



Town Council Meeting Minutes

Thursday, March 10, 2022, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Chairman Koenig called the meeting to order at 7:00 pm. Present at the meeting were Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, March 24, 2022, 7:00 PM Regular meeting
- Thursday, April 14, 2022, 7:00 PM Regular meeting

IMPORTANT DATES TO REMEMBER:

- Tuesday, April 12, 2022, 7:00 AM – 7:00 PM Ballot Vote / Voting Day at your designated polling place

The Department of Public Health with their partner, Convenient MD, and the Town of Merrimack are working together to provide a COVID Vaccination Clinic on Wednesday, 3/16/22 from 3-5pm at the John O'Leary Adult Community Center. All vaccinations and boosters are available for ages 5 and up. Appointments are available by calling 603 420-1440 or emailing welfare@merrimacknh.gov. Walk in appointments will also be welcome.

2022 Dog Licenses are due by April 30th. 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. Dog owners who fail to register their dog by May 1st, will be required to pay late charges, and a \$30.00 Civil Forfeiture fine. A court summons may be issued for each unlicensed dog. A court summons may be issued for failure to license. Licenses are available at the Town Clerk's office during our normal business hours of 9:00 AM to 4:30 PM. License renewals can also be completed by using the on-line payment services at www.merrimacknh.gov, by mail or by using the drop box. See Dog Licensing in the Town Clerk's section of the website for more information.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

1. Public Hearing - Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code

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

The Town Council to hold a public hearing to consider the acceptance of recommended changes to Article II, Elderly Tax Exemptions, of Chapter 178, Taxation, of the Merrimack Town Code, pursuant to Charter Article V.

Town Manager Paul Micali shared that they are looking to increase exemptions to the following:

- Individuals aged 65-75 will go from \$75,000 to \$85,000
- Individuals aged 75-80 will go from \$100,000 to \$115,000
- Individuals aged 80+ will go from \$125,000 to \$150,000

All income limits will stay as presented in prior ordinances:

- Taxpayers must have a net income of less than \$45,000, or if married have a joint income of less than \$60,000
- Net assets not in excess of \$200,000, excluding the value of personal property

The public hearing was opened at 7:07 pm and closed at 7:08 pm.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the recommended changes to Article II, Elderly Tax Exemptions, of Chapter 178, Taxation, of the Merrimack Town Code, pursuant to Charter Article V and add it to the Consent Agenda.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

None.

Town Manager's Report

There have been two signed MOU 's on nepotism for the fire department and they will be moving forward with a few candidates to see if they are still interested in the open positions.

Consent Agenda

None.

Old Business

1. Reconsideration of Use of ARPA Funds and Merrimack Fire Rescue Ladder Truck Purchase

Submitted by Town Manager Paul T. Micali

The Town Council to discuss the utilization of American Rescue Plan Act (ARPA) funds for the purchase of a new Fire Rescue ladder truck.

Town Manager Paul Micali shared that because funds are being reallocated from the ARPA funding for the screenings building, which is being moved to a Phase 5 bond due to the cost, a vote of reconsideration needs to be done for removing the award for the screenings building to allow for the fire rescue ladder truck purchase. Mr. Micali spoke to the town attorney, who thinks it would be best to have the Council suspend Robert's Rules of Order to allow for the vote of reconsideration to occur prior to the one-year minimum

required to vote. Vice Chair Rothhaus asked to clarify if Robert's Rules of Order must occur, or if this can be considered a reconsideration since the Council changed their mind, in which Mr. Micali stated that the attorney recommends taking this route since the money has already been allocated.

MOTION made by Councilor Harrington and seconded by Councilor Murphy to move that the Council vote to suspend Section 704 of the Council Rules of Procedure to allow for reconsideration of a prior vote that would not otherwise be allowed; suspension of the rules is allowed by majority vote pursuant to section 1000.

MOTION CARRIES 7-0-0

MOTION made by Councilor Murphy and seconded by Councilor Hunter to reconsider the Council's vote of July 15, 2021 dedicating \$2,327,764 of available ARPA monies for the Sewer Screening Building expansion; passage of this motion to reconsider will rescind the dedication of ARPA funds as voted by the Council on July 15, 2021.

MOTION CARRIES 7-0-0

Town Manager Paul Micali shared that he asked Chief DiFronzo to talk to the ladder truck manufacturer to ensure that the town would not get hit with additional fees when purchasing, in which Chief DiFronzo obtained a letter from the company stating that the price of the truck would be \$1,473,994, with a prepayment discount of \$40,724. Chief DiFronzo is asking for \$1.5 million in order to also cover outfitting the new truck with equipment that cannot be moved from the current truck that will need to be purchased separately. Mr. Micali also shared that signing for the truck puts them on a build list, which takes around 14-15 months, but they will ask to be added to the demo truck list, which means that if a demo becomes available, they can get a new truck sooner. Chief DiFronzo then stated that after researching the difference between a new build and demo truck, they would prefer to be added to the build list to build a new truck as opposed to receiving a demo truck. He shared that demo trucks come with a suspension system that is a high-cost item that may result in costing over \$1.5 million. Additionally, demo trucks get used at different dealerships before becoming available so there may be a longer wait time, whereas a new truck could be built close to the same amount of time.

MOTION made by Councilor Harrington and seconded by Councilor Hunter to fund the acquisition of a ladder truck for the Fire Department in the amount of \$1,500,000 out of the ARPA funds available to the Town.

MOTION CARRIES 7-0-0

Without objection Chairman Koenig moved Item #3 under Old Business to be heard next and to move Item #2 to be heard last.

3. Chlorination Building Upgrades

Submitted by Public Works Department /Wastewater Assistant Director Sarita Croce & Town Manager Paul T. Micali

The Town Council to get an update on the chlorination building upgrade and to request funds from ARPA and Wastewater Infrastructure Capital Reserve Fund.

Public Works Department /Wastewater Assistant Director Sarita Croce was present along with Tim Vadney of Wright-Pierce, Professional Engineer and Joe Maalouf of Methuen Construction, Project Manager for this project to discuss recent updates to the chlorination building upgrade. She shared that since planning this project out, unexpected issues have come up, such as failed equipment at the plant site, which has resulted in

some emergency equipment installations. Mr. Vadney then shared some information on the critical equipment in the plant, such as most of the equipment is over 40 years old and well beyond its useful life. Additionally, many of the parts are no longer available or difficult to find since they are so out of date. He shared that they plan to replace all four RAS pumps, valves and piping, replace RAS yard piping, replace existing Motor Control Center and upgrade electrical service, and complete miscellaneous structural repairs.

Mr. Maalouf then discussed some of the costs associated with this project, such as:

- Methuen Site Work (manholes, ductbanks, paving, yard piping, earth materials, erosion controls, rebar, concrete, flowable fill): \$392,874.46
- Misc. Metals Work (new loading dock handrail): \$14,742.00
- Mechanical Work (pumps, process piping, gauges, small bore piping, hangers, bypass, HVAC work): \$700,258.83
- Electrical Work: \$596,691.00
- Extended General Conditions (5 months x \$66,000): \$330,000.00
- Total: \$2,034,567.19

Vice Chair Rothhaus asked if this team is confident that if the work gets locked in now if a phase 6 will be needed in the future, in which Ms. Croce shared that once everything is upgraded and the original infrastructure is replaced, they will not be coming back any time soon for future upgrade projects. Mr. Vadney shared that this upgrade would cover all the original equipment, but nothing can be guaranteed as this project is an investment. After some discussion, Ms. Croce requested the Town Council approve the Chlorine Building Project at a cost of \$2,034,568 utilizing the following funds:

- \$1,273,229 from the Town of Merrimack ARPA
- \$300,020 from existing Phase III/IV SRF Loan
- Withdrawal from Wastewater Infrastructure CRF in the amount of \$461,319

MOTION made by Councilor Harrington and seconded by Vice Chair Rothhaus to approve the request for \$2,034,568 per the allocation request as presented by Ms. Croce.

MOTION CARRIES 7-0-0

4. Saw Dust Shed Demolition

Submitted by Public Works Department /Wastewater Assistant Director Sarita Croce

The Town Council to be presented with the information on the cost to replace the existing saw dust shed and to request the withdrawal \$40,000 from the Wastewater Infrastructure Capital Reserve Fund for the demolition of the existing saw dust shed.

Mr. Micali began by stating that the sawdust shed is condemned; it is old, half of the roof is missing, and their insurance company told them to stop running vehicles in and out of it as it is unsafe. Ms. Croce then discussed the cost of a new sawdust building, sharing that there has been a decrease in the cost to demolish it from Methuen Construction. Mr. Vadney then shared that the shed is in an advanced stage of disrepair and presented photos to the Council highlighting the areas of concern. Ms. Croce shared the history of how the building deteriorated over the years, such as how the wood was not pressure treated and over time has peeled and broken down. Mr. Maalouf then shared the cost of replacing the sawdust shed, stating the following costs:

- Methuen Site Work: \$256,482.31

- Engineering: \$14,040.00
- Concrete Work: \$270,211.50
- Misc. Metals: \$408,447.00
- Total Cost: \$949,180.81
- Add alternate for 2 x20" x 16" x 15' return walls at a total added cost of \$44,226 above the total cost.
- Cost to just demolish the sawdust building: originally quoted at \$40,000, now reduced to \$27,000
 - \$12,000 for disposal
 - \$5,000 to physically get the shed down
 - \$10,000 for equipment costs, taking care of the concrete piers holding the existing structure

Councilor Healey asked if the shed could just be knocked down without using a company since it's in such bad shape, in which Ms. Croce stated that there are metal plates that have to be dismantled and wood that needs to be cut up, so separating and organizing the parts would be time consuming and its own project. Mr. Maalouf shared that although this may sound feasible, it is not safe as they must comply with safety standards. After some discussion with the Council, Ms. Croce respectfully requested that that Council vote to approve \$27,000 to withdraw from the Wastewater infrastructure CRF to cover the demolition of the sawdust shed.

MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the request to withdraw \$27,000 from the Wastewater Infrastructure CRF for the demolition of the existing sawdust shed.

MOTION CARRIES 7-0-0

**2. Consideration of Changes to Chapter A198 of the Merrimack Town Code [First Reading]
[Tabled at the February 24, 2022 Town Council meeting]**

Submitted by Town Manager Paul T. Micali

The Town Council to consider the acceptance of recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

Town Manager Paul Micali shared that Charter Article V states that within nine months of being hired, the town manager comes forward with changes to the organizational structure of departments. Although he does not have any departmental changes to make, he would like to clean the list up. Changes include:

- The title "Human Resource Coordinator" is now "Human Resource Director"
- "Cable" has changed to "Media Services" and updated their job description to include various social media outlets they are responsible for managing
- "Finance Director and Assistant Town Manager" is now "Finance Director"
- "Office Manager Chief Assessor" is now "Assessor"
- "Director" is now "Coordinator" (page 5)
- Information Technology Division has been updated to state that the Coordinator is in charge of appointments
- Removal of Parks and Maintenance Division as the Highway Division absorbed this several years ago
- General formatting and clean up throughout the document

Councilor Murphy asked about the Health Officer/Official, asking if the Town determines the roles and responsibilities or if the state does, in which Mr. Micali stated that these have been developed with the help of the health officer over the number of years, and they do take some responsibilities from DHHS as well.

Approved: March 24, 2022

Posted: March 25, 2022

MOTION made by Councilor Harrington and seconded by Councilor Murphy to move this to a Public Hearing.

MOTION CARRIES 7-0-0

New Business

None.

Minutes

None.

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 7-0-0

The meeting adjourned at 8:32 pm.

Respectfully submitted by Jennifer Steagald