage, as the current plan will either funnel this river into Madi's front door, or
21 wash out all the turf we're proposing to install.
- 22 • Alleviating the drainage problem further west will help too- putting in pavers (like Turfstone) or
23 other erosion controls from 9 Church St. all the way down to the proposed closure will help avoid
24 fast-running water in the first place.
- 25 • The Town has recommended leaving the section of Church St. in question open as long as possible,
26 until construction is ready to begin. Many residents of Church St. agree that this is not in safety's best
27 interest. Keeping it open increases the opportunity for more accidents and more people hurt.

28
29 **Abutter Notes of Concern- Summary**

- 30 • Many accidents have occurred because of the configuration of the intersection. One such accident
31 permanently crippled a young child. Another resulted in an improperly parked car rolling down the
32 hill, across the highway, and running into Mr. Doyon's house. Another accident last week resulted in
33 a 3-car pile-up with extensive damage to all involved. I hear squealing brakes and horns frequently as
34 people narrowly avoid accidents.
 - 35 • Trucks and delivery vehicles going North on DW Hwy and then west on Baboosic Lake Rd don't like
36 waiting for the traffic light in order to turn left, so they go straight through and take a left on Church
37 St. instead. Then, in order to beat the traffic that lawfully waited for the light, they travel at high
38 speed, and often don't stop for the stop sign at the west end of Church St.
 - 39 • Despite the current signage that forbids left-hand turns onto DW Hwy, I watch a dozen or more cars
40 per day making illegal turns in order to avoid the traffic light at Baboosic Lake Rd.
 - 41 • Cars that come up Church St. from DW Hwy find themselves face-to-face with cars that park on the
42 north side of Church St. (in the middle of the road) for the AA meetings, the Senior Chorus, and
43 various other events. If people are to be allowed to park along the north side of Church St., they pose
44 a risk to traffic coming up from DH Hwy.
 - 45 • The simplest and most effective solution to all the above problems is to **immediately close** Church
46 St., even if only with a few Jersey barriers. Why wait to save lives, let's start now.
- 47
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1 **Church St Notes of Concern- *Nathan Streeter***

- 2 • Our primary concern is that with this change to close that end of Church St. all the traffic from the
3 library, community center, and church (plus the residences on Church St. and some traffic from the
4 cemetery) would all be directed to exit at the intersection of Church St. and Baboosic. At busy times
5 of day, that intersection can become challenging, particularly for left-hand turns.
- 6 • Our pastor lives in the house between the library and the church, he noted that he does observe a non-
7 trivial amount of traffic driving on this short portion of Church St. Perhaps a traffic sensor on that
8 potentially-closed portion of Church St. could be used to understand how much traffic would be
9 diverted?
- 10 • We do recognize visibility and the grade are poor at the intersection of Church St. and DW
11 Highway...one idea we had was to add a one-way exit from the library right at the end of the parking
12 spots, where visibility is better before going up the hill. Space in that area is constrained and it would
13 mean cutting a curb/adding a crosswalk, but it would reduce congestion at the intersection of Church
14 St. and Baboosic.
- 15 • Aside from the implications to automobile traffic, we do appreciate the efforts to improve walkability
16 in the town center! Not sure if it's already on a long-term plan, but we thought extending the
17 sidewalk all the way to the Post Office, Tractor Supply strip, and nearby condos/apartments would be
18 desirable. In particular, the bridge of DW Highway over Baboosic Brook (between Wire Rd and the
19 Post Office) is narrow and feels unsafe for pedestrians and bicyclists. Of course, the existing width of
20 the bridge is also the main obstacle to widening that portion!

21
22 **Town Center Committee- Concerns**

- 23 • After consideration of these reports and recommendations received, the Town Center Committee
24 offers the following recommendations for the Town Council and Town Manager action:
- 25 ○ It is recommended that Church St. be made a dead-end street at the top of the hill, that the
26 intersection of Church Street and Route 3 be eliminated, and that discontinuance of the
27 Church Street intersection and sidewalk planning be included as part of the Wire Road
28 Intersection planning and re-construction presently being undertaken by the Town PWD.
- 29 • At the public discussion, most Church St. residents seemed to feel that the addition of sidewalks
30 along Route 3 was a good thing, however they did raise several presently existing traffic and parking
31 issues that could be addressed along with the intersection closure or in future CIP planning. These
32 include:
- 33 • Investigate means of improving the intersection of Church Street/Baboosic Lake Road and McElwain
34 Street to alleviate conflicting traffic movements.
 - 35 • Parking at the Adult Community Center is a problem, especially on Sunday mornings. Explore the
36 acquisition of the Choueri property, which could relieve parking problems at the Adult Community
37 Center.
 - 38 • Investigate tree removal to ease the sharp turn on Church Street which is difficult for busses.
 - 39 • Better signage prohibiting access to Baboosic Lake Road through the Congregational Church
40 driveway is desired.
 - 41 • Relocation of the Library could relieve much of the through-traffic on Church Street.

42
43 The public hearing was opened at 7:21pm.

44
45 Nathan Streeter, a member of the Executive Council of The First Church of Merrimack located at 7 Baboosic
46 Lake Road, wanted to highlight how much of a concern parking is, especially during hours of service or
47 events.

1 Steve Dembow of 15 Joppa Road, shared that his concern is the accessibility for emergency vehicles to get
2 through to the senior citizens that live in the area due to the congestion from the limited parking. He also
3 raised concerns about the sidewalk, asking why it couldn't be hashed out as a crosswalk with a push button
4 signal. He is not in favor of closing the road for these reasons, but would encourage looking into barriers that
5 emergency vehicles could drive over in case of emergencies if the road were to be closed.
6

7 Erik Johnson of 482 Daniel Webster Highway shared that he is not in favor of the road being closed due to
8 the traffic issues this would cause.
9

10 Dave Gailus of 9 Church Street shared that he is in favor of a walking path, but agrees that there is a lot of
11 traffic on the street from 7:00am and beyond, to the point where he had to change his work schedule.
12

13 William Behrens of 25 Island Drive, formerly of 5 Church Street, shared that he was living on Church Street
14 when they discussed closing it the first time, about 10 years ago, and he recalls issues with the hill and a
15 school bus getting stuck. He is in favor of keeping the road open and fixing up the sidewalk.
16

17 The public hearing was closed at 7:34pm.
18

19 Mr. Turgeon shared that flattening the slope on Church St. would remove about 3 feet of material in the road
20 and would not impact the library driveway, so this is an option they can look into. Councilor Healey shared
21 that depending on where Church St. is blocked, this could impact a new restaurant that is opening soon. She
22 also shared that holiday parades and other events will make getting out of the area difficult. Councilor
23 Koenig shared that he thinks Church St. should be closed as there is no safe access, and a turnaround or
24 egress will have to be built along with some type of rumble strip or something to help prevent people from
25 parking in the area. Ms. Tuomala is going to have the surveyors come out and get updated topography to
26 help answer some of these questions so Mr. Turgeon can plan out some solutions for Church St. Ms.
27 Tuomala shared that they're preparing another cost amendment for this project to include the survey crew, so
28 they will get the scope of this and regroup with the Council once they have a better idea of the additional
29 work that they can do for this area.
30

31 **Legislative Updates from State Representatives**

32 Councilor N. Murphy shared that HB1649 passed 233 to 140, which is relative to prohibiting certain
33 products with intentionally added PFAS. This will take things out of the waste stream and keep our landfills
34 a little clearer. She also shared that the EPA was here yesterday to make an announcement about new PFAS
35 enforceable MCLs, which will help communities, especially ours, which are impacted by PFAS.
36

37 **Town Manager's Report**

38 Merrimack TV recorded yesterday's "Citizens for Clean Water" event, the program will play on Channel 22
39 throughout the week and it is available to watch on the Merrimack TV app.
40

41 Grace LeMay, Media Assistant, will be recognized at the Rotary Club's Excellence in the Workplace event
42 on April 25th. We appreciate Grace's commitment to community media, providing service to residents, and
43 the stories she tells through the "Merrimack Moment" series. This is a well-deserved recognition!
44

45 Councilor M. Murphy wanted to also recognize Town Manager Paul Micali for the Rotary Club's Excellence
46 in the Workplace Award, as he was nominated by the Town Council. She shared that Mr. Micali goes above
47 and beyond in his role, showing up at events and getting to know the people in the Town, as well as always
48 trying to find ways to make the Town a better place. The Council gave Mr. Micali a round of applause.

1
2 Without objection the Town Council moved Item 3 under New Business to be heard next.
3

4 **3. Beals Road Bridge Replacement**

5 *Submitted by Public Works Director Dawn Tuomala*

6 The Town Council to consider the request to withdraw up to \$9,000 from the Road Infrastructure
7 Capital Reserve Fund for the Town of Merrimack's portion of the Beals Road Bridge Replacement
8 project.
9

10 Public Works Director Dawn Tuomala was present with Bedford Town Engineer Brian Desfosses to discuss
11 the Beals Road Bridge Replacement project. She shared the following information via PowerPoint
12 Presentation:

- 13 • Beals Road Bridge (105-055) is split between Bedford and Merrimack.
- 14 • The bridge falls under the State Red Listed Bridges and needs to be replaced.
- 15 • The Town Line of Merrimack and Bedford falls on the Bridge.
- 16 • A survey of the Town Line was conducted to understand how much of the bridge is in Merrimack.
17 The survey showed that approximately 3% of the bridge is in Merrimack.
- 18 • The Construction and Construction Engineering (CE) for the bridge is being funded 100% from NH
19 Department of Transportation (NHDOT).
- 20 • The State is also paying for 80% of the PE (Professional Engineer) and ROW (right of way).
- 21 • Bedford and Merrimack will be paying for the remaining 20% of those costs.
- 22 • The Town of Merrimack is responsible for PE costs totaling \$7,461.89. In addition, the cost of the
23 ROW Drainage and Slope easements in Merrimack will be the responsibility of the Town of
24 Merrimack. The cost of the easement is still being negotiated but is anticipated to be less than \$1,500.
- 25 • We would like to request that the Town Manager be able to sign any documents pertaining to the
26 project and to be able to expend a maximum of \$9,000 from the Roads Infrastructure.
27

28 **MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to approve the**
29 **withdrawal of up to \$9,000 from the Road Infrastructure Capital Reserve Fund for the Town of**
30 **Merrimack's portion of the Beals Road Bridge Replacement project, and allow the Town Manager to**
31 **sign any necessary documents.**

32 **MOTION CARRIES 7-0-0**
33

34 **Consent Agenda**

35 **1. Town Manager Annual Evaluation**

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

37 The Town Council to affirm annual evaluation completed.
38

39 **MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to approve consent**
40 **agenda.**

41 **MOTION CARRIES 7-0-0**
42

43 **Old Business**

44 **1. Continental Boulevard Follow-up Discussion**

45 *Submitted by Town Manager Paul T. Micali*

46 The Town Council to review the amended language in House Bill 2024, approve the proposed letter,
47 and allow the Town Manager to submit the proposed letter to the Transportation Committee
48 regarding Continental Boulevard history.
49

1 Mr. Micali shared that he is meeting with Senator Shannon Chandley and a few Representatives from our
2 delegation tomorrow at 11:00am to go over the binder that they had paid for when they were looking at
3 reducing the tolls. He had looked through the information to help debunk some myths about Continental
4 Boulevard, such as how it was not a road that was built for Merrimack or built to improve Merrimack in any
5 way, or that Merrimack requested the road to be built. His research shows that back in the mid to late 80s
6 they requested exit 10 to be built north of Burger King going westerly to improve that section of the road
7 towards Industrial Drive, but this has no bearings on Continental Boulevard. Mr. Micali also shared that he
8 and Senator Chandley are also going to speak with Senator Denise Ricciardi from Bedford who chairs the
9 Transportation Commission for the Senate next Tuesday at 11:00am prior to going to the hearing on this
10 issue. He is also hoping to debunk the cost to maintain the road, in which the NHDOT is saying it will cost
11 \$94,000 to maintain the road, which is correct, but the difference is between the state's budget vs the Town's
12 budget and how it greatly varies. That amount simply cannot be spent on one road, especially since NHDOT
13 has it on an 8 year paving schedule.

14
15 **MOTION made by Vice Chair Harrington and seconded by Councilor Healey to approve the**
16 **proposed letter and allow the Town Manager to submit the proposed letter to the Transportation**
17 **Committee regarding Continental Boulevard history.**

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

19
20 **New Business**

21 **1. Finance Director Position Confirmation**

22 *Submitted by Town Manager Paul T. Micali*

23 The Town Council shall confirm the appointment of the new Finance Director, pursuant to Charter
24 Article 7-8.

25
26 Mr. Micali shared that new Finance Director, Paul Calabria, comes with over 20 years' experience in the
27 finance realm and has previous finance director experience in the Town of Milford and Town of Hollis, as
28 well as brings a unique perspective as he was the assistant to a business manager for the City of Nashua
29 School District.

30
31 **MOTION made by Councilor Healey and seconded by Councilor N. Murphy to confirm the**
32 **appointment of the new Finance Director, Paul Calabria, pursuant to Charter Article 7-8.**

33 **MOTION CARRIES 7-0-0**

34
35 **2. Daniel Webster Highway Sidewalk Discussion**

36 *Submitted by Public Works Director Dawn Tuomala*

37 The Town Council to be presented with an update on the New Hampshire Department of
38 Transportation's (NHDOT) Transportation Alternatives Program (TAP) project awarded to the Town
39 of Merrimack consisting of the construction of a sidewalk from Chamberlain Bridge to the 360 Plaza
40 and to allow the Town Manager to sign all necessary documents.

41
42 Ms. Tuomala and Deputy Director Leo Laviolette shared the following information via PowerPoint
43 Presentation:

44
45 **Project Details**

- 46
- 47 • The project falls under the Transportation Alternative Program (TAP). The Grant was awarded in
48 2021 in the amount of \$1,703,521.18.
 - 49 • The project proposal is to Construct 3,600 of a sidewalk and drainage along Daniel Webster Highway
from Chamberlain Bridge to the 360 Plaza). Filling in the missing sections of sidewalk.

- The project is a combination of State Aid (80%) and Town Funded (20%).
- The project will also provide the opportunity to improve the safety of the pedestrians in the area.
- Work will include drainage that is currently missing along this section of road.
- The NH Department of Transportation (NH DOT) has moved the construction of this project up in their timeline from 2032 to 2027.
- The project agreement documents will need to be signed now to allow the TAP Grant Process to begin.
- Public Works is requesting the Town Council to allow the town Manager to sign all necessary documents on behalf of the town.

MOTION made by Vice Chair Harrington and seconded by Councilor Koenig to begin the Daniel Webster Highway Sidewalk Expansion Project, and allow the Town Manager to sign any necessary documents.

MOTION CARRIES 7-0-0

4. National Public Works Week Proclamation

Submitted by Public Works Director Dawn Tuomala

The Town Council to consider the request to read and sign the National Public Works Week Proclamation for the week of May 19 – 25, 2024.

- This year’s National Public Works Week is May 19-25th.
- The theme is “Advancing Quality of Life for all”.
- All Public Works departments will be closed on Wednesday May 21st for training and employee recognition.
- Would like to have the Town Council support and signature on the prepared document.

National Public Works Week Proclamation

May 19–25, 2024

“Advancing Quality of Life For All”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Merrimack, New Hampshire and,

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Merrimack, New Hampshire and,

citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in Merrimack to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, We, The Merrimack Town Council do hereby designate the week May 19–25, 2024, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

1 IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed),
2 DONE at Merrimack, New Hampshire this 11th day of April 2024

3
4 **MOTION made by Councilor Healey and seconded by Councilor N. Murphy to approve the National
5 Public Works Week Proclamation for the week of May 19 – 25, 2024.**

6 **MOTION CARRIES 7-0-0**

7
8 **5. F.E. Everett Turnpike (FEET) Widening in Merrimack – Request to Withdrawal from the
9 Roads Infrastructure Capital Reserve Fund**

10 *Submitted by Public Works Director Dawn Tuomala*

11 The Town Council to consider the request to withdrawal of an additional \$14,799.28 from the Roads
12 Infrastructure Capital Reserve Fund to cover the cost of a second amendment to the F.E. Everett
13 Turnpike (FEET) Widening Project.

14
15 Ms. Tuomala shared the following information about the Dumpling Brook Sewer Project via PowerPoint
16 Presentation:

- 17 • Additional funding is needed to protect the town’s sewer infrastructure under the F.E. Everett
18 Turnpike due to the widening project.
- 19 • As-Built plans were given to the State showing a location of the sleeve.
- 20 • Test pits revealed that the location of the sleeve that protects the sewer pipe ends at the existing edge
21 of pavement, which is 11 feet shorter than what was anticipated.
- 22 • The sleeve needs to be extended 11 feet in order to protect the sewer line from the highway
23 expansion and the construction of the berm.
- 24 • The town owns the sewer pipe; we are responsible for the work being done on the utility.
- 25 • The total cost to the town is now \$105,495.49, of which \$90,696.21 has already been paid, leaving
26 balance of \$14,800.28.
- 27 • We are requesting the money (\$14,800.28) come from the Road Infrastructure Capital Reserve Fund
28 and that the Town Manager be allowed to sign all necessary documents.

29
30 **MOTION made by Vice Chair Harrington and seconded by Councilor Healey to approve the
31 withdrawal of an additional \$14,799.28 from the Roads Infrastructure Capital Reserve Fund to cover
32 the cost of a second amendment to the F.E. Everett Turnpike (FEET) Widening Project, and allow the
33 Town Manager to sign any necessary documents.**

34 **MOTION CARRIES 7-0-0**

35
36 **6. Consideration of Changes to Chapter 180, Temporary Sales Locations & Vendors
37 [First Reading]**

38 *Submitted by Town Manager Paul T. Micali*

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

41
42 Mr. Micali was present with HR Director Sharon Marunicz to discuss the Chapter 180 changes. Mr. Micali
43 shared that last year the Senate passed legislation removing the need for hawker and peddler licenses at the
44 state of NH level, which made Chapter 180 obsolete. Because of this, they had to work with their attorneys
45 to see how their policies should be re-written. One major impact was to food trucks, which now have to be
46 inspected only by the Health Officer and the permits can no longer be signed by the Town Manager like he
47 was previously able to. Mr. Micali clarified that the Town Council can still require that if a food truck vendor
48 is selling their food on town property, they can still approve them to sell on location. If they are selling
49 elsewhere on private property or a private piece of land (such as Fidelity or the Outlet Mall), then the only
50 one who can approve those vendor permits is the Health Officer. Mr. Micali also shared that they cannot do

1 background checks on vendors anymore under Chapter 180 as the Health Officer is not able to do those,
2 rather that has been moved to Chapter 136 below. Mr. Micali also wanted to touch upon the loophole of
3 Chapter 180, which was the not-for-profits, in which profitable organizations were saying to a not-for-profit
4 that they would co-sponsor with them so that none of the vendors would have to pay the \$50 licensing fee
5 under the guise of being nonprofit. The Council discussed some of the language for a bit in the updated
6 policy, as well as the reasoning behind the Senate removing the licensing.

7
8 **MOTION made by Councilor Koenig and seconded by Councilor N. Murphy to accept the**
9 **recommended changes to Chapter 180, Temporary Sales Locations and Vendors, of the Merrimack**
10 **Town Code, pursuant to Charter Article V, and move to a Public Hearing/ Second Reading.**
11 **MOTION CARRIES 7-0-0**

12
13 **7. Consideration of Changes to Chapter 136, Food Service Establishments [First Reading]**

14 *Submitted by Town Manager Paul T. Micali*

15 The Town Council to consider the acceptance of recommended changes to Chapter 136, Food Service
16 Establishments, of the Merrimack Town Code, pursuant to Charter Article V.

17
18 Mr. Micali shared that this is where the background checks for the food truck vendors will now fall under, as
19 well as they removed the section requiring food truck inspections since the vehicles will need to be registered
20 and have inspection stickers anyways. The fee structure is also moved to Chapter 136 from Chapter 180 as
21 well.

22
23 **MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to accept the**
24 **recommended changes to Chapter 136, Food Service Establishments, of the Merrimack Town Code,**
25 **pursuant to Charter Article V, and move to a Public Hearing/ Second Reading.**

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

27
28 **Minutes**

29 Approve the minutes from the following Town Council meeting:

30 ♦ March 28, 2024

31
32 **MOTION made by Councilor Koenig and seconded by Councilor Healey to approve the minutes from**
33 **March 28, 2024 as presented.**

34 **MOTION CARRIES 5-0-2 with Councilor M. Murphy and Councilor Hunter abstaining**

35
36 **Comments from the Press**

37 None.

38
39 **Comments from the Public**

40 None.

41
42 **Comments from the Council**

43 Vice Chair Harrington wanted to thank the public for re-electing her to her position and for putting their trust
44 in her, and she will do the best that she can.

45 Councilor Koenig wished to extend his thanks as well for all of Merrimack for voting, stating that there were
46 5,000+ voters. He shared that he is a little disappointed that their town budget went down, but he is happy
47 that their CRFs and union contracts passed, and that the aggregation program and other items on the budget
48 passed. Councilor N. Murphy wished to thank the Merrimack voters as well.

1 Mr. Micali shared that after 30+ years of service with the Town Of Merrimack, Diane Trippett's last day
2 with the Town will be tomorrow, April 12th. He shared that they will be having an open house tomorrow in
3 the Memorial Room from 11am-2pm and encourages everyone to come by to say goodbye and wish her well
4 on her next endeavor.

5
6 Mr. Micali also wanted to thank Lynn Christensen for her 30+ years as moderator, and wanted to wish her
7 well on her future endeavors.

8
9 **Adjourn**

10 **MOTION made by Vice Chair Harrington and seconded by Councilor Healey to adjourn the meeting.**

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

12 The meeting adjourned at 9:55pm.

13
14 Respectfully submitted by Jennifer Steagald

DRAFT