



Town Council Meeting Minutes

Thursday, March 24, 2022, at 7:00 PM, in the Matthew Thornton Room



Call to Order

Chairman Koenig called the meeting to order at 7:01 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

Eagle Scout Nick Bourn led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, April 14, 2022, 7:00 PM Regular meeting
- Thursday, April 28, 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 Library will host AARP Tax-Aide volunteers on Mondays from 9 am – 11 am from now through April 11. This assistance is by appointment only, with multiple slots available at 9 am, 10 am and 11 am. Please call the Library to make an appointment or for more information.

The Abbie Griffin Hospital Fund Applications are available for Merrimack Residents until April 20th this year. To get more information and an application call the Welfare Department at Town Hall at 603-423-8535 or email welfare@merrimacknh.gov.

The Parks & Recreation Department invites you to join us on Saturday, April 9th at Wasserman Park for the 30th Annual Easter Egg Hunt. Egg hunts are held between 10:00 am – 11:30 am. To view the time slot for your child's age group, visit the Parks & Recreation Department's website at www.merrimackparksandrec.org

The Filing Deadline for all Property Tax Exemptions and Property Tax Credits is April 15th

Absentee ballots for the second session of the Town and School District Meeting (Voting Day) are available at the Town Clerk's office. Any voter who will be unable to appear at any time during the polling hours of 7 AM to 7 PM due to employment, confinement in a penal institution for a misdemeanor or awaiting trial, or who will otherwise be absent from Town on Election Day, or who is unable to go to the polls due to a disability or religious observance may vote by absentee ballot. Concerns for seasonal flu and COVID-19 qualify as a disability. Voters must send a signed written request specifying the reason an absentee ballot is needed to the Town Clerk or download and complete an absentee ballot request form from the Town's website at: www.merrimacknh.gov. The form is found on the home page of the Town website or in the Town Clerk's section under Elections and Voting. Written requests or completed forms can be dropped off at the Town Clerk's office, faxed to 603-423-8539, emailed to townclerk@merrimacknh.gov or mailed to Town

Approved: April 14, 2022

Posted: April 15, 2022

Clerk, Attn: Absentee Ballots, 6 Baboosic Lake Rd, Merrimack, NH 03054. Absentee ballots can only be given or mailed directly to the person making the request.

The late Thursday hours at the Transfer Station will begin on March 31 and continue through September 8. During that period, the operating hours at the Transfer Station will be 8:00 am to 4:00 pm on Tuesday, Wednesday, Friday and Saturday. Thursday hours are 8:00 am to 7:00 pm.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

1. Eagle Scout Project Proposal – Gaga Ball Pit at Watson Park

Submitted by Life Scout Nick Bourn

The Town Council to be presented with Life Scout Nick Bourn's Eagle Scout project proposing to build a gaga ball pit at Watson Park.

Eagle Scout Nick Bourn was present to share his Eagle Scout project, which includes building a gaga ball pit at Watson Park. He began by stating that he is a Life Scout in Troop 215 out of St John Neumann in Merrimack, and he has been in scouts for over 10 years. He then stated that he wants to build a gaga ball pit because there are two at Wasserman Park that the public loves, and he thinks this would be good for the community and encourage more people to visit the park. Mr. Bourn then presented a video showing what a gaga ball pit is, in which it is similar to dodgeball- there is a softer ball that players use their hands to hit with and knock other players out by hitting them below the knee until there is only one person left standing. Mr. Bourn then presented a map of Watson Park with potential sites to build the gaga ball pit, with pros and cons of each location. He also shared with the Council his budget plan, anticipating this costing a little under \$2,000, as follows:

- Gaga Ball Kit- \$520.00
- Wood- \$652.00
- Food and Snacks- \$100.00
- Hardware- \$30.00
- Fundraiser (meatball sub fundraiser @ St. John's)- \$500.00
- Plastic Wall Covers- \$22.00

Mr. Bourn then presented his anticipated timeline for project completion:

- Finish proposal meetings by 4/12 (District Eagle Board)
- Fundraising
- Plan to buy supplies and build in June
- Finish build by 6/26

Councilor Woods shared that Mr. Bourn gave a wonderful presentation to the Parks and Rec department and is confident that this will be a successful project. Councilor Murphy asked how big the ball pit is, in which Mr. Bourn stated that it is approximately 25 feet across and about 30 inches tall. Councilor Harrington suggested placing the ball pit at the gazebo location as people will be able to watch, and Chairman Koenig agreed with this.

Councilor Murphy asked if there is a specific ball needed for this sport, in which Mr. Bourn stated you can use any ball, but people most commonly use a volleyball. Councilor Harrington asked if the wood is pressure treated, in which Parks and Recreation Director Matthew Casparius shared that the two pits at Wasserman Park haven't required any maintenance on them and have held up for about 4 years now.

MOTION made by Councilor Hunter and seconded by Councilor Harrington to approve Life Scout Nick Bourn's Eagle Scout project proposing to build a gaga ball pit at Watson Park.

MOTION CARRIES 7-0-0

2. Annual Review with the Highway Safety Committee

Submitted by Highway Safety Committee Chair / Police Chief Brian Levesque

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Highway Safety Committee. This agenda item is to highlight the committee's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Police Chief Levesque was present to share the Highway Safety Committee's annual review. He began by stating that the purpose of this Committee is to find and reduce traffic accidents, deaths, injuries, and property damages therein resulting from accidents. He also shared that the Committee did not meet at all last year as they were able to vet any issues to the proper channels, and that most of the time this is more education with the public that they can do one-on-one. They have also been able to set up their data collection devices for speed complaints and share the results with the complainant.

Public Hearing

1. Public Hearing – Abbie Griffin Memorial Fund (Merrimack Fire and Police Departments)

Submitted by Town Manager Paul T. Micali

The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount not to exceed \$22,555.00 for the purchase of rope rescue equipment on the two (2) new engines for the Fire Department and for a Law Enforcement Radar, four (4) simunition conversion kits for new Sig Sauer P320 XCarry pistols, and the purchase of two (2) Sig Sauer M400 semi-automatic patrol rifles equipped with sound suppressors and red dot optics for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Town Manager Paul Micali shared that this donation comes from an investment company that invests the money left from when Abbie Griffin died, and the funds each year are based on how well the investments are doing. These funds are specifically for equipment-based needs for the police and fire department and must be spent on department needs. Fire Chief DiFronzo was then present to discuss the spending for his department, sharing that they plan to purchase rope rescue equipment at about \$9,000 for the two new fire engines as their current equipment is aging. Councilor Hunter asked if the quotes the Council were given are final or a general number, in which Mr. Micali shared that once the Council approves the spending, they go out and bid on the equipment or can purchase off of state contracts, and the donation is usually split 50/50 or as close as possible to even based on the two department needs. Chairman Koenig asked how often rope and carabiners are used, in which Chief DiFronzo stated that even if this is just used one time, it is worth the investment for crew members to have safe equipment to use on patients. Additionally, there is monthly training for this equipment to ensure competency skills.

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Police Chief Levesque then presented the Police Department's portion, sharing that they will be using the funds for a Law Enforcement Radar to analyze traffic count (\$4,000), as well as four simunition conversion kits for new Sig Sauer P320 XCarry pistols, rugged rubberized keyboards for cruisers, and the purchase of two Sig Sauer M400 semi-automatic patrol rifles equipped with sound suppressors. Chief Levesque shared that the simunition kits are for scenario-based training, as these kits allow for the same firearm to be used with an interchangeable barrel to fire a "marking round", which is similar to a paintball round. This allows for scenarios involving actors and de-escalation techniques. Chief Levesque then shared that during Covid, the department switched to rubberized keyboards and they have been much easier for cleaning after each shift, so they would like to purchase 5 more to complete the setup. Lastly, Deputy Chief Tarleton stated that they would like to purchase new Sig Sauer patrol rifles with suppressors as they are useful for reducing the sound for indoor situations in which a rifle would be discharged. One of the main concerns is the hearing of police officers, stating that there can be long-term hearing issues and damage due to the loud sounds of gunshots that are fired indoors. He then shared data regarding the loud decibels of guns without suppressor vs with, and how these suppressors can reduce the sound by 32-34 decibels which will reduce the risk of hearing loss for not only officers, but bystanders as well. Deputy Chief Tarleton then shared some surrounding departments that have these suppressors, stating that the goal is to cycle some newer rifles into their current fleet. After some discussion, the Council was in agreement that these items are important for the community and Police Department and are in agreement with their purchase suggestions.

MOTION made by Councilor Harrington and seconded by Councilor Woods to accept the requested Fire Department and Police Department requested items from the Abbie Griffin Memorial Fund in the amount not to exceed \$22,555.00 pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

Legislative Update for March 24, 2022 from Rep. Maureen Mooney

Greetings, Councilors:

Last week, the House was in session for three full days and evenings voting on close to 200 bills. Please know the status of the following bills of interest in the House:

1. [HB 2022](#) (AN ACT relative to the 10-year transportation plan) which includes the section to transfer Continental Blvd to Merrimack PASSED in the House and now headed to the Senate.
2. [HB 1033-FN](#) (AN ACT prohibiting the use of state or local grants, appropriations, or property tax revenue for lobbying activities) was TABLED in the House.
3. [HB 1070](#) (AN ACT relative to the default budget in official ballot jurisdictions) PASSED in the House and now headed to the Senate.
4. [HB 1268](#) (AN ACT limiting the authority for city council bylaws and ordinances) PASSED in the House with [this amendment](#) and is now headed to the Senate. [Note: The original bill version is [here](#).]

My suggestion now is to formally contact our State Senator Gary Daniels regarding HB 2022, HB 1070, and HB 1268 as I believe your positions are like mine - against.

Respectfully submitted,
Rep. Maureen Mooney

Town Manager's Report

Merrimack TV will premiere "Celebration of Song" this Friday night March 25th at 7PM and the "Cavalcade of Bands" next Friday, April 1st, at 7PM. You can watch on Comcast XFINITY 21, HD1071, merrimacktv.com and streaming devices. Additionally, both concerts will play while we await results during Merrimack TV's live election night coverage on Tuesday April 12th beginning at 7:30pm.

The repairs to the Stowell Road Bridge are nearly complete. Final work is scheduled to occur tomorrow and early next week. We expect that Stowell Road will be back open to traffic next week – please see the Roads Update tab on the Town of Merrimack website for updates.

The Wastewater Division of Public Works submitted the annual Capacity Management Operation and Maintenance (CMOM – 'see mom') program report to NHDES and EPA. This report documents our collection system asset management program.

NHDES recently completed a Compliance Evaluation Audit of the Wastewater Treatment Facility, focusing on the laboratory operations. I'm pleased to report that NHDES concluded the audit with a report of "No Deficiencies Observed"

Although we had an early snow melt this year, athletic fields remain closed due to wet conditions. Updates will be provided on the Merrimack Parks and Recreation website.

Since this is the time of the year when people are out beginning their lawn care for the year, the Town of Merrimack is joining forces with NH Sea Grant Extension and Squam Lakes Natural Science Center Water Resources and Horticulture Staff and others in presenting a FREE Virtual Workshop on Green Grass & Clear Water. This workshop will teach about the Do's and Don'ts of lawn care habits that keep our rivers, lakes and ponds healthy and clean. The workshop will be held on Monday, April 18th at 6:30 PM. Registration is required. Can register at <https://bit.ly/GGCW2022>.

Consent Agenda

1. Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code [Final Reading]

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

The Town Council 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.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to move the Consent Agenda.

MOTION CARRIES 7-0-0

Old Business

1. Community Garden Discussion

Submitted by Town Manager Paul T. Micali and Parks and Recreation Director Matthew Casparius

The Town Council to be presented with a plan for the Parks and Recreation Department to take over and continue with the Community Garden plots located at Wasserman Park.

Mr. Micali began by stating that the Parks and Rec department is able and willing to take over and continue with the Community Garden plots. He further stated that they have money set aside to continue running this

while they wait for more income to come in, and DPW is in agreement with this plan as well. Mr. Casparius then spoke, stating that they need to increase the fees from \$10 for residents and \$15 for non-residents per plot to \$20 for residents and \$25 for non-residents in order to make a profit from the Community Garden and cover the direct expenses associated with running and maintaining this project. Councilor Woods asked how many non-resident plots they anticipate utilizing this year, in which Mr. Casparius stated he has not yet been able to secure the list of last year's plot holders, but historically the garden has only been about half full so they do not anticipate selling out. Mr. Micali stated that if they do see that the plots are going fast, they will ensure Merrimack residents get top priority for the plots. Councilor Healey asked how big the plots are, in which Mr. Casparius stated they are 10x10, 100 square feet.

MOTION made by Councilor Harrington and seconded by Councilor Healey to approve the increase of plot rental fee for the Merrimack Community Garden from \$10 for residents and \$15 for non-residents per plot to \$20 for residents and \$25 for non-residents and allow the Parks and Recreation Department to contribute to the Community Garden as presented.

MOTION CARRIES 6-1-0 with Councilor Woods in Opposition

2. Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy Follow-up Discussion

Submitted by Town Manager Paul T. Micali

The Town Council to discuss a Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy for reimbursement for the installation of a Point of Entry System (POET), Point of Use System (POU) or hook-up to MVD public water.

Town Manager Paul Micali shared some updates on the PFAS Grant Program Reimbursement Policy, stating that he tweaked some of the language that was discussed at the last meeting, such as adding in the POU System and clarifying what will be provided, as well as some useful links to post on the website. He also shared that he needs a Motion from the Council stating that the Town of Merrimack will accept the grant if approved by Governor Council. Councilor Harrington stated that this was very well done, and she particularly liked how Mr. Micali separated the application and the explanatory page, making it easy for everyone to understand. She thanked him and Councilor Murphy for their efforts on this. Councilor Hunter asked about the application and qualification process, in which Chairman Koenig clarified that this is specifically for the water testing costs.

MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the PFAS Grant Program Policy as presented; and the Town Council will accept the ARPA grant funding when approved by Governor Council, and the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

New Business

1. Second Quarter Financial Update

Submitted by Finance Director Tom Boland

The Town Council to be presented with the 2nd quarter 2021/22 budget year financial update.

Finance Director Tom Boland was present to discuss the 2nd quarter 2021/2022 budget update that is specifically looking at July 1, 2021 through December 31, 2021. He shared a PowerPoint that highlighted that in terms of expenses and revenues, wages, benefits, and payroll taxes comprise about 70% of the total appropriations, making this the focus of the presentation. He then shared a slide that had the wages (without overtime) for each department for the first six months of the fiscal year. Mr. Boland stated that each year,

they budget for full employment, stating that this is necessary because they need to have the money in the event that there is no turnover and people stay in their positions long-term. He then highlighted that certain departments, such as fire, police, and communications are departments that have significantly more than 50% of the budget in regular wages remaining, which reflects the fact that there are open positions in these departments, and they take time to fill due to the specialized training needed. Mr. Boland then discussed how the public works administration department is at under 50% of the remaining budget due to the fact that they have engineering interns in the summer that skew the overall budget. He then stated that short-term and long-term disability also factor into wages, as they get reimbursed from the insurance company for employees that are out, so these expenses do not get reflected in the wage accounts.

The next slide Mr. Boland showed was about health insurance cost comparisons, which is another significant expense for the Town. Overall, they are down a little bit from last year as they expected to be due to rates being reduced by about 4.5%. He then stated that the overall budget for health insurance is a little bit over \$3.5 million, and for the first six months of the year they have spent \$1,572,000, which is about 45% of the budget for the year.

Next, Mr. Boland presented on the NH Retirement System comparison, which showed the expenditure levels in the current fiscal year for all three categories of employees. Fire and police are significantly higher than they have been in any of the prior years, but this was anticipated as they knew the mandated rates went up by more than 20% across the board. Overall, the budget for this is a little over \$3.3 million, and they have so far spent \$1,675,000 in the first six months, a 51% level spent. Mr. Boland then discussed overtime, sharing that there has been a significant increase from fire, police, and communications, which effects the budget for retirement as this is factored into overtime rates.

Mr. Boland then further discussed the overtime comparison, highlighting how fire is slightly below where they were at last year, but they are still ahead of where they were budgeted, with police being significantly ahead of last year and ahead of what was budgeted, but this is necessary for staffing due to employees being out as well as the open positions. In other departments, overtime is down significantly compared to the prior year overall, minus communications and solid waste being up from last year.

Mr. Boland then provided a departmental summary, which showed the budget of each department, the year-to-date expenditures through the first six months, the subtotal of what is remaining in the budget, encumbrances/amounts they are committed to spend but have not spent yet (things that are on order, contracts, etc.), and the final percentage of what is remaining in the budget for the year. Overall, the town is right on track for spending, sitting at about 50% for the first six months.

Lastly, Mr. Boland shared a revenue comparison, sharing that they brought in \$2,890,000 through the first six months in auto registration with the budget number being \$5.6 million, which is a little over 50%. For building permits, they have received \$115,000 through the first six months with the annual budget being \$180,000, which is about 64% through the first six months.

Minutes

Approve the minutes from the following Town Council meetings:

♦ February 24, 2022

MOTION made by Councilor Murphy and seconded by Vice Chair Rothhaus to approve the minutes from February 24, 2022 as amended.

MOTION CARRIES 7-0-0

Approved: April 14, 2022

Posted: April 15, 2022

Page 2 second to last paragraph: “note voted” should say “not voted”

Page 4 second paragraph “rational” should say “rationale”

Page 5 Paragraph 2, last line” “POUTS” should say “POU’s”

♦ March 9, 2022

MOTION made by Councilor Woods and seconded by Councilor Healey to approve the minutes from March 9, 2022 as written.

MOTION CARRIES 7-0-0

♦ March 10, 2022

MOTION made by Councilor Healey and seconded by Councilor Woods to approve the minutes from March 10, 2022 as written.

MOTION CARRIES 7-0-0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Woods wanted to encourage everybody to vote on April 12th.

Chairman Koenig asked about coverage for the polling places, with the Council deciding to go to their usual polling positions.

Vice Chair Rothhaus wanted to share his condolences for the passing of Shirley Small of the Reeds Ferry Village Community. She was a 56-year resident and was very involved in the community and will be missed.

Adjourn

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

MOTION CARRIES 7-0-0

The meeting adjourned at 9:40pm.

Respectfully submitted by Jennifer Steagald