



Town Council Meeting Minutes



Thursday, September 8, 2022, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Eagle Scout Teagan Hilliard led the Pledge of Allegiance.

Announcements

The Merrimack Town Council would like to extend our deepest sympathy to the family and friends of Alan Buttrick, who passed away on Tuesday, September 6th. Alan was a Mechanic II at Equipment Maintenance for 11 years. He retired in 2014.

The State Primary Election will be held on **Tuesday, September 13th** from 7:00 AM - 7:00 PM at your designated polling location. For more information, please visit the Town's website.

Upcoming Town Council Meetings:

- Thursday, September 22, 2022, 7:00 PM Regular meeting
- Thursday, October 13, 2022, 7:00 PM Regular meeting
- Thursday, October 27, 2022, 7:00 PM Regular meeting

The Library will be closed from Sept 19-24 while the 20+ year old carpet is replaced throughout the building. Our outside book drops will be closed and all due dates for items will be extended through Sept. 26th. Be sure to visit us beforehand to stock up on all your favorite books, movies and games. Our virtual library of thousands of ebooks, audiobooks, films, TV shows, comics and music will not be affected.

Tonight (September 8th) will be the last of the Transfer Station's extended summer hours for the season. We will be resuming our regular hours to Tuesday through Saturday 8:00 am until 4:00 pm.

The Merrimack Public Works Department will be hosting a Local Concerns Meeting for the proposed safety improvements at the US 3/Wire Road intersection on Monday, September 26 at 6:00 PM. Please visit the Public Works website or call the office at 424-5137 for more information.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

1. Eagle Scout Recognition

Submitted by Town Councilor Nancy Murphy

The Town Council to present a certificate of recognition to Eagle Scout Teagan Hilliard for her achievement of attaining the Eagle Scout rank at the age of 13 years old as well as being the first female in the Town of Merrimack to achieve this rank.

Teagan Hilliard was present to share how she achieved this rank, stating that she was able to earn many of her merit badges during covid when school was remote, and she took advantage of having less homework. Councilor Murphy praised her for all her hard work, and Chairman Rothhaus presented her with the certificate of recognition.

Appointments

1. State Primary Election Discussion

Submitted by Town Moderator Lynn Christensen

Town Moderator Lynn Christensen to provide the Town Council with an update on the upcoming State Primary Election scheduled for Tuesday, September 13, 2022.

Ms. Christensen began by stating to the Council that because they are all elected officials, they are expected to be at the polls or their designee. Other than that, this election is expected to be on par with previous elections. Chairman Koenig shared to Ms. Christensen that he has been getting notifications from the secretary of state's office stating that elected officials should be watching 14-hours worth of webinars on law changes, in which Ms. Christensen said that he does not need to watch those, but there are a few small changes that she will deal with that the Council does not need to worry about. Ms. Christensen then discussed general election and polling information, sharing that she would like to get media services involved in the future to make a video or presentation on how the polls work and educate the community on this process.

Public Hearing

1. Public Hearing – Acceptance of Merrimack Special One-time Payment from New Hampshire Department of Transportation (NHDOT) for Class IV and V Highway Maintenance

Submitted by Town Manager Paul T. Micali

The Town Council will hold a public hearing to consider the acceptance and expenditure of a special one-time highway payment of \$514,772.02 from the New Hampshire Department of Transportation, made available based on the passage of Senate Bill 401 based on distribution methods of Block Grant Aid Apportionment A for maintenance, construction and reconstruction of Class IV and V Highways, pursuant to RSA 31:95-b and Charter Article 8-15.

Town Manager Paul Micali shared that this payment was to be utilized for some paving projects that were ready to be done this year that DPW Director Kyle Fox was in agreement with. Together, they reviewed a study conducted by the Regional Planning Commission to determine which roads would benefit from this special payment and determined that Wilson Hill Rd, Peaslee Rd, Naticook Rd, Woodward Rd, and Greatstone Dr. were the worst, and they were able to be paved and mostly completed with these funds. He is present tonight to ask the Council to approve these funds so they can finish the paving work with Continental Paving.

The public hearing was opened at 7:29pm and closed at 7:30pm.

MOTION made by Councilor Koenig and seconded by Councilor Murphy to accept and expend the special one-time highway payment of \$514,772.02 from the New Hampshire Department of Transportation, made available based on the passage of Senate Bill 401 based on distribution methods of Block Grant Aid Apportionment A for maintenance, construction and reconstruction of Class IV and V Highways, pursuant to RSA 31:95-b and Charter Article 8-15; and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 6-0-0

Legislative Updates from State Representatives

State Rep. Rosemarie Rung was present to share that the house is reconvening next Thursday for "veto day" where state reps have the opportunity to vote to sustain or override vetoes the governor has made. She believes the only bill that may be overridden is HB1454, which redefines the distance a company is allowed to build a landfill. Currently, the RSAs require a 200ft setback, and this bill would base the setback on

hydrogeological studies. She also shared that this past Tuesday was the first day that incumbent representatives are allowed to file legislative service requests, which alerts the legislative office that there is a request for a bill and language can start being drafted. Rep. Rung then shared some bills she is working on, such as a bill regarding eating disorders for students. Lastly, she asked the town residents and Council to let the state reps/her know if there are any legislation that would impact the municipal government they would like to be addressed so the reps can begin researching.

Legislative Update on September 8, 2022

By: Rep. Maureen Mooney

Greetings:

The dates to file legislation for next term in the New Hampshire House are as follows:

- September 6-16, 2022 for incumbent Representatives;
- November 9-22, 2022 for all Representatives.

Respectfully submitted,

Rep. Maureen Mooney (R-Merrimack)

Town Manager's Report

- Gail Road Construction has been progressing well - the main line of the drainage is expected to be completed the first part of next week (weather dependent). Then there are 3 new structures that will need to be tied in across the street. After the drainage is completed, the road will be reconstructed and paved.
- The annual Mill & Fill program where our highway crew grinds up failing pavements and utilizes a rental paver to pave the patches is complete for this year. The two-week program repaired poor pavement areas on Turkey Hill Road, Windsor Drive, and South Baboosic Lake Rd.
- The rehabilitation of the timber deck on the wastewater bridge at the east end of Watson Park is complete. RS Audley completed the work in just over two weeks. The work involved removing the guardrail and timber deck from the 140-foot span bridge over Baboosic Brook, replaced the deck with new timbers and reinstalled the guardrail. The bridge allows our wastewater staff to access the sewer interceptor and a sewer siphon on the east side of Baboosic Brook.
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Consent Agenda

None.

Old Business

1. MS4 Update

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to be presented with an update on the MS4 requirements.

Deputy Public Works Director / Town Engineer Dawn Tuomala was present with new Environmental Coordinator Ashley Litwinenko, and they shared a PowerPoint presentation on MS4 updates, highlighting the following:

- 5 Year Upcoming Requirements Stormwater Management Program
 - Stormwater Management Plan (SWMP) Document used by permittee to describe the activities and measures that will be implemented to meet the terms and conditions of the permit

- Is to be changed, updated, and modified throughout the permit as the permittee's activities change
- Comply with schedules
- Create minimum control measures (MCM's)
- Appendix F&H- Requirements for water impairments Total Maximum Daily Loads (TMDL's)
- MCM's
 - MCM 1- Public Education and Outreach
 - Targeting 4 audiences (2 for each/5 years)
 - Residents & Homeowners
 - Commercial & Business Properties
 - Developers/Construction/Reconstruction
 - Industrial Properties (2023)
 - Many of the Educational Pamphlets
 - Out for distribution since May 2019
 - On the website
 - Made several infomercials on TV
 - Zoom presentation on Lawn Fertilization
 - MCM 2- Public Involvement and Participation
 - MCM 3- Illicit Discharge Detection and Elimination (IDDE) Program
 - Legal authority of Prohibit, Investigate, and Eliminate
 - Change Code 167
 - Definitions & Prohibitions
 - Continued Elimination of Illicit Discharges
 - Non-stormwater discharges
 - System Mapping- Continually updating
 - Outfall inventory & Interconnections initial ranking
 - Begin wet weather outfall screening & sampling
 - Follow-up rankings
 - Catchment investigations
 - Employee training
 - MCM 4- Construction Site Stormwater Runoff Control
 - Requirements by February 23, 2023
 - Inspectors need to be certified
 - Chapter 167 in the Town Codes
 - Code will need to be revised through Town Council Public Hearings
 - Regulations will need to be approved by the Planning Board by public hearings
 - MCM 5- Post Construction Stormwater Management in New Development and Redevelopment
 - Finalize updates to Chapter 167
 - Report in each annual report on the status of the current street design and parking lot guidelines
 - Report in each annual report on permittees findings and progress towards making the green infrastructure practices
 - Beginning with the fifth year's annual report- report on properties and that have been retrofitted with BMPs to mitigate impervious areas
 - MCM 6- Good Housekeeping and Pollution Prevention for Permittee Owned Operations

- Infrastructure Operations and Maintenance
 - Street sweeping- all paved streets
 - Catch basin cleaning- possible contracted vs in-house
 - Winter road maintenance
 - Green sno pro (min. salt usage) and training
- Stormwater Pollution Prevention Plan (SWPPPP)
 - Pollution prevention team
 - Desc. Facility & ID pollutant sources
 - Spill avoidance
 - Evaluations- record keeping
- Appendix F: To be completed
 - Additional street sweeping requirements for high pollutant loading areas
 - Description of Operation and Maintenance (O&M) Program
 - Implementation schedule
 - Cost and funding source assessment
 - Provide Lake Phosphorus Control Plan scope
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Ms. Tuomala also provided the Council with maps highlighting bacteria areas as well as baseline projected costs for targeted properties, with an estimated cost of \$642,000, with one project to be selected and completed by June 2024. Ms. Tuomala also highlighted new Environmental Coordinator Ashley Linwineko's achievements and resume, and the upcoming projects she will be working on.

New Business

1. Health Officer Review and Update

Submitted by Health Officer Erin Olson & Fire Chief Mark DiFronzo

The Town Council to be presented with the changes to NH RSA 128, review the current role of the Municipal Health Officer as well as review "Summary of Readiness to Address Local Public Health Threats" for the Department of Health and Human Services.

Health Officer Erin Olson began by sharing that RSA 128 is the state statute that governs the appointment term authority of town health officers and health officer deputies. The changes first started in June 2021, and include:

- Requiring the local board of health to meet at least one every year or as frequently as needed
- Complete readiness reports to provide information to the state with relevant public health threats
- New health officer training requirements: every health officer must complete a minimum of 3 hours of training
- Health officer appointments: Health officers can now be out of state residents to serve in the state of NH, and the deputy health officer term shall expire along with the health officer's term

Ms. Olsen then shared the health officer responsibilities, which include rental housing, public health nuisances (garbage, unsanitary living conditions, rodents, bed bugs, drinking water, etc.), septic systems, and communicable diseases. She also shared the core functions of the health officer, which include inspecting, educating, and resolving public health issues in the community. Ms. Olsen is also responsible for the following:

- Food establishment inspections- restaurants, convenience stores, school cafeterias, etc.
- Temporary and mobile food vendors- food trucks, canteens, food trailers
- Public bathing areas- public/semi-public pools, spas, beaches
- Foodborne illness investigations
- Childcare facility inspections
- Foster home inspections

- School health & sanitation inspections- includes public and private schools
- Grease trap, FOG inspections- collaboration with wastewater department
- Emergency preparedness/management

Ms. Olsen also spoke about the community boards she is a member of, which include the Greater Nashua Public Health Network and the Public Health Advisory Council (PHAC) Executive Committee. She also discussed public health emergency preparedness priorities, which include improving regional communication structure, increasing public health planning, exercising, and training among various sectors, and strengthening working relationships between GNPHN and the state of NH.

Councilor Murphy asked Ms. Olsen what her top public health priorities are, in which Ms. Olsen stated that healthy homes (hoarding, lead prevention, elderly population resources, etc.) and water contamination are the two top categories, along with emergency preparedness. Councilor Murphy and Ms. Olsen then discussed improvement plans for a healthier community regarding polluted water, air, and soil, and what the community can do to help achieve this goal. The Council then discussed ways to utilize and disperse information into the community.

2. Health License Fee Schedule – Proposed Amended Fees

Submitted by Health Officer Erin Olson & Fire Chief Mark DiFronzo

The Town Council to consider the proposed amendments to the Health Division's fee schedule for food service establishment licenses.

MOTION made by Vice Chair Harrington and seconded by Councilor Hunter to table this agenda item until the September 22, 2022 meeting.

MOTION CARRIES 6-0-0

3. Southern New Hampshire Special Operations Unit

Submitted by Police Chief Brian Levesque

The Town Council to consider a request for the Town of Merrimack's Police Department to join the Southern New Hampshire Special Operations Unit (SNHSOU), which deals with high-risk or unusual incidents such as active shooter response, hostage situations, barricaded subjects, etc.

Police Chief Brian Levesque was present to discuss joining the Southern New Hampshire Special Operations Unit, stating that the police department as a whole reviewed their current special response team and believe they could benefit from joining this unit, which is comprised of 13 communities. He shared that in a critical environment, they would call over to these departments and they would respond with their members (up to 60) to retain control of the scene, similar to a SWAT team. This unit can also be used to look for a missing person or search a large area as they have special equipment such as a vehicle, command post, and drones to aide in quick recoveries. Chief Levesque then shared that this unit receives an average of 12-15 calls per year, with an average time of 3 hours due to de-escalation techniques to resolve situations. He then stated that he plans to sign up 6 officers for this unit, which will cut down on training expenses and overtime costs. The cost to join is \$5,000 per year which includes any equipment replacement.

Councilor Hunter asked how the call out works, specifically if the calls come in through dispatch, in which Chief Levesque stated that the calls come in through a messaging system that disperses to all members. Councilor Hunter asked if this would impact the police's response time for local issues, in which Chief Levesque stated that the responses would not affect response times for the community. Councilor Murphy asked if the town would receive mutual aid in a large crisis if they were not part of this special operations unit, in which Chief Levesque stated that the town would receive help from the closest communities, but not the entire SNHSOU if they are not members. Vice Chair Harrington asked if there would be any liability for officers or equipment used in another town, in which Mr. Micali stated that this program was thoroughly

vetted by the town legal department, and it was determined that the insurance would cover any costs associated during a situation. Councilor Harrington then asked what would happen if the unit responded and was not acting in agreement with the town police department, in which Chief Levesque stated that the town is always in control and makes decisions and can ask the other department to leave the situation if there is a disagreement over how to handle the situation.

MOTION made by Vice Chair Harrington and seconded by Councilor Hunter to allow the Merrimack Police Department to join the Southern New Hampshire Special Operations Unit (SNHSOU), which deals with high-risk or unusual incidents such as active shooter response, hostage situations, barricaded subjects, etc., and allow Town Manager to sign any and all necessary documents.

MOTION CARRIES 6-0-0

1. Acceptance of Homeland Security Grant for the Merrimack Police Department

Submitted by Lieutenant Michael Marcotte

The Town Council to consider the acceptance and expenditure of a grant in the amount of \$8,982.33 made available through the Division of Homeland Security & Emergency Management, for the Merrimack Police Department for the purpose of purchasing three (3) Night Vision Goggle units for the officers, pursuant to RSA 31:95-b and Charter Article 8-15.

Lieutenant Mike Marcotte was present to discuss the grant, stating that the purpose is to purchase night vision goggles for the SRT officers who will be joining SNHSOU. The conditions of the grant state that the funds must be used to purchase night vision goggles to match the rest of the state's night vision goggles. The price per goggle is \$2,755, and the benefits of purchasing these would ensure that the team can have the same capabilities as the SNHSOU team and across the state and allow for night situations to be handled without calling in surrounding town departments.

MOTION made by Councilor Hunter and seconded by Councilor Woods to approve the acceptance and expenditure of a grant in the amount of \$8,982.33 made available through the Division of Homeland Security & Emergency Management, for the Merrimack Police Department for the purpose of purchasing three (3) Night Vision Goggle units for the officers, pursuant to RSA 31:95-b and Charter Article 8-15, and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 6-0-0

2. Withdrawal Request from the Sewer Infrastructure Capital Reserve Fund (CRF) to Purchase a Ford Explorer XLT

Submitted by Assistant Director Public Works Department / Wastewater Sarita Croce

The Town Council to consider a request to withdrawal up to \$33,962 from the Sewer Infrastructure CRF to purchase a Ford Explorer XLT for the pretreatment program for the Wastewater Division.

Town Manager Paul Micali began by stating that due to the vehicle shortage, the town is having difficulty purchasing new vehicles since there is a fast turnover rate and the town is required to present all requests to the Council before withdrawing from the CRF. Because of this, they are looking into having the Council approve up to a certain amount for bids so that the town does not lose out on purchasing vehicles. Assistant Director Public Works Department / Wastewater Sarita Croce then shared that the 2022 Ford Explorer XLT they are looking to purchase would be replacing the existing 2008 Ford Explorer, which is responsible for site sampling across the town. When they went to bid, they received 4 bids that ranged in price from \$33,962 to \$43,440. They had originally planned to put the 2008 Ford Explorer out to auction, however the work

Approved: September 22, 2022

Posted: September 26, 2022

vehicle that Ms. Croce drives failed inspection due to severe rot, so the plan is to now keep the 2008 Ford Explorer for another year since her work vehicle is due to be replaced next year.

MOTION made by Vice Chair Harrington and seconded by Councilor Murphy to approve the withdrawal up to \$33,962 from the Sewer Infrastructure CRF to purchase a Ford Explorer XLT for the pretreatment program for the Wastewater Division, and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 6-0-0

3. Acceptance of Donation to Watson Park

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance of a donation in the amount of \$400.00 from Eagle Scout Nick Bourne, which are additional funds from his fundraising efforts, to be used for the purposes of purchasing surfacing material to be placed inside his Eagle Scout Project at Watson Park of the new gaga ball pit, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION made by Chairman Koenig and seconded by Vice Chair Harrington to accept the donation in the amount of \$400.00 from Eagle Scout Nick Bourne, which are additional funds from his fundraising efforts, to be used for the purposes of purchasing surfacing material to be placed inside his Eagle Scout Project at Watson Park of the new gaga ball pit, pursuant to RSA 31:95-b and Charter Article 8-15, and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 6-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ August 18, 2022

MOTION made by Chairman Koenig and seconded by Vice Chair Harrington to approve the minutes from August 18, 2022 as amended.

MOTION CARRIES 5-0-1 with Councilor Hunter abstaining

Amendments:

Change motion from approving the minutes from 7-0-0 to 6-0-0

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

MOTION made by Councilor Woods and seconded by Vice Chair Harrington to adjourn the meeting.

MOTION CARRIES 6-0-0

The meeting adjourned at 9:55pm.

Respectfully submitted by Jennifer Steagald