



## Town Council Meeting Minutes



Thursday, July 14, 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**

Chairman Rothhaus led the Pledge of Allegiance.

### **Announcements**

#### **Upcoming Town Council Meetings:**

- 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

The Parks & Recreation Department's Free Weekly Summer Concerts at Abbie Griffin Park are held every Wednesday Night from 6 – 8 pm thru August 17<sup>th</sup>

The next Parks & Recreation Dept Free Movie Night in the Park will be held on Saturday, July 23<sup>rd</sup> at Wasserman Park. The movie begins at 8:00 pm and we will be showing Spiderman: No Way Home.

The Merrimack Police and Parks and Recreation Departments invites you to join them on Tuesday, August 2<sup>nd</sup> from 5:30 – 8:00 pm at Abbie Griffin Park for this year's National Night Out Celebration. The event will feature the Merrimack Police Department along with a number of local business & community organizations who will be providing free food, games, music and arts & crafts projects. This event will be followed by the Parks & Recreation Dept's Movie Night in the Park where the movie "The Bad Guys" will be shown. The movie begins at 8:00 pm

The Media Division's "Become Involved" TV series will begin airing next Friday, July 22nd on Merrimack TV's YouTube channel and cable channel 20. Each of the 8 programs feature a member of the Town Council interviewing the Chairperson of a Town Board or Committee. This series is designed to inform residents and engage our community to become involved!

The first episode of Become Involved, "Town Center Committee" hosted by Councilor Finlay Rothhaus, will premiere alongside an introduction called "Be An Active Citizen" which details how Merrimack is governed. A new episode will premiere every Friday through September 2nd. To learn more visit the Town of Merrimack's Facebook page or Town website this Friday.

### **Comments from the Press and Public**

None.

### **Recognitions, Resignations and Retirements**

None.

**Appointments**

None.

**Public Hearing**

None.

**Legislative Updates from State Representatives**

Legislative Update for July 14, 2022

By: Rep. Maureen Mooney

Greetings:

The Governor signed into law [HB 1547](#) (AN ACT relative to perfluorinated chemical remediation in soil and procedures for certain hazardous waste generators) which includes the following:

A.) allows the NH DES commissioner to initiate rules for soil remediation standards for perfluorochemicals by November 1, 2023 because the United States Geological Survey (“USGS”) is performing a study in New Hampshire of its soil due by the fall of 2022;

B.) amends the Groundwater Protection Act rulemaking section ([RSA 485-C:4, VIII](#)) to add soil, and that a “person” liable for such contamination provide safe alternate water to an impacted well owner. (NOTE: The term "person" includes companies and public or private corporations per [RSA 485-C:2, XI](#));

C.) amends the PFAS Remediation Loan Fund grants section in [RSA 485-H:11](#);

D.) allows the DES to establish rebate programs to assist impacted private well users with water treatment or connection to public water systems in [RSA 485-H:3](#);

E.) adds a whopping \$25 million to the PFAS Remediation Loan Fund in [RSA 485-H:10](#).

Respectfully submitted,

**Rep. Maureen Mooney**

**Town Manager’s Report**

- Naticook Day Camp & Trek Summer Camps are sold out for the summer and we are currently looking at our highest enrollment in the Camp’s history.

**Consent Agenda**

None.

**Old Business**

None.

**New Business**

**1. Ratification of May 26, 2022, Town Council Meeting Votes**

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

Town Council to ratify the votes taken during the May 26, 2022, Town Council meeting.

Vice Chair Harrington began by stating that at this meeting, there was a last-minute notification that a third Councilor was going to be absent at the meeting, but Councilor Healey was able to be present via phone to

meet quorum. It was unknown at the time that the state had rescinded their Covid policy allowing this to be acceptable, so the Council contacted the town attorneys and was informed that they could ratify the meeting if all Councilors were able to review the minutes and video of the meeting to be given an opportunity to ask questions.

**MOTION made by Councilor Healey and seconded by Councilor Hunter to ratify the votes taken during the May 26, 2022, Town Council meeting due to the fact that less than a quorum of Councilors were physically present.**

***Roll call vote:***

Councilor Woods: Present

Councilor Healey: Yes

Councilor Koenig: Yes

Vice Chair Harrington: Yes

Councilor Murphy: Yes

Councilor Hunter: Yes

Chairman Rothhaus: Yes

**MOTION CARRIES 6-0-1 with Councilor Woods voting Present**

**2. Committee Appointments**

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

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

➤ **Haleem Mediouni** – Planning Board (*Alternate member*)

**MOTION made by Vice Chair Harrington and seconded by Councilor Murphy to appoint Haleem Mediouni to the Planning Board as an Alternate Member.**

**MOTION CARRIES 7-0-0**

**3. Children's Business Fair**

*Submitted by Sara Snavelly*

The Town Council to be presented with the details and consider the approval of the proposed Children's Business Fair.

Sara Snavelly was present to seek a permit for Watson Park for August 14<sup>th</sup> from 9am-12pm for the Children's Business Fair. She stated that the goal of the Acton Academy Children's Business Fair is to help children find their inner entrepreneur and give children the opportunity to showcase their very own business. She further stated that the fair will be a tented outdoor event with booths. Each business will be given a booth with an 8-foot table, full tent cover and 1-2 chairs. This is designed to give children the experience of selling a product or service, and the child running the booth is responsible for set up, customer interaction, and sales. Chairman Rothhaus asked how many participants they were expecting for this event, in which Ms. Snavelly stated that she hopes to have at least 20 booths set up. Chairman Rothhaus then asked Ms. Snavelly what she will be selling, in which she stated that she will be selling pillows, and the other children will be selling homemade items or services. Councilor Murphy commended Ms. Snavelly for doing a phenomenal job on this presentation and asked how children can sign up to participate in this. Ms. Snavelly stated that you can go on the Acton Academy website to search for locations and there is an option to sign up for a fair near you.

**MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the Merrimack Children's Business Fair on August 14<sup>th</sup> at Watson Park from 9am-12pm and waive all vendor fees applicable to this event.**

**MOTION CARRIES 7-0-0**

**4. Withdrawal Request from Road Infrastructure Capital Reserve Funds for Needed Improvements and Drainage Infrastructure on Gail Road**

*Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala*

The Town Council to consider a request to withdrawal up to \$425,000 from the Road Infrastructure Capital Reserve Funds for drainage and road improvements on Gail Road.

Deputy Public Works Director / Town Engineer Dawn Tuomala was present to discuss drainage and road improvements on Gail Road, first by sharing that 3 bids for this project came in this afternoon. She provided a brief overview, stating that this project is being done in 2 sections- first where Gail Rd connects from Joey Rd where there is 650 feet of road that needs to have existing drainage taken out and replaced, along with having the road rebuilt. The rest of the road up to Nora Rd is in good condition and will just need a shim and an overlay for the pavement. Part two is around Jay Rd where there is a root ball that keeps coming back, so the section of pipe needs to be removed and the roots need to be dealt with. There is also a ground water issue from Eric St that will require under drains and a catch basin in the upper part around Jay Rd and down the northern part to get the water away from the road. Ms. Tuomala then gave a brief overview of the bids, one for \$599,000, one for \$300,000, and one for \$385,000. She would like permission to allow them to do their usual evaluation of the numbers and provide an answer to the Town Manager.

Councilor Koenig asked what a root ball was, in which Ms. Tuomala stated that one of the trees has grown into the pipe and they are unable to break through the roots so they must take out the pipe altogether and cut the roots back. The new pipe will be concrete, and the roots will not be able to get into the joints of the pipe.

**MOTION made by Councilor Healey and seconded by Councilor Koenig to release the funds in the Road Infrastructure Capital Reserve Fund for drainage and road improvements on Gail Road up to the amount of \$425,000 and allow the Town Manager to sign all appropriate forms and documents as needed. MOTION CARRIES 7-0-0**

**5. The Un-dedication of Portions of Acre Lane and Claire Street in the Level Acres Development & Acceptance of Proposed Easements**

*Submitted by Keach-Nordstrom Associates*

The Town Council to consider the request to release and undedicate 2 sections of road on Acre Lane and Claire Street and accept the proposed easements.

Dawn Tuomala and Tony Basso, engineer from Keach-Nordstrom Associates, were present to discuss this request, stating that this subdivision was done in the 60's and revised in 1977 and created a number of lots that split the road and have merged over the years. She is here to discuss Phase III, which is the area over on Pearson Rd. The Planning Board has approved adjustments for an easement to widen the road and replace the drainage, and that some section of the old road had to be discontinued in order to be able to do this line adjustment and subdivision. She then presented a map to the Council highlighting the lots in question and the two sections that need to be released and undedicated, and stated that this has gone through the town attorney and the legal language has been approved.

Councilor Healey asked Ms. Tuomala to explain what an undedication means, in which Ms. Tuomala stated that there are legal rights to this street, and an undedication means that the land goes back to the owners, and the town gives up the public rights to the street to be able to walk within the area. Councilor Koenig asked if

the Fire Department has reviewed and approved this request, in which Ms. Tuomala stated that they reviewed the fire hydrant locations but did not specifically review the shape of the road. Allison Lewis from Keach-Nordstrom stated that they did speak with the Fire Department and confirmed that their only question was the fire hydrant locations, but they have not heard back from the department yet.

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the request to release and undedicate 2 sections of road on Acre Lane and Claire Street and accept the proposed easements as presented tonight, and approve the Town Manager to sign all necessary documents as applicable. Additionally, several conditions have been put within the undedication documents:**

- 1. The easement plan and deeds to be recorded in the HCRD (Hillsborough County Registry of Deeds)**
- 2. Drainage infrastructure needs to be completed prior to any issuance of certificate of occupancy permits are given**
- 3. They meet all the recommendations of the staff of the Town of Merrimack Community Development, the Public Works Department, and in conjunction with undedication by the Town Council**

**MOTION CARRIES 7-0-0**

**6. 2018 Homeland Security Grant Program Award – EMS Warm Zone Equipment**

*Submitted by Fire Department Chief Mark DiFronzo*

The Town Council to consider the acceptance and expenditure of grant funds in the amount of up to \$6,000 made available through the 2018 Homeland Security Grant Program for the purchase of EMS Warm Zone equipment needs for our first responders to Active Shooter events, pursuant to RSA 31:95-b and Charter Article 8-15.

Fire Chief DiFronzo and Assistant Chief Newman were present to discuss the 2018 Homeland Security Grant Program, sharing a PowerPoint highlighting the following:

- The purpose of the FY 2018 HSGP is to support the state and local efforts to prevent terrorism and other catastrophic events and to prepare the nation for the threats and hazards that pose the greatest risk to the security of the US
- This grant totals \$6,000 and is a repeat grant with our first award being in FY 2016
- The intention of this award is to restock durable medical supplies for our Rescue Task Force program and to purchase personal protective equipment for our Special Response Medics

Assistant Chief Newman also shared the approved equipment list, stating that they are looking to purchase items such as a PPE gear bag, durable medical supplies, and MOLLE pouches with equipment, totaling \$5,988. Councilor Hunter asked if this would be able to be approved by the end of July, in which Chief DiFronzo stated yes, because they have a relationship with the equipment supplier the finance department has approved them to use the supplier as a vendor for these purchases. Councilor Koenig asked about ballistic backpacks and vests, asking if the fire department goes into “hot zones”, in which Assistant Chief Newman shared that they will go into “warm zones” to treat injuries but that may escalate to a “hot zone”, so they have the protective gear to use in case they are around gunfire.

**MOTION made by Councilor Koenig and seconded by Councilor Healey to accept the expenditure of grant funds in the amount of up to \$6,000 made available through the 2018 Homeland Security Grant Program for the purchase of EMS Warm Zone equipment needs for our first responders to Active Shooter events, pursuant to RSA 31:95-b and Charter Article 8-15, and to authorize the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

**7. Withdrawal Request from Highway Capital Reserve Fund for Brush Chipper Purchase**

*Submitted by Highway Operations Manager Lori Barrett*

The Town Council to consider a request to withdrawal \$38,718.25 from the Highway Capital Reserve Fund for the purchase of a 2022 Intimidator 12XP Brush Bandit chipper for use at the Highway Division.

Highway Operations Manager Lori Barrett was present to discuss the 2022 Intimidator 12XP Brush Bandit chipper, stating that their current chipper is a 2005 Morbark Blizzard chipper and is long overdue to be replaced. She then stated that they have received two bids, one for an updated version of their current chipper called the Eager Beaver 1415 at \$66,930, and one for the Intimidator 12XP Brush Bandit for \$50,718.25. The trade in value for the current chipper was stated by both bidders to be \$12,000, bringing the total for the Intimidator down to \$38,718.25. Ms. Barrett suggested purchasing the Intimidator 12XP Brush Bandit due to the savings. Councilor Healey asked what the diameter that the chipper will handle, in which Ms. Barrett stated it will handle a 12-inch tree.

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the request to withdrawal \$38,718.25 from the Highway Capital Reserve Fund for the purchase of a 2022 Intimidator 12XP Brush Bandit chipper for use at the Highway Division, and approve the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

**8. Withdrawal Request from the Sewer Infrastructure Capital Reserve Fund to Purchase 15 Compost Aisle Blowers**

*Submitted by Assistant Director Public Works Department / Wastewater Sarita Croce*

The Town Council to consider a request to withdrawal up to \$31,800 from the Sewer Infrastructure Improvement Capital Reserve Fund for the replacement and purchase of 15 compost aisle blowers for the Compost Facility.

Assistant Director Public Works Department / Wastewater Sarita Croce was present to discuss replacing and purchasing compost aisle blowers for the Compost Facility. Ms. Croce shared a PowerPoint presentation highlighting the following:

- Blowers add oxygen to compost (pictures provided to Council)
- Oxygen is required for the pathogen reductions
- There are 75 blowers, which were all installed in 1994 and are in rough condition
- Ms. Croce is proposing changing out 15 blowers per year for the next 5 years to the compost aisle blowers that are stainless steel- the Bonardi Design
  - Stainless steel shaft and hardware
  - Coated steel motor and aluminum housing
  - The blowers will be supplied by Howden (manufacturer of the blower)
- 15 blowers
  - \$2,124 each; total \$31,860
  - Delivery of the blowers would be 6 months after receipt of a purchase order

**MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the request to withdraw up to \$31,800 from the Sewer Infrastructure Improvement Capital Reserve Fund for the replacement and purchase of 15 compost aisle blowers for the Compost Facility, and authorize the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

**9. Withdrawal Request from the Sewer Infrastructure Improvement Capital Reserve Fund to Upgrade Compost Agitators**

*Submitted by Assistant Director Public Works Department / Wastewater Sarita Croce*

The Town Council to consider a request to withdrawal up to \$143,000 from the Sewer Infrastructure Capital Reserve Fund to upgrade the compost agitators to wireless communication between the Agitator and Dolly for the Wastewater Division.

Assistant Director Public Works Department / Wastewater Sarita Croce then discussed upgrading the compost agitators to wireless communication between the Agitator and Dolly. Ms. Croce shared the following facts:

- Composting is regulated by EPA 40 CFR part 503 and NHDES ENVWQ800
- There are two types of compost you can produce, Class A and Class B, with Class A being the highest quality and what they produce
- Class A is a full destruction of pathogens to non-detectable levels in the wastewater solid
- Ms. Croce then showed a picture of the Compost Facility, sharing that they use a process in the treatment plant called an in-vessel composting process, which means that they have an environment that they can control, and they measure temperature and controlled amounts of air to kill pathogens
- They have 15 bays that they fill with a mixture of sawdust and equal parts of sludge to mix together
  - An agitator then moves the mixture through the bay rows while mixing the material
  - Air is introduced and exhausted through blowers in the floor of the bay to ensure that the material contains sufficient oxygen
  - The most important design feature of a composting system is the ability to maintain uniform aerobic conditions
- Ms. Croce then showed pictures of the dolly and agitator to help create a visual of this process for the Council to understand how these machines work
- Ms. Croce then shared the reasoning for the PLC upgrade:
  - Safety- slips, trips, and falls occur when operators have to climb over compost to reset an agitator. With this upgrade, the operators will be able to control the agitator without entering the bays
  - Reduces time for operation activities. Improves consistency of operation
  - Produces valuable information which can assist with process improvements
- Two agitators- PLC Upgrades will cost \$71,750 each; \$143,000 total

**MOTION made by Councilor Koenig and seconded by Councilor Murphy to approve the request to withdraw up to \$143,000 from the Sewer Infrastructure Capital Reserve Fund to upgrade the compost agitators to wireless communication between the Agitator and Dolly for the Wastewater Division, and authorize the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

**10. Acceptance of Donation to Parks & Recreation Department Scholarship Fund**

*Submitted by Parks and Recreation Director Matthew Casparius*

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$4,000 from Merrimack Friends and Families to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

**MOTION made by Councilor Koenig and seconded by Councilor Healey to accept the donation in the amount of \$4,000 from Merrimack Friends and Families to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15**

**MOTION CARRIES 7-0-0**

The Council thanks the Merrimack Friends and Families for their donation.

**11. Acceptance of Donation to Parks & Recreation Department Scholarship Fund**

*Submitted by Parks and Recreation Director Matthew Casparius*

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$500 from the Merrimack Lions Club to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

**MOTION made by Councilor Koenig and seconded by Councilor Murphy to accept the donation in the amount of \$500 from the Merrimack Lions Club to the Parks and Recreation Department to be used towards the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.**

**MOTION CARRIES 7-0-0**

The Council thanks the Merrimack Lions Club for their donation.

**12. Primex Contribution Assurance Program (CAP) - Fiscal Year 2024 through Fiscal Year 2026**

*Submitted by Finance Director Thomas Boland*

The Town Council to consider the option of participating in the Primex Contribution Assurance Program (CAP) on both Property Liability and Workers Comp insurance for a three-year period (FY 2024 through FY 2026).

Finance Director Tom Boland was present to discuss the Primex Contribution Assurance Program (CAP). Before he began, Town Manager Paul Micali shared that the CAP program is not new and has been around since 2007. Mr. Boland then shared that this program provides them with a maximum percentage increase over a 3-year period for worker's compensation and property liability insurance. This is helpful as it allows them to budget with more confidence knowing that the rates are limited with how much they can increase. Mr. Boland then shared that Primex is offering them a cap rate of no greater than 8% for worker's compensation and 5% per year over the 3-year period for property liability insurance. He then shared that over the last 6 years, they've averaged a 12% increase in worker's compensation and a 5% increase in property liability, so the proposed maximum cap rates are favorable.

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve participating in the Primex Contribution Assurance Program (CAP) on both Property Liability and Workers Comp insurance for a three-year period (FY 2024 through FY 2026), and authorize the Town Manager to sign and any all necessary documents.**

**MOTION CARRIES 7-0-0**

**Minutes**

Approve the minutes from the following Town Council meeting:

♦ June 23, 2022

**MOTION made by Councilor Koenig and seconded by Councilor Healey to approve the minutes from June 23, 2022 as amended.**

**MOTION CARRIES 7-0-0**

Amendments:

Page 8, Line 9: Change to Martel Field



**Comments from the Press**

None.

**Comments from the Public**

John DeBelis from Meetinghouse Road wanted to discuss Watson Park, sharing that there is a fence and a gate blocking the entrance to the waterways that he would like to be opened so that residents can have full use of the water. He has spoken to the DPW and other Town officials, but no resolution has been made yet. Councilor Healey asked why this gate is closed, in which Mr. Micali stated that this is due to the recommendation from the Police Department, Parks and Rec Department, and DPW due to the rules of the park, but he will speak with them when he is back from vacation.

**Comments from the Council**

The Council collectively shared how much they enjoyed the 4<sup>th</sup> of July Fireworks and thanked the Town for putting on a wonderful event.

**Adjourn**

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

**MOTION CARRIES 7-0-0**

The meeting adjourned at 8:54pm.

Respectfully submitted by Jennifer Steagald