



Town Council Meeting Minutes

Thursday, June 23, 2022, at 7:00 PM, in the Matthew Thornton Room



Call to Order

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

Pledge of Allegiance

Life Scout George Schwartz led the Pledge of Allegiance.

Announcements

- The Town Offices will be closed on Monday, July 4th in observance of Independence Day

Upcoming Town Council Meetings:

- Thursday, July 14, 2022, 7:00 PM Regular meeting
- Thursday, August 18, 2022, 7:00 PM Regular meeting
- Thursday, September 8, 2022, 7:00 PM Regular meeting
- Thursday, September 22, 2022, 7:00 PM Regular meeting

Come and join the Parks & Recreation Department at Abbie Griffin Park every Wednesday Night from 6- 8 pm for the weekly Summer Concert Series. This year's concert series will run from June 22nd – August 17th. Each week's concert will feature a variety of musical performances including Oldies, Swing, Rhythm & Blues & Classic Rock music and more to fill the air. Bring your family & friends, blankets & chairs, to enjoy this free night of entertainment each week. For a complete schedule of performers visit the Parks & Recreation website at www.merrimackparksandrec.org

We are just a week and a half away from this year's 4th of July Celebration. On Sunday, July 3rd; we will be featuring the Merrimack Concert Association for their annual Patriotic Concert at Abbie Griffin Park from 6:30 – 8:00 pm.

On Monday, July 4th, the Merrimack Road Runners Boosters Club will be holding their Annual Sparkler 5K Road Race which will begin at 8AM at the Merrimack High School.

From 8 – 11 am; the Merrimack Rotary Club will be holding their Annual Pancake Breakfast at the Merrimack High School. ** The Rotary Club typically runs a family fun day of music and activities during the afternoon but that event will **NOT** be happening this year**

The Annual 4th of July Parade will kick off from the Commons Shopping Plaza at 515 Daniel Webster Highway at 1:00 pm. Merrimack typically has one of the largest Independence Day parades in the State of NH. The deadline to enter a float into the parade is Thursday, June 30th. The parade features a wide range of bands, militia units, clowns, local businesses, community organizations and more. Participating can be as easy as putting a decorating a bicycle or a vehicle and just riding along or can be a highly decorated float. It is a great way to show your patriotism and get some free advertising for your business or organization at the same time. We want the parade to be a fun, family friendly event for all to enjoy and the more local groups that participate, the better. There is no cost to participate but advanced registration is required which is done

Approved: July 14, 2022

Posted: July 18, 2022

thru the Parks & Rec Website at www.merrimackparksandrec.org

The Annual 4th of July Fireworks Display will begin at 9:00 pm at Merrimack High School and we will have DJ Darren Roy playing music in front of the high school from 7:00 – 9:00 pm so come early and get a good seat.

The Library's Summer Reading Program kicked off last night with a concert in Abbie Griffin Park featuring children's performer, Bed Rudnick and Friends! Check the library's website for upcoming events for all ages. Read with us this summer - Register online or in person, read and log your reading and be entered to win great books and prizes.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

None.

Legislative Updates from State Representatives

As you are aware, House Session has winded down considerably and I thank Rep. Mooney for keeping you updated on bills impacting Merrimack. Two of three bills I filed are awaiting the Governor's signature. HB1185 is the one Sarita Croce helped with immensely - in will allow municipalities like Merrimack to regulate the amount of PFAS from commercial/industrial sources entering the WWTP. Towns can fine offenders and keep the fines in their own budgets. The second bill, HB1066, mandates DES to develop a strategic response to cyanobacteria blooms, provides \$30,000 for initial research, and establishes an advisory committee of key stakeholders to engage with DES. It was not mid-June before 2 NH surface water bodies supplying public water experienced toxic blooms and the municipal//State ability to respond effectively has room for improvement. Merrimack's lakes have also suffered blooms and the scientific expectation is blooms will worsen moving forward. Now is the time for DES to address remediation and mitigation strategies.

Additionally, I would like to get input from you and Town staff on legislation you would like pursued. As a member of the House Municipal and County Government committee, I am in a good position to advocate for the Town's interest.

Please let me know the best avenue to get input, if it should be on the Town Council agenda or through an individual phone call. I am also pursuing a meeting with Tim Thompson to learn more about some of the key issues we anticipate in the next term.

Thanks in advance.

Rosemarie Rung

NH State Representative

Merrimack (Hillsborough 21)

603.424.6664

Town Manager's Report

- New Hampshire DOT, Turnpike Division will be performing drainage work on Greeley Street in August. The project will repair or replace drainage pipe and structures at the bottom of Greeley Street, on the west side of Daniel Webster Highway near the Common Man restaurant. Work is expected to begin in August and be completed by September. The work will occur at night and will require shifting both lanes of traffic to one side of the concrete island and then the other side. As the work schedule is finalized, notice will be published through the Town webpage and social media sources to help to alert residents and businesses of the work. Work will be accomplished by Busby Construction of Atkinson, NH.
- Naticook Road drainage repair – The replacement of 380 feet of drainage pipe and three precast concrete structures has been completed in Naticook Rd between Westborn Drive and Lamson Drive. The paving contractor is anticipated to complete the paving next week. Please see the Town website or Public Works Facebook page for pictures of the work and updates on the work schedule.
- A drainage improvement project for Gail Road is currently advertised for bid. The project will replace approximately 800 feet of failing drainage pipe, add or replace 14 catch basins, install 240 feet of underdrain pipe to lower the groundwater under the road, and repave 1,600 linear feet of Gail Road. Bids will be publicly opened on July 14, 2022 and the project is scheduled for completion by November 4, 2022.
- The Town of Merrimack submitted the \$2,000,000 State ARPA Grant application to NHDES on June 17th for the Phase V upgrade. The amendment application to add the Phase V project to the current loan is required to be submitted no later than June 30th.
- The Town received good news this week when we received the approved wetland permit for the Souhegan River Trail. The permit is approved subject to a 30-day appeal period that commenced on June 16, 2022. The project is on schedule to advertise for bid in August/September of this year, with construction occurring in 2023.

Consent Agenda

None.

Old Business

1. **Consideration of Changes to Chapter 111, Conservation Areas, of the Merrimack Town Code**
Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Nancy Harrington
The Town Council will consider the acceptance of recommended changes to Chapter 111, Conservation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

Town Manager Paul Micali highlighted that since the last public hearing, there were three appendices added (A, B, and C) and the parcels were removed from Chapter 111 and put in the appendices, in which Mr. Tenhave was in agreement with. Chairman Koenig wanted to clarify OHRV trail use, specifically if conservation commission members/volunteers are an extension of town personnel that are allowed to use the trails for their OHRVs, in which Mr. Micali stated that yes, town personnel are allowed to use these for maintenance.

MOTION made by Councilor Koenig and seconded by Councilor Healey to accept the recommended changes to Chapter 111, Conservation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION CARRIES 7-0-0

New Business

1. Committee Appointments

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

The Town Council to consider appointing the following individuals to Town committees, pursuant to Charter Article 4-8:

- **Ellen Kolb** – Conservation Commission (*Full member*)
- **Gage Perry** – Conservation Commission (*Full member*)
- **Gina Rosati** – Conservation Commission (*Alternate member*)

MOTION made by Councilor Koenig and seconded by Councilor Murphy to appoint the above individuals to the Conservation Commission in their respective positions.

MOTION CARRIES 7-0-0

- **Laura Jaynes** - Parks and Recreation Committee (*Full member*)
- **Christine Lavoie** – Parks and Recreation Committee (*Full member*)
- **Tracy McGraw** – Parks and Recreation Committee (*Full member*)
- **Philip Przybyszewski** – Parks and Recreation Committee (*Full member*)
- **Camryn Gaumont** – Parks and Recreation Committee (*Student Representative*)

MOTION made by Councilor Hunter and seconded by Vice Chair Harrington to appoint the above individuals to the Parks and Recreation Committee in their respective positions.

MOTION CARRIES 7-0-0

- **Robert Best** – Planning Board (*Full member*)
- **Nelson Disco** – Planning Board (*Alternate member*)
- **Jaimie von Schoen** – Planning Board (*Full member*)

MOTION made by Councilor Healey and seconded by Councilor Hunter to appoint the above individuals to the Planning Board in their respective position.

MOTION CARRIES 7-0-0

- **Bill Cummings** – Town Center Committee (*Full member*)

MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to appoint the above individual to the Town Center Committee in their respective position.

MOTION CARRIES 7-0-0

- **Patrick Dwyer** – Zoning Board of Adjustment (*Full member*)

MOTION made by Councilor Hunter and seconded by Councilor Healey to appoint the above individual to the Zoning Board of Adjustment in their respective position.

MOTION CARRIES 7-0-0

2. Proposed Eagle Scout Project at Twin Bridge Park

Submitted by Boy Scout George Schwartz

The Town Council to be presented with Boy Scout George Schwartz's proposed Eagle Scout project to build a stairway into the hill side at Twin Bridge Park to improve accessibility to the Park for those with mobility issues.

Life Scout George Schwartz of Troop 424 was present to discuss his proposed Eagle Scout project, highlighting the importance of improving accessibility to the Twin Bridge Park for those with mobility issues. He proposed building a stairway into the hill side at the park to ensure an easier way of walking down the steep hill. Additionally, the stairs would prevent injury from slipping on gravel or falling due to the steepness of the hill, and these stairs would do a good job of preventing erosion, an issue that the current pathway does not attempt to counter. Mr. Schwartz also provided the Council a map of where the stairs would go, as well as a basic design that would reflect how he would build the stairs. He anticipates the stairs would be platform style that are roughly 6 inches tall and 4 feet back on average, with 6 pieces of landscaping timbers per stair held into the ground by rebar. Mr. Schwartz then shared the following:

Needed project materials:

- 132 4in x 4in x 8ft pressure-treated white pine lumbers (6 per stair)
- 12 cubic yards of crushed rock (each stair will be an average of 8 feet wide, 3.35 feet from front to back, and 6 inches deep)
- 176 ½ in x 2ft rebars (8 per stair)
- Tools needed: gloves, shovels, trucks (for transporting materials to the park), plate compactor (rental)
- Other necessary supplies include water bottles, food for lunch (most likely pizza), white paint for marking the area

Price and Funding:

- Price will be roughly \$1,320 for lumber, \$480 for gravel, \$250 for rebar, \$90 for tools, and \$60 per day for other supplies such as food and water
- Total cost estimate = \$2,640
- Money will be obtained through multiple carwashes at local gas stations due to its reliability as a method of fundraising for other troop eagle projects

Nominal Project Schedule:

- Parks and Recreation meeting: Wednesday, June 15
- Town Council meeting: Thursday, June 23
- Troop Committee meeting: Wednesday, July 6
- Eagle Council meeting: Tuesday, July 12
- Fundraising: July 17, 24, and 31
- Digsafe will be called at least 3 days in advance of digging
- Project work: August 7, 27, 28, September 3 and 4

MOTION made by Councilor Koenig and seconded by Councilor Healey to approve Boy Scout George Schwartz's proposed Eagle Scout project to build a stairway into the hill side at Twin Bridge Park to improve accessibility to the Park for those with mobility issues.

MOTION CARRIES 7-0-0

3. Sponsorship Donation for Parks and Recreation Department for Summer Movie Nights

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider a donation in the amount of \$300.00 from Comcast/Xfinity to the Parks and Recreation Department to sponsor the Summer Movie Nights in the Park, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Councilor Hunter and seconded by Councilor Woods to accept a donation in the amount of \$300.00 from Comcast/Xfinity to the Parks and Recreation Department to sponsor the Summer Movie Nights in the Park, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 7-0-0

4. Wastewater Infrastructure Capital Reserve Fund Withdrawal Request

Submitted by Assistant DPW Director / Wastewater Sarita Croce

The Town Council to consider a request to withdrawal of \$143,360 from the Wastewater Infrastructure Capital Reserve Fund for the purchase of a replacement Service Crane truck. This truck is a 2022 Dodge Ram 5500 which will be used to service all the pump stations and various equipment around the plant which require the use of a crane.

Assistant DPW Director / Wastewater Sarita Croce was present to discuss this project, beginning by showing some pictures to the Council of the crane and how it operates, along with some repairs and issues it has (electrical issues, leaking fluids, rust, etc.). She also shared with the Council that they also have a 2012 Ford F150 that is used for daily rounds to the 9 pump stations. This truck also has a fair amount of rust, as well as transmission and electrical issues. They are proposing to purchase a 2022 Dodge Ram 5500 that can lift 8,000lbs, which will satisfy the need of lifting various equipment and replace both the F150 and current crane. Ms. Croce then shared that they received two bids, one for \$143,360 and the other for \$161,230, and she is requesting to withdraw \$143,360 from the CRF to purchase this new truck. Mr. Micali then shared that they will sell the current vehicles out to auction to hopefully get decent money to apply towards the purchase of the new truck, and also shared that the truck is coming from Ohio because there is nothing local to purchase due to supply issues. Ms. Croce stated that they are looking at about a 120-day delivery time, and the company in Ohio will drive the truck out to them.

MOTION made by Councilor Koenig and seconded by Councilor Murphy to accept the withdrawal of \$143,360 from the Wastewater Infrastructure Capital Reserve Fund for the purchase of a replacement Service Crane truck as presented, and authorize the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

5. 3rd Quarter Financial Update

Submitted by Finance Director Thomas Boland

The Town Council to be presented with the 3rd quarter 2021/22 budget year financial update.

Town Manager Paul Micali was present on behalf of Tom Boland to provide the 2021/22 budget year financial update. He shared some PowerPoint slides, highlighting the following:

Electrical Kilowatt Comparison

- Highway department (2 buildings) is up this year due to heating and other items in the buildings
- The library and Parks and Rec used a little bit more electricity this year
- Police usage is down
- Streetlight usage is down
- Traffic lights are consistent
- The electrical contract is set at about just over 7 cents per kilowatt through 2024. This is just for consumption, and there may be an increase because of transport

Natural Gas Therm Usage Comparison

- Most departments are consistent with their use
- Highway dept usage is down

Approved: July 14, 2022

Posted: July 18, 2022

- Fire department used more than the year before, Mr. Micali thinks it might be due to fixing the Reeds Ferry station and the increase of equipment this year compared to previous years

Health Insurance

- Total expenditure is at \$2,307,000 with the overall budget \$3.5 million, so about 67%. This is due to staffing vacancies and the rates came in lower than what the guaranteed max was when they originally did the budget

NH Retirement Comparison

- Right on track, with expected spikes from all departments except Fire and Police
- Fire and Police are higher than the previous year due to increases from NHRS
- Currently at about 74% of the budget

Overtime Comparison

- Pretty consistent over all departments, with mostly slight reductions
- Fire is down from the prior year, due to a number of factors such as Covid and an increase in staff on shifts and staffing issues in Police and Fire
- Overall, they are over budget for the quarter, at about 106%, however there is a savings on the salaries that makes up the difference
- Solid waste has increased as well due to individuals being out on sick time and needed coverage on Saturdays
- General government reduced significantly

Departmental Summary

- Currently at about 28% of overall remaining budget
- Wastewater Treatment bond for \$16 million at 0%
- Overall, they are right on track and should have a surplus of appropriations this year

Revenue Comparison

- Building permits are doing well
- Auto registrations are down, but they are still going to hit their number for the fiscal end

6. Town Manager Annual Evaluation

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Nancy Harrington
The Town Council to discuss result of recent evaluation.

MOTION made by Vice Chair Harrington and seconded by Councilor Woods to approve the Town Manager's Evaluation for 2021/22

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ June 9, 2022

MOTION made by Councilor Healey and seconded by Councilor Hunter to approve the minutes from June 9, 2022 as amended.

MOTION CARRIES 7-0-0

Approved: July 14, 2022

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Amendments:

Page 7, Line 41: Change “planning and building department” should say “the community development department and building department”

Page 7, Lines 44 and 46: “Chairman Woods” should say “Councilor”

Page 2, Line 31: Capitalize the “v” in OHRVs, quote section 111-1 H to clarify

Page 3, Line 17: Change $\frac{3}{4}$ to say “three quarters”

Page 3, Line 38: Write out what MS4 stands for

Page 7, Line 32: Martel Canteen should say “Martel Field Canteen”

Page 8, Lines 26 and 33 change “motion to move to dispose” to “motion to dispose” for both motions

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Vice Chair Harrington wanted to wish everyone a happy 4th of July and hopes to see everyone at the Rotary breakfast and hopes to see everyone at the Hot Dogz for Alzheimer’s event on June 30th.

Councilor Healey wanted to wish Merrimack High School’s Class of 2022 a very happy graduation and congratulations.

Councilor Murphy wanted to update the Council and public on the National PFAS conference she recently attended. She stated that there were about 350 attendees, and there was an announcement made during the conference: there are four interim drinking water lifetime health advisories for PFAS, specifically for PFOA, PFAS, Gen X, and PFBS that tightened the previous advisories by a factor of 17,000. These health advisories, though not enforceable, provide information on contaminants that can cause human health harm and are known or suspected to occur in drinking water. These new advisories indicate that there is no safe level of lifetime exposure. NHDES in response to this noted that they are not taking any action related to these health advisories at this time and the EPA is working to set new enforceable national primary drinking water regulations and will publish an update within the next year.

Adjourn

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

MOTION CARRIES 7-0-0

The meeting adjourned at 8:40pm.

Respectfully submitted by Jennifer Steagald