



Town Council Meeting Minutes



Thursday, October 13, 2022, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Rothhaus called the meeting to order at 7:06 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 Andrew Johnson led the Pledge of Allegiance.

Announcements

The Merrimack Town Council would like to extend our condolences to the family and friends of Jim Pitts, who passed away on September 23rd. Jim served as the Assistant Town Manager for Merrimack, as well as a City Manager/Town Manager/Town Administrator in Pelham, Franklin and Bow, NH totaling 22 years. Jim was a Vietnam Veteran and served in the U.S. Army for 20 years.

Upcoming Town Council Meetings:

- Thursday, October 27, 2022, 7:00 PM Regular meeting
- Thursday, November 3, 2022, 7:00 PM Regular meeting
- Thursday, November 17, 2022, 7:00 PM Regular meeting

The Town of Merrimack is sponsoring a Senior Information Fair after a 2 year hiatus with many organizations offering information to our Senior Citizens about their services and to answer questions. This year we will have a NH Mobile COVID Clinic available to provide vaccines and boosters. The Senior Information Fair will be held on Wednesday, October 26th from 9:00 AM – Noon at the John O’Leary Adult Community Center located at 4 Church Street.

The library has been collaborating with the Moose Mountain Seed Saving Group (based in Milton, NH) to create a new seed sharing collection. Participants will be able to take seeds from this collection to plant in their home gardens. Learn more about this endeavor on Oct. 19 at 6:30 at our seed saving presentation. Thanks also to members of the Merrimack Garden Club and the UNH Extension Master Gardener education program for their assistance in bringing this service to Merrimack.

Absentee ballots for the November General Election are now available at the Town Clerk’s office. See the town website for an official form and information.

Join the Town of Merrimack’s Fire Department for a day of fun and education at their open house on Saturday, October 15th from 10:00 AM – 2:00 PM. Events include apparatus tours, displays, equipment demos, and “Midnight Alarm” obstacle course for the kids. The open house will be held at Station One located at 432 Daniel Webster Highway.

In a partnership with Eversource Merrimack residents can recycle up to three refrigerators, freezers, air conditioners or dehumidifiers this Saturday at the Transfer Station for no cost. The \$15 per unit cost will be paid for by the NHSaves incentive program. An Eversource employee will be on site to discuss rebate opportunities for new appliances.

Approved: October 27, 2022

Posted: October 28, 2022

The final Household Hazardous Waste Collection for the 2022 season will be Saturday November 5th from 8AM to 12PM at 25 Crown Street in Nashua.

The Public Works Highway Division recently hosted two UNH T2 (squared) training seminars at our Highway Maintenance Facility; Green Sno Pro Certification and Chainsaw Safety and Maintenance. These classes are ongoing education and safety courses for our Public Works forces and we got the chance to host multiple communities in our training room along with having four of our own employees attend for free. This has been a great way to utilize our training facility and promote continued on-the-job training through UNH's T2 (squared) program.

At the September 14, 2022 NRPC Transportation Technical Advisory Committee (TTAC) Meeting, 16 projects were presented to the Committee for consideration to get into the NH DOT 2023-2032 Ten Year Plan. The sixteen projects totaled \$40,587,000. There was only \$7,393,412 available monies for all of these projects. The Town of Merrimack submitted 2 of the 16 projects - one for the Rehabilitation and safety improvements for the Chamberlain Bridge over Souhegan River on Daniel Webster Highway (next to the Central Fire Station). The second project presented was for the Naticook Road/Camp Sargent Road Triangle intersection safety improvements.

Cost Breakdown: Totaling \$2,601,000

Chamberlain Bridge \$2,200,000

Naticook Triangle \$ 401,000

At the October 12, 2022 TTAC Meeting the scoring results were revealed. The Town's projects had an initial ranking of No. 1 and No. 2. As the scoring progressed the Chamberlain Bridge still outranked the other projects as No. 1. The Naticook Road/Camp Sargent Road Triangle intersection ended with a final ranking of No. 5. Both of these projects made the cut to be recommended to move forward in the process to the next Ten Year Transportation Plan with 80% State/Federal funding. If the projects make it all the way through the entire process as currently estimated, the Town will receive \$2,601,000 of the Biennial Allocation of \$7,393,412 for the region.

Comments from the Press and Public

Shelly Uscinski of 3 Forest Drive was present to discuss the October 3rd fire on Forest Dr.

Presented to Merrimack Town Council Oct 13, 2022

Let me start by Thanking the board and especially Chairman Rothaus for allowing us time to speak to you before the start of your meeting.

As I'm sure you are all aware, we are here as concerned Merrimack and Woodland Park citizens after we witnessed the horrific fire on Forest Drive on October 3rd in our neighborhood. We wanted to come before you -the Town Council because you are our elected officials, and we feel it is important that you hear our concerns directly, and not as here-say from any other sources.

There were many of us homeowners who were outside witnessing the fire and collectively we were shocked and horrified by what we saw. Many of us have lived in the neighborhood for over 30 years, and that particular house has affectionately been called the "King Kone House". Of course we all were very thankful to God and the Fire Dept. that the family that was living in the house was out safely and no one was injured. We are grateful to the Merrimack Fire Dept. for all their efforts, We believe they worked valiantly to make sure no one was left inside the house, and to attempt to put the fire out quickly. Several of us have since called the Fire Dept., and we received call backs in a very timely manner. The Fire Chief and his Lieutenant have been very courteous, professional and forthcoming with answers to our immediate questions. They have been open and very responsive to all of us who have contacted them. For that we are very thankful. We have

been told that there will be an investigation and a report should be forthcoming from the Fire Dept. regarding this fire.

We are also grateful to the Merrimack Police Dept., especially Officer Tyler?. He was perhaps in charge of crowd control, and was very polite and respectful to all of the residents of the neighborhood. He made sure we were not in any danger and did his job professionally and courteously. I'm sure he is a shining star in our MPD.

As I'm sure you have heard, the fire hydrant that was directly across the street from the house on fire failed. It did not work. The firemen were unable to get water from it. We have been told by the fire Chief that it was an experienced Merrimack fireman who tried to operate the failed hydrant the night of the fire. It wasn't a "rookie".

The hydrant failure was very distressing not only to the homeowner, but to all us who live in our neighborhood. The Fire Dept. had to drop a hose all the way down Forest Drive and across Joppa Rd to get water. They also had to drop a hose down Woodland Dr. at the corner of Hartwood drive. All of this took valuable time away from actually putting the fire out. We believe the fire, which started in the garage, perhaps could have been contained in the garage if the hydrant worked properly and the fireman had the water they needed. Sadly, the house is a total loss to the homeowners.

Our neighborhood, which was built in the 1960's, thus making our development close to 60 years old, is out of current municipal code regarding the placement and distance between hydrants. It is our understanding that the current code for distance between hydrants is 500 feet. The hydrants that did work the night of the fire - Hydrant #110 on the corner of Hartwood Drive and Woodland Drive is 950 feet measured to the hydrant closest to the fire. The hydrant #107 on Joppa Road across from Forest Drive is 905 feet from the hydrant closest to the fire.

Fernwood Drive, right off of Forest Drive, has no hydrants at all. There may be other streets as well within Woodland Park that don't have hydrants.

Measurements taken from the closest hydrants are over 600 and 700 feet to the houses located in the middle of Fernwood Drive. And those distances include cutting across lawns and going around street corners. And that's assuming that those hydrants work. You can only imagine the degree of consternation for those who live on Fernwood Dr.

We are also concerned about the underground infrastructure including the water and drainage pipes underneath our roads. We have severe drainage problems on many of the streets, we have been experiencing sink holes, there are major cracks and potholes on all of the streets, and we experience major flooding anytime it rains. The last time our streets were paved over (not replaced) was in 1989. Which begs the question - Could deteriorating underground infrastructure have contributed to the hydrant failure?

Other questions regarding this incident –

Who owns the hydrants?

How old is the hydrant that failed?

What is the manufacturer's life expectancy of a hydrant? Did the hydrant fail because of deterioration underground?

Who is responsible for replacing the hydrants, and are there any short or long term plans to replace the hydrants in our neighborhood?

How old is the underground water system in Woodland Park and does it need to be replaced?

After 60+ years, shouldn't our neighborhood be upgraded to the new municipal code of 500 feet between hydrants instead of the current 950 ft?

Will the Fire Department's report be available to the public?

Does the Water Commission answer to the Town Council? If so, could you request a detailed report from the water Commission regarding Woodland Parks water system and the age and condition of our hydrants?

Will the Water Commission provide us with the cause of the hydrant failure?

What assurances can you give to the citizens of Woodland Park that in the event of another fire situation that the hydrants will work?

Will the Board of Selectman look into the infrastructure conditions of Woodland Park and propose a plan to repair or replace what is needed?

We understand that this is the first time you are hearing these questions and we know that some of these questions need to be answered by the Water Commission and the Merrimack Village Water District. And, we don't expect you to have the answers to any of these questions tonight. But, when you are able to get answers to any of these questions, feel free to contact either Ben Niles or myself, and we can pass on your responses to the rest of our neighbors.

Again, I want to thank the Chair and the whole Council for giving us the time to bring our concerns to you, our elected officials.

Ben Niles of 11 Fernwood Drive was present to offer his thanks and gratitude to Fire Chief DiFronzo, stating that he is very appreciative of all his hard work regarding the fire and for his transparency with the incident report.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

None.

Legislative Updates from State Representatives

None.

Town Manager's Report

Tax rate settings have been put on hold due to a class action lawsuit on the state education funding. The DRA is now going ahead with setting some tax rates, but this will be pushed back by almost two weeks, meaning that rates might not be available until November and due around Christmas time.

The Covid mobile clinic will be at the Senior Fair by appointment only. If interested, please contact Pat Murphy at her office or at pmurphy@merrimacknh.gov to schedule an appointment.

Consent Agenda

None.

Old Business

None.

New Business

1. Community Media Day – Proclamation

Submitted by Media Services Coordinator Nicholas Lavallee

The Town Council to issue a proclamation designating October 20, 2022, as “Community Media Day” in the Town of Merrimack to promote the importance of community media, resources within the Town’s Media Division, and programming available on Merrimack TV.

Media Services Coordinator Nicholas Lavallee was present to share information on Community Media Day, highlighting that the media department works on various projects such as live sports broadcasts, shows, meeting and event coverage, etc. He also shared that residents submit community programs for Merrimack TV, with hundreds of programs being produced over the years. Mr. Lavallee shares that this day is to celebrate all the hard work from residents and shed light on the importance of community media for Merrimack. This event will also allow anyone to go into the media studio, meet with staff, and learn about media and resources available to the town.

Town of Merrimack
Town Council
Proclamation
“Community Media Day”

WHEREAS, community media connects residents to their neighbors, community organizations, schools, and local government; and

WHEREAS, access to information in today’s media environment is critical for the healthy functioning of our community; and

WHEREAS, the sharing of ideas and information helps to build understanding and values within a community; and

WHEREAS, community media organizations provide a means for communities to tell their stories, hear each other’s stories, and create new stories together; and

WHEREAS, community media organizations provide local information to the community that may not be covered by commercial media; and

WHEREAS, community media organizations provide people with the resources necessary for the creation, sharing, and consumption of knowledge and ideas through media; and

WHEREAS, community media is an important resource for participating in local democracy; and

WHEREAS, in many communities, people are not aware of the diverse and valuable programming on public, education, and government access channels or community radio channels; and

WHEREAS, communities will benefit from increased general awareness of, viewing audiences for, and creators of media content created by and for the community;

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Merrimack, hereby proclaim October 20, 2022 as "Community Media Day" in Merrimack and all people are hereby called upon to promote the importance of community media, resources within the Town's Media Division, and programming available on Merrimack TV.

Proclaimed this 13th day of October, 2022, by the Merrimack Town Council.

MOTION made by Councilor Koenig and seconded by Councilor Healey to accept the proclamation designating October 20, 2022, as "Community Media Day" in the Town of Merrimack to promote the importance of community media, resources within the Town's Media Division, and programming available on Merrimack TV.

MOTION CARRIES 7-0-0

1. Eagle Scout Project Proposal – Canoe/Kayak Rack at Wasserman Park

Submitted by Boy Scout Andrew Johnson

The Town Council to be presented with Boy Scout Andrew Johnson's proposed Eagle Scout project to build a canoe/kayak storage rack next to the waterfront at Wasserman Park.

Boy Scout Andrew Johnson was present to share his Eagle Scout project, which is to build a canoe/kayak storage rack at Wasserman Park. Mr. Johnson stated that he is part of Troop 401 at St James Church and has lived in Merrimack his entire life. The purpose of this project is to give people in Merrimack a place to put their canoes or kayaks in a place that is next to the water, allowing for easy use of their boat. Additionally, this will give Wasserman Park another source of revenue as these spots would be rented out and satisfy the requests of citizens in Merrimack. Mr. Johnson then presented the Council with a map of where the ideal location would be for this rack, as well as the building process for the rack. He shared the following information regarding the new rack:

- Instead of holding 6 boats, the new one will hold 9
- Wood will be used on the sides to prevent boats from falling off
- Wood pieces will be run from one end of the canoe rack to the other in the center area to act as a guide for the boats
- The wooden pillars that hold up the structure will be cemented 30in down
- A locking mechanism will be installed to allow users to lock their boat down

Digging the holes:

- To dig the holes, an auger would be helpful to easily dig four 30in deep holes
- Mr. Johnson would pre-mark the locations of where the holes need to be dug
- Mr. Johnson would also contact someone to schedule digging once the project is approved

Fundraising:

- Mr. Johnson will be doing a car wash to obtain the revenue needed for the project
- The project will cost around \$690
- The car wash will happen at St. James Church
- The scouts of the troop will help with the fundraiser
- The town advertising the event would be helpful
- The town will not be paying anything for the materials for the project

Councilor Koenig asked if there was any upkeep needed for this project, such as regular maintenance (painting, etc.) for the rack, in which Mr. Johnson stated that there were no plans to have the rack painted, and the old canoe rack does not require any upkeep so he does not anticipate this new one would need any. Vice Chair Harrington asked if there is any town liability for those using the rack, in which Mr. Micali stated that they need to research this further with their insurance company as he is not sure if there is a disclaimer before renting can take place. Councilor Healey asked if Mr. Johnson will be using pressure treated wood, in which he stated that they will be using pressure treated wood as well as galvanized or stainless-steel bolts. Further, he stated that this new rack will not be replacing the old one, but rather be located next to it.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve Boy Scout Andrew Johnson's proposed Eagle Scout project to build a canoe/kayak storage rack next to the waterfront at Wasserman Park.

MOTION CARRIES 7-0-0

2. Town of Merrimack Returned Check or Electronic Means Policy Update

Submitted by Town Treasurer Xenia Simpson

The Town Council to consider the recommended changes to the Town of Merrimack Returned Check or Electronic Means Policy.

Town Treasurer Xenia Simpson discussed formalizing a policy that has been around for many years but has yet to be officially adopted by the town. She shared that they have been using this policy, which categorizes which checks have been returned, and the goal of formalizing this is to have the policy be the same throughout all the departments. Mr. Micali shared that this request came to be when the town auditors recommended making this public, so the community is aware of the return check policy in the town. The Council spent some time reviewing and discussing the policy, deciding to table this discussion to the next meeting.

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to table this agenda item to October 27, 2022.

MOTION CARRIES 7-0-0

3. Recommendation for Town Council Acceptance of Town Roads, Open Space Parcel & Drainage Easements of Greenfield Farms XIV Subdivision Plan

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to consider the recommendation to accept the Town roads, Open Space Parcel 7C/040-2 and Drainage Easements of Greenfield Farms XIV Subdivision Plan.

Deputy Public Works Director / Town Engineer Dawn Tuomala was present to discuss the above-named subdivision plan, sharing that this is known as "Greenfield Farms XIV" and is located up at the Bedford town line between Wire Rd and Pearson Rd. The overall parcel was 140 acres, with most of it going into conservation. Ms. Tuomala presented the Council with a map highlighting this specific area, along with another lot called "7C-40-2" off Pearson Rd as well. She then shared that this plan was signed in December 2017, with construction beginning in 2018. She also pointed out an area on the map in which the drainage easements had to be redone and shared the bond amounts with the Council. She would like the Council to release the current bond and hold a maintenance bond for two more years for \$338,975. She stated that the Planning Board has accepted the changes as well as accepted the bonds to be changed out, so she just needs Council approval as well as to allow the Town Manager to sign the various deeds.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to accept the Town roads, Open Space Parcel 7C/040-2 and Drainage Easements of Greenfield Farms XIV Subdivision Plan and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

4. Withdrawal Request from the Road Infrastructure Capital Reserve Fund

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to consider the request to withdrawal up to \$125,000 from the Road Infrastructure Capital Reserve Fund for the purpose of completing one existing emergency drainage repair estimated in the amount of \$25,000 and future emergency projects as they arise.

Mr. Micali spoke briefly on this, stating that there has been difficulty getting bids approved in time to hire contractors to begin projects, especially for emergency repairs and projects. He is asking the Council to approve withdrawal of extra money in case emergencies pop up so there isn't a delay in getting them worked on. Ms. Tuomala then spoke about the emergency drainage repair, stating that this current drainage issue is on Dahl Rd, and requires replacing a drainage line between culverts and repairing a catch basin that is currently covered by a steel plate in the road. Public Works Director Kyle Fox was also present to share that emergency projects are difficult to repair in a timely fashion due to a change in process a few years ago requiring all withdrawal requests must go through the Council first. Councilor Koenig shared some concern over pre-approving withdrawals as this could open the door to funds being misplaced or misused, and the Council discussed options for managing where the money would "live" when emergencies do not pop up that would require it to be used immediately. Mr. Micali stated that there would be a special account that would be tracked by the finance team. Councilor Hunter suggested adding this as a line item to the budget, in which Mr. Micali stated this is a feasible option. After some discussion, the Council agreed to approve the withdrawal amount of \$75, 000 from the CFR instead of \$125,000, and allocating \$50,000 for future emergency projects.

MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the withdrawal up to \$75,000 from the Road Infrastructure Capital Reserve Fund for the purpose of completing one existing emergency drainage repair estimated in the amount of \$25,000 and \$50,000 for future drainage emergency projects as they arise.

MOTION CARRIES 7-0-0

5. Proposed Winter Maintenance / Salt Use Policy & Procedure Updates

Submitted by Public Works Director Kyle Fox

The Town Council to consider the recommended updates to the current Winter Maintenance Policy which includes the previously separate Salt Use Policy within it.

Mr. Micali began by stating that the current salt use policy is 30 years old, and a lot has changed since it was adapted. He also shared that MVD and other important figures in the town are in approval of this new policy. Mr. Fox then shared a copy of both policies with the Council and gave a brief overview of the policies and the changes made. He also stated that there are two RSAs, 231.92 (the liability of municipality standard of care) and 231.92-A (snow, ice and other weather hazards), that influenced these policy changes as they reflect the town liabilities. Mr. Fox then discussed the draft policy, highlighting the objective, no, low, and limited salt routes, replacing damaged mailboxes, and repairing damaged resident property and lawns. The Council discussed in length replacing damaged mailboxes and what is covered under insurance/liability and what is not (such as custom mailboxes, granite, etc.). Councilor Murphy raised questions about salt use and health impacts, asking MVD to briefly discuss their precautions taken to ensure the water quality is not

impacted. Water Commissioner Don Provencher was present and shared that they met with their consultant regarding a possible salt reduction project, such as one that was conducted in Dover, to help resolve any salt and water issues. He also stated that Dover was able to reduce their salt application and cost by utilizing an anti-icing with liquid brine pretreatment, and that Merrimack may be able to adapt a similar plan. He would like to set up a workshop with the Council, MVD, the Planning Board, and MVD's consultant to discuss potential options for reducing salt and salt costs for the town.

MOTION made by Councilor Hunter and seconded by Councilor Woods to approve the recommended updates to the current Winter Maintenance Policy which includes the previously separate Salt Use Policy within it, and direct the Town Manager to work with MVD to reconcile their concerns with the policy and update the Town Council no later than January 1, 2023.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Harrington and seconded by Councilor Healey to extend the meeting beyond 10:00pm.

MOTION CARRIES 7-0-0

1. Withdrawal Request from the Solid Waste Equipment Capital Reserve Fund

Submitted by Public Works Director Kyle Fox

The Town Council to consider the request to withdraw up to \$50,000 from the Solid Waste Equipment Capital Reserve Fund for the purchase of a new pickup truck with plow that was included in the approved 2022-2028 Capital Improvement Program.

Mr. Fox shared that he is trying to get approval for the purchase of this vehicle before they can get the bids in, so they do not lose out on purchasing the vehicle due to a shortage of equipment in the current economy.

MOTION made by Councilor Koenig and seconded by Councilor Hunter to approve the withdrawal of up to \$50,000 from the Solid Waste Equipment Capital Reserve Fund for the purchase of a new pickup truck with plow that was included in the approved 2022-2028 Capital Improvement Program, and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

2. Withdrawal Request from the Highway Equipment Capital Reserve Fund

Submitted by Public Works Director Kyle Fox

The Town Council to consider the request to withdraw up to \$610,000 from the Highway Equipment Capital Reserve Fund for the purchase of seven (7) new vehicles/equipment that were included in the approved 2022-2028 Capital Improvement Program.

Lori Barrett, Operations Manager at Highway division shared that this equipment includes a four-wheel drive pickup with a plow that would replace an existing 2008 pickup, two 6-wheel dump trucks, a field tractor to replace their John Deere tractor, a new message board to replace their 2008 one, an athletic field groomer to replace their 1988 Cushman, and a salt brine system to go on the back of one of the new pickups. Councilor Hunter asked how they will dispose of the vehicles they are getting rid of, in which Mr. Micali stated that the vehicles will be either traded in or go to auction.

Approved: October 27, 2022

Posted: October 28, 2022

MOTION made by Councilor Koenig and seconded by Councilor Murphy to approve the withdrawal of up to \$610,000 from the Highway Equipment Capital Reserve Fund for the purchase of seven (7) new vehicles/equipment that were included in the approved 2022-2028 Capital Improvement Program, and allow the Town Manager to sign any and all necessary documents.

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meeting:

♦ September 22, 2022

MOTION made by Councilor Koenig and seconded by Councilor Hunter to approve the minutes from September 22, 2022 as amended.

MOTION CARRIES 6-0-1

Amendments:

Page 5 Line 38: change “field staff” to “volunteers” at the football game

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

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

MOTION CARRIES 7-0-0

The meeting adjourned at 10:15pm.

Respectfully submitted by Jennifer Steagald