



## Town Council Meeting Minutes



Thursday, December 15, 2022, at 7:00 PM, in the Matthew Thornton Room

### **Call to Order**

Chairman Rothhaus called the meeting to order at 7:05 pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali. Councilor Koenig was excused.

### **Pledge of Allegiance**

Chairman Rothhaus led the Pledge of Allegiance.

### **Announcements**

The Town offices will be closed on Monday, December 26<sup>th</sup> for the observance of Christmas as well as on Monday, January 2<sup>nd</sup> for the observance of New Year's Day.

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

- Thursday, January 5, 2023, 6:30 PM Budget meeting
- Thursday, January 12, 2023, 7:00 PM Regular meeting
- Wednesday, January 18, 2023, 6:30 PM Regular meeting

A message from Police Chief Brian Levesque with regard to the issue of school bus violations:

The Merrimack Police Department puts the utmost importance on issues related to traffic safety, including school bus violations. Each and every school bus complaint which is brought to our attention is investigated by our officers and, when charges are warranted, they are filed and prosecuted to the fullest extent of the law. We've also worked closely with the bus company for years to ensure the safety of the students. Some of these efforts to improve safety would include, but are not limited to bus stop location studies, traffic enforcement details with unmarked patrol vehicles and electronic signage. Residents and especially parents of children riding busses should know that we are fully committed to continuing this relationship.

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

None.

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

#### **1. Employee Recognitions**

*Submitted by Human Resources Director Sharon Marunicz*

The Town Council to recognize the following employees:

- **Fire & Rescue Department** – Richard Gagne (25 years) and Carol Miner (20 years)
- **Police** – Kenneth Macleod (20 years) and Erika Maguire (20 years)
- **Public Works** – Robert Golemo (20 years), Wayne Lombard (25 years), Ian Robinson (20 years) and David Blaine (35 years).

### **Appointments**

#### **1. Wire Road Engineering Study & Public Presentation**

*Submitted by Public Works Director Kyle Fox*

The Town Council to be presented with the details of the Engineering Study performed on the Wire Road at US Route 3 Intersection & Roadway Safety Improvements.

Public Works Director Kyle Fox was present with Quantum Construction consultants to share the following information via PowerPoint:

**Project Funding:**

- Funding source: Nashua Regional Planning Commission Priority Project Rankings (2017)
- 80% FHWA/NHDOT, 20% Town of Merrimack
- US Route 3 was programmed for 2027 construction & accelerated to 2025

**Project Management Process**

- Municipal Request to Regional Planning Commission
- NRPC Project Priority Ranking Process- Project ranked high in regional need
- NHDOT ten-year plan approval
- Funding approval
- Selection of design consultant engineering firm

**Engineering Study**

- Preliminary plans specifications & estimates
- Final plans specifications & Estimates
- Bid phase (FY 2024)
- Selection of construction services consultant firm
- Construction phase (FY 2025)

After Mr. Fox's presentation, Quantum Consultant Jim Bouchard discussed the purpose and need of the scoping session:

- Purpose: the purpose of this project is to improve safety and traffic operations within the project corridor limits.
- Need: The need for this project is to address safety and traffic concerns identified by the community by implementing safety improvements along the corridor and providing a more efficient intersection to improve the flow of traffic along US Route 3 within the project limits. In addition, pedestrian connectivity, and access management are ongoing needs for the community.

**Existing Conditions:**

- Project corridor is approximately 1300 Linear feet
- Existing right-of-way is approximately 66 feet wide and widens at Wire Rd intersection
- Two 12-13 foot travel lanes, two 6-foot shoulders, 10-11 foot turn lane
- Limited sight lines for egress from Wire Rd
- Church St intersects US Route 3 at 15% grade
- Utilities- aerial utilities on west side, watermain, gas line, drainage, and telecommunication and fiberoptic underneath US Route 3
- Existing traffic signal equipment at adjacent locations were surveyed

**Traffic Counts:**

- Existing traffic count information accessed
- Manual turning movement counts undertaken at major intersections
- Weekday AM peak hour- 7:15am to 8:15am
- Weekday PM peak hour- 5:00pm to 6:00pm
- Saturday mid-day peak hour- 11:15am to 12:15pm

**Safety Analysis- Wire Rd & MYA Access:**

- Merrimack Dept. of Safety information- January 2017 through July 2022
- Rear end crashes most prevalent
- One of bicycle and vehicle
- Weather contributed to some
- No injuries reported for any of the crashes

**Intersection Operations:**

- Six levels of service (LOS)- 'A' to 'F'
- LOS based on intersection delay
- Babboosic Lake Road- LOS D during Saturday peak hour
- All other signalized intersections- LOS C or better during AM, PM, and Saturday peak hours
- Wire Rd- LOS C during AM, PM, and Sat. peak hours
- MYA- LOS E during Saturday peak hours

**Roadway Alternatives Analysis**

- Do nothing or no-build alternative
  - Does not improve traffic and safety operations
  - Does not provide for pedestrian connectivity
- Option 1- Realigned stop-controlled intersection
  - Realigned intersection closer to 90-degree angle for improved sight lines
  - Exclusive left and right turns not required
  - US Rt 3 NB left turn lane into Wire Rd extended
  - No new MYA access/egress
  - US Rt 3 SB left turn lane into MYA provided
  - Pedestrian sidewalk on East Side of US Rt 3
  - Pedestrian sidewalk completed on west side of US Rt 3
  - Church St closure
  - FY 2022 construction cost- \$890,000
- Option 2- Roundabout
  - Hybrid roundabout
  - 2-lane US Rt 3 NB approach, single lane US Rt 3 SB approach & single lane Wire Rd approach
  - Features US Rt 3NB slip through movement
  - 157 ft Dia. Curb to curb
  - Significant impacts to abutters
  - US Rt 3 NB left lane turn into Wire Rd extended
  - No new MYA access/egress
  - US Rt 3 SB left turn lane into MYA provided
  - Pedestrian sidewalk on East Side of US Rt 3
  - Pedestrian sidewalk completed on West Side of US Rt 3
  - Church St closure
  - Major relocation of aerial utilities required
  - FY 2022 construction cost - \$1,610,000
- Option 3- signalized intersection (recommended alternative)
  - Similar realignment to option 1
  - Includes new MYA access/egress at intersection
  - New fully activated traffic signal for traffic and pedestrian movements

**Approved: January 12, 2023**

**Posted: January 17, 2023**

- Traffic signal coordination with other signals on US Rt 3
- Existing MYA entrance reconfigured to US Rt 3 NB RT in and MYA RT out
- Traffic signal coordination with other signals on US Rt 3
- Pedestrian sidewalk on east side of US Rt 3
- Pedestrian sidewalk completed on west side of US Rt 3
- Minimal impact to abutters for sidewalk slope easements
- Church St closure
- FY 2022 construction cost- \$1,400,000

After the presentation, Councilor Healey asked what the actual traffic count was, in which Quantum Construction Consultant Dennis Flynn stated that there are about 18,000-20,000 vehicles that pass through daily. She then asked about the cost per car to have all this work done if there are very little spaces available at MYA. Dennis stated that bringing back the driveway access will help with the left turns. Mr. Bouchard stated that outside of the report, there are appendices that state all the traffic patterns, totaling about 250 pages. Mr. Micali and the Council then discussed the options with the consultants, asking questions about the realignment and specifically option 3. Vice Chair Harrington talked about the future, saying that there will be more options if the property fields are cleared out. She also talked about the “backup” in traffic, stating that if a light gets put in, the backup would be more controlled. After some discussion, the Council decided to take a few weeks to think about the options, and they will revisit this on a future agenda in January.

### **Public Hearing**

#### **1. Public Hearing – ARPA Cybersecurity Implementation Grant Approval**

*Submitted by Assistant Director Public Works Department / Wastewater Sarita Croce  
& Technology Coordinator Jonathan Dias*

The Town Council will hold a public hearing to consider the acceptance and expenditure of an American Rescue Plan Act (ARPA) Cybersecurity Implementation Grant in the amount of \$50,000 made available through the New Hampshire Department of Environmental Services (NHDES) for a cybersecurity implementation project at the Wastewater Treatment Plant, pursuant to RSA 31:95-b and Charter Article 8-15.

Technology Coordinator Jonathan Dias began by sharing that this opportunity would help prevent municipal cyber-attacks. Councilor Hunter asked if there were any long-term commitments, in which Mr. Micali stated they only have to use the money for the intended purpose.

The public hearing was opened at 8:41pm.

State Rep Bill Boyd of 139 Joppa Rd stated that he is in support of this, stating that this is an important investment into the community, and adding a cyber security component will ensure everything stays up and functioning. Further, he stated that if the wastewater shuts down, the whole town shuts down.

The public hearing was closed at 8:42pm.

**MOTION made by Councilor Hunter and seconded by Councilor Woods to accept and expend the American Rescue Plan Act (ARPA) Cybersecurity Implementation Grant in the amount of \$50,000 made available through the New Hampshire Department of Environmental Services (NHDES) for a cybersecurity implementation project at the Wastewater Treatment Plant, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documentation.**

**MOTION CARRIES 6-0-0**

## **2. Public Hearing - Bear Christensen Fund Acceptance**

*Submitted by Finance Director Thomas Boland*

The Town Council will hold a public hearing to authorize the acceptance of the amount of but not to exceed \$10,000 for the Bear Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

Town Manager Paul Micali began by stating that Mr. Christensen has another \$3,000 to add to the fund, totaling \$13,000- \$10,000 for principle and \$3,000 for income. He then stated that he reached out to the attorneys and the trust, and confirmed that when additional money is added, they have to accept it. Finance Director Tom Boland then stated that this will be an annual occurrence. Councilor Hunter asked why the amount has to be limited to \$10,000, in which Mr. Boland stated that it really should be a fixed amount, but the "not to exceed" is required per the town attorneys.

The public hearing was opened at 8:47pm and closed at 8:48pm.

**MOTION made by Councilor Murphy and seconded by Councilor Healey to authorize the acceptance of the amount of \$13,000- \$10,000 for principle and \$3,000 for income- for the Bear Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any and all necessary documentation.**

**MOTION CARRIES 6-0-0**

### **Legislative Updates from State Representatives**

State Rep Bill Boyd was present to share that state reps were just sworn in last week and are waiting for committee assignments. The current make up is 201, 198, and 1 TBD. He confirmed that Jeanine Notter has been reappointed as majority whip. He also shared that he was elected Chair of the Drinking Water and Groundwater advisory commission.

### **Town Manager's Report**

The Public Works Department (The Town) would like to congratulate Dawn Tuomala, Deputy Director/Town Engineer and Sarita Croce, Assistant Director/Wastewater as they prepare for the next phase of their careers. During Dawn's time as Town Engineer, Dawn was responsible for accomplishing many projects and initiatives for the Department and the Town. Notable projects include the beach restoration project at Wasserman Park, the Turkey Hill Roundabout, the Town Hall sidewalks and ramp improvement project, two major emergency pipe replacements that occurred on Amherst Road and DW Highway - both of which carry Naticook Brook under those roads, Gail Road drainage improvements, design of Woodland Park drainage systems, management of the Towns MS4 stormwater permit and program, managing the Towns paving program and so much more. Sarita served in two roles for the Town - first as Pretreatment Manager at the wastewater facility and currently as Assistant Director. In both roles, Sarita brought an enthusiasm, passion, and drive that allowed her to accomplish great things for the Town. Sarita was instrumental in developing the plans for the facility upgrades that are ongoing, working and meeting with Town groups and citizens to explain the need for the projects which helped in the passage of three bonds to fund the work, secured millions of dollars in Federal grants to offset costs of the project, and helped the Town through the PFAS crisis with her diligence and knowledge. Thank you both for your dedication and service to the Town of Merrimack.

Mr. Micali also shared that Public Works Director Kyle Fox has resigned, and thanked him for his 17 years of service with the town.

**Consent Agenda**

None.

**Old Business**

None.

**New Business**

**1. Fire Department Equipment Capital Reserve Withdrawal Request**

*Submitted by Fire Chief Mark DiFronzo*

The Town Council to consider the request to withdrawal up to \$152,902.00 for the purchase of two (2) new vehicles/equipment that were included in the approved 2022-2028 Capital Improvement Program.

Chief DiFronzo was present to share that they are trying to replace a 1988 pickup truck, called “utility 2”, and the other is a 2011 Ford Expedition fleet vehicle. The total for both vehicles is \$152,902, but he is unsure of the timing to get a vehicle due to the current market. Councilor Healey asked if there was any equipment that is salvageable off the vehicles, in which Chief DiFronzo stated that for the pickup truck, he is unsure of the condition of the plow unit as it is not original to the vehicle, but the radio equipment and emergency lightings will most likely be swapped over into the new vehicles. Councilor Hunter asked what was budgeted to come out of the CIP for this year, in which Mr. Micali stated that \$153,000 was budgeted last year. Chairman Rothhaus asked for the individual cost of each vehicle, in which Chief DiFronzo stated that the pickup truck will be roughly \$75,800 and the command vehicle would be \$77,102, but they may come in higher or lower since this is just a budget guestimate.

**MOTION made by Councilor Murphy and seconded by Vice Chair Harrington to approve the withdrawal of up to \$152,902.00 for the purchase of two (2) new vehicles/equipment that were included in the approved 2022-2028 Capital Improvement Program, and authorize the Town Manager to sign all necessary documentation.**

**MOTION CARRIES 6-0-0**

**2. Presentation of Proposed 2023/2024 Town Manager Budget**

*Submitted by Town Manager Paul T. Micali and Finance Director Thomas Boland*

Town Manager will present his recommended 2023/2024 budget to the Town Council.

Mr. Micali and Mr. Boland shared the following 2023/2024 budget information via PowerPoint:

Revenue:

- Increase
  - Solid Waste revenue- \$190,800
  - Interest income- \$261,000
  - COSSAP Grant for Police (offset by expenses)- \$112,200
  - Miscellaneous- \$47,195
- Decrease
  - Current Use Taxes- \$(50,000)
  - Building Permits- (\$64,500)
  - State Revenue Sharing for NHRS- (\$179,000)

**Net Revenue Increase- \$317,695**

**Approved: January 12, 2023**

**Posted: January 17, 2023**

- Appropriations
  - Health Insurance Increase- \$270,000
  - Dental/Short-term Disability/Unemployment- \$8,000
  - Workers Compensation- \$(19,000)
  - General Liability Insurance- \$11,500
  - IT Budget- \$87,000
  - Street Sweeping & Pavement Marking- \$16,000
  - Sand & Salt- \$7,000
  - Solid Waste Tipping Fees- \$73,000
    - Recycling- \$52,500
    - Disposal- \$20,500
  - Electric/Water/Sewer- \$2,000
  - Natural Gas- \$4,500
  - Vehicle Fuel- \$99,500
  - Telephone Service/Maint.- \$35,000
  - Office Equipment Maint.- \$37,000
  - Education & Training and Travel- \$7,500
  - HR Software Support- \$18,500
  - Uniforms & Protective Clothing- \$16,000
  - Miscellaneous- \$10,212
  - NHRS- \$(177,000)
  - Compensated Absences- \$(100,000)
  - Union Wages (Teamsters, NEPBA)- \$187,199
  - Overtime- Fire & Police- \$44,000
  - Staffing
    - Police Detective Secretary eliminated- \$(71,000)
    - COSSAP Grant Officer- \$112,200
    - TC/TC 5<sup>th</sup> Clerk Position \$(64,000)
    - Environmental Director (Position Upgrade)- \$40,000
    - Employee Incentives/Raises- \$30,000

**Total- \$685,111**

- Town Hall Sprinklers- \$150,000
- Church Parking Lot- \$92,000
- Police Vehicles- \$28,500
- Updated Fuel Dist. System- \$1,400,000
- Paving- \$800,000
- Brine Storage Tank- \$25,000
- Solid Waste Office Trailer- \$95,000
- Computer/Software Upgrades- Code Dept.- \$55,000
- CRF Deposits- \$0

**Total- \$2,645,500**

**Total GF Increase- \$3,330,611**

- Savings
  - Communications Equipment- (\$763,000)

**Approved: January 12, 2023**

**Posted: January 17, 2023**

- Debt Service (Drainage Bond)- (\$166,586)
- Highway Base Radio- (\$32,500)
- Community Development Files- (\$7,500)
- Library Materials- (\$22,000)
- Fourth of July- (\$10,000)
- Operating Supplies- (\$11,500)
- Wasserman Cabin Roofs- (\$28,000)

**Total GF Increase- \$2,289,525**

**Fund Balance:**

- \$1.9 million put back in from 2021-2022
- \$1,650,000 in reductions
- Unreserved fund balance- \$8,979,000 or 9.24%
- Estimated total will be \$7.6 million
- Suggested to have the fuel distribution center come out of the fund balance so it does not affect the tax rate, this will bring it down to about 6%

**Appropriations GF- Capital:**

- Appropriations GF Increase- \$467,000 increase, 1.69%
- Increase of \$1 million in other capital
  - \$150,000 for town sprinklers
  - \$92,000 for the Church parking lot
  - \$1.4 million for gas pumps for highway
  - \$95,000 for an office trailer
  - \$762,000 for 800mhz system
  - \$800,000 for paving/road infrastructure
  - SAFER grant- \$7,000
  - These are much needed projects for the Town
  - General Fund totals increased \$2,289,525, 7.3%
  - CFR funds estimated at the end of 2023- about \$4.3 million, \$6.2 million before projects
  - Wastewater- up about \$180,000- \$2.6 million increase

**2023 Estimated Tax Rate**

- General Fund Operating- \$28 million
- CRF deposits/other Capital Road infrastructure- \$41.2 million
  - \$21.7 million coming back in revenues
  - Increasing town-wide value for construction that is projected to be at \$24 million
  - Overall tax rate estimated to be 21 cents

**2023-2024 Pending Budget Items**

- Pending
  - State Budget (1<sup>st</sup> year of the Biennial budget)
  - State Revenues
    - Rooms & Meals
    - Highway Block Grant
  - Non-Union Raises
  - 3 Union Contracts (AFSCME 3657 & 2986, and IAFF)
  - Inflation



After the presentation, Councilor Healey asked if there has been an increase in property taxes, in which Mr. Micali stated that since last year, the value went up \$132 million, which help offset the tax rate for residents. Mr. Micali wanted the Council to know that February 10<sup>th</sup> is the last day to file petition bonds over \$100,000, and February 14<sup>th</sup> is the last day to file petition warrant articles and ratification of tentative agreements with unions. He then stated that the Town deliberative session will be March 15<sup>th</sup> and the final ballot is April 11<sup>th</sup>.

### **3. National Wreaths Across America Day – Proclamation**

*Submitted by Councilor Nancy Murphy*

The Town Council to issue a proclamation designating December 17, 2022, as “National Wreaths Across America Day” in the Town of Merrimack.

### **National Wreaths Across America Day – December 17, 2022**

**WHEREAS**, the national nonprofit organization Wreaths Across America was founded in 2007 and coordinates wreath-laying ceremonies at Arlington National Cemetery, as well as at more than 3,400 additional locations in all 50 states, at sea and abroad; and

**WHEREAS**, the mission of Wreaths Across America is to “Remember the Fallen, Honor Those Who Serve and Teach Our Children the Value of Freedom”; and

**WHEREAS**, Wreaths Across America has chosen “FIND A WAY TO SERVE” as its 2022 theme to encourage youth to get involved in their own communities to serve in even small ways that can make a big impact; and

**WHEREAS**, Wreaths Across America is made up of more than 2,200 participating locations across the country run by dedicated volunteers looking to share the mission to Remember, Honor, Teach, through annual wreath laying ceremonies each December and awareness and education events throughout the year.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Town Council of the Town of Merrimack hereby proclaim December 17, 2022, as National Wreaths Across America Day in the Town of Merrimack, NH and extend our thanks and appreciation to our Veterans for their service and sacrifice and to Wreaths Across America for bringing this honor to our community.

**Proclaimed** this 15<sup>th</sup> day of December 2022 by the Merrimack Town Council.

**MOTION made by Councilor Healey and seconded by Vice Chair Harrington to issue a proclamation designating December 17, 2022, as “National Wreaths Across America Day” in the Town of Merrimack.**

**MOTION CARRIES 6-0-0**

### **Minutes**

Approve the minutes from the following Town Council meetings:

- ◆ Town of Merrimack Goal Setting Summary – June 8, 2022

**MOTION made by Councilor Hunter and seconded by Councilor Healey to approve the minutes from the June 8, 2022 Town of Merrimack Goal Setting Summary as written.**

**MOTION CARRIES 6-0-0**

- ◆ November 17, 2022

**MOTION made by Councilor Healey and seconded by Vice Chair Harrington to approve the minutes from November 17, 2022 as written.**

**MOTION CARRIES 6-0-0**

♦ December 1, 2022

**MOTION** made by Councilor Hunter and seconded by Councilor Healey to approve the minutes from December 1, 2022 as written.

**MOTION CARRIES 6-0-0**

**Comments from the Press**

None.

**Comments from the Public**

None.

**Comments from the Council**

Councilor Healey and Councilor Woods wished everyone a Merry Christmas and happy New Year.

Councilor Hunter thanked Mr. Micali for bringing up the school bus issue, and working with the school district and police department to resolve this.

**Adjourn**

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

**MOTION CARRIES 6-0-0**

The meeting adjourned at 9:49 pm.

Respectfully submitted by Jennifer Steagald