

Approved: April 11, 2019

Posted: April 12, 2019



Town Council Meeting Minutes

Thursday March 28, 2019 at 7:00 PM, in the Matthew Thornton Room

Chairman Rothhaus called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Koenig, Councilor Albert, Councilor Boyd, Councilor Harrington, Councilor Healey, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Thornton was excused.

Pledge of Allegiance

Chairman Rothhaus led in the Pledge of Allegiance.

Announcements

Voting Day is Tuesday, April 9th from 7:00 a.m. - 7:00 p.m. The three (3) polling locations are the James Mastricola Upper Elementary School, Merrimack Middle School, and St. John Neumann Church. Residents who are uncertain of their polling location can contact the Town Clerk's Office at 424-3651 or visit the NH Secretary of State's [website](#).

A non-public meeting of the Town Council will be held on Tuesday, April 2nd at 6:00 p.m. in the Town Council Chambers. Regular meetings of the Town Council will be conducted on Thursday, April 11th and April 25th at 7:00 p.m. in the Matthew Thornton Room.

The Voters Guide will be mailed out around March 30th. If you have a post office box, the guides will be available on the table inside the Post Office. This Saturday, March 30th, from 9:00 a.m. - 12:30 p.m., the Library will be hosting the Annual Free Computer Clinic with the Michael LoVerme Memorial Foundation. Call the Library to make an appointment with volunteer computer experts who can help you with any technology questions you might have.

The Town Clerk's office would like to remind all dog owners that 2019 Dog Licenses are due. All dogs four months and older are required, by law, to be licensed annually by April 30th. The Town Clerk's office will be open on Saturday, April 13th from 9 to noon to license dogs.

The NH Department of Health and Human Services will be hosting a PFAS Community Health Fair on Wednesday, April 3rd, from 5:00 - 8:00 p.m. in the Merrimack High School cafeteria. The purpose of the fair is to respond to community concerns by providing an opportunity to meet with State agencies, local providers, PFAS experts, legislators and advocacy groups. This is an informal event, where people are encouraged to walk around and ask questions of the various participating groups.

Comments from the Press and Public - None

There being no objection, the Council went out of the regular order of business to take up New Business.

New Business

1. Committee Appointments

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
The Town Council to consider appointing the following individual to Town committees, pursuant to Charter Article 4-8:

Gigi Jennings – Heritage Commission (Full member)

MOTION made by Councilor Boyd and seconded by Councilor Harrington to appoint Gigi Jennings as a Full Member of the Heritage Commission pursuant to Charter Article 4-8.

ON THE QUESTION

Councilor Boyd spoke of having the utmost respect for what she does as a Title Examiner. He commented on it being the perfect introduction to the type of research necessary to maintain and learn more of what makes Merrimack the special place it is. He believes she brings a tremendous background to the Commission, and one which will be an asset.

MOTION CARRIED 6-0-0

Oath of Office was administered by Chairman Rothhaus.

The Council returned to the regular order of business.

Recognitions, Resignations and Retirements

1. Recognition of Retirement of Town Employee

Submitted by Human Resources Coordinator Sharon Marunicz
The Town Council will present an award to Police Detective Scott C. Park in recognition of his retirement after 31 years of full-time service with the Town of Merrimack Police Department. He will be awarded with a Boston rocker. Scott retired on January 31, 2019.

Chairman Rothhaus remarked Detective Scott Park retired on January 31st. He was unable to be in attendance. However, the Council wished to recognize his retirement after 31 years of full-time service with the Town of Merrimack Police Department. Detective Park will be awarded a Boston rocker.

Brian Levesque, Deputy Chief, Merrimack Police Department, commented Scott worked with the department for 31 years most of which he served in the Detective Bureau. He was a very gifted Police Officer, talented investigator, and what they called the closer; the one that would go in for the final interview to get the confession. He was loved by those in the department, he was a jokester, and avid outdoorsmen. He will be missed.

Councilor Albert commented it was his privilege to have worked with Scott for many years. He echoed the comments made, remarking he was one of the best investigators in the State. He worked a lot of tough cases and saw them to successful conclusion. He will be missed.

Appointments - None

Public Hearing

1. Public Hearing – Abbie Griffin Memorial Fund

Submitted by Fire Chief Michael Currier and Police Chief Denise Roy

The Town Council will hold a public hearing to authorize the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of but not to exceed \$17,320 for the purchase of a MultiRAE Lite Gas Detection Meter, an AutoRAE 2 Automatic Test and Calibration System and EMS backpacks for the Fire Department and for a Cargo Express Trailer as well as two (2) R.A.D. Aggressor Simulation Training Suits for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Brian Levesque, Deputy Chief, Merrimack Police Department, stated the request to be for an expenditure from the Abbie Griffin Memorial Fund for the purchase of a trailer (\$5,395) to be utilized to transport two ATVs. The current trailer is built for a snowmobile and is unsafe in the loading/unloading of ATVs. It is 13 years old and in need of repair. The next request is for two Rape and Aggression Defense (R.A.D.) Aggressor suits. The department has implemented a R.A.D. program; self-defense for women. The first class was held approx. a month and a half ago. The desire is to conduct additional classes and incorporate a class at the schools. In order to effectively teach these classes there is the need for the aggressor suits to allow students to practice new skills.

Matthew Duke, Assistant Fire Chief, Merrimack Fire and Rescue, stated the request to be for the purchase of three items; floor gas air monitor with PID to replace an older unit that has failed and is more costly to repair, an automatic testing and calibration unit to help maintain all the gas meters in accordance with policies, industry standards, and manufacturer's recommendations, and EMS backpacks to standardize the type of bag carried on all three ambulances, and hopefully provide a reserve pack so that the bags can be cleaned and decontaminated regularly.

The meter is a MultiRAE Lite Floor Gas with Photo Ionization Detector (PID), which means it will monitor for four different gases that are chosen as well as having a PID to detect a wide array of dangerous gases. The AutoRAE 2 Automatic Test and Calibration System provides simplified one-step testing and calibration for those meters. For them to work properly, they must be properly calibrated to the gases they are designed to detect. Currently 1-2 specific individuals are trained to do that. This will allow a wider range of people to do it more quickly, efficiently and with greater standardization. The department is looking to standardize the EMS bag carried across the ambulances. The current bag is a shoulder style, is bulky, loading is off-center and puts people off balance. The desired backpacks are more ergonomic, frees both hands of the wearers and provides greater safety in terms of balance. Total expenditure is \$8,643.

It was noted Abbie Griffin was a long-time resident of the Town. Upon her passing, a bequest was made to the Town. Identified in the bequest were uses for the interest generated; for the Police and Fire Departments the funds were identified for items not included within the operating budget. Also called out are funds to assist indigent residents or those who cannot afford their medical bills. That portion of the bequest is handled through the Welfare Department. A third aspect was a bequest to the local hospitals. Each year a call is received from the Trustee of the Fund informing of the amount available for expenditure (based on interest earned). If the funds are not expended, they become

taxable. The Town is encouraged to expend the full available amount each year. Chairman Rothhaus noted the bequest also covers scholarships.

Vice Chairman Koenig questioned the number of gas detection meters the Town currently has, and was informed there are 4-5. One has failed, and would be replaced. Asked for additional information on the calibration system, Deputy Chief Levesque stated the system currently used requires the meter to be hooked to a known calibration gas and put through an involved procedure for each meter individually. The new machine will enable the department to place a meter into the device, push a button, and the system will run through the process independently and ensure standardized calibration across all the meters. Calibration specifically is required at a minimum of every 6 months or any time the meter may be exposed to an unknown gas that may alter the way the sensor works. A fresh air test is done daily where the system is turned on, allowed to warm up, and normal ambient air is sampled to ensure the meter is reading what the ambient air is known to be. If that test produces an error, it would be an indicator that calibration is needed.

Chairman Rothhaus declared the Public Hearing open at 7:19 p.m.

No public testimony was offered.

Chairman Rothhaus declared the Public Hearing closed at 7:21 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of, but not to exceed, Seventeen Thousand Three Hundred Twenty Dollars (\$17,320) for the purchase of a MultiRAE Lite Gas Detection Meter, an AutoRAE 2 Automatic Test and Calibration System and EMS backpacks for the Fire Department and for a Cargo Express Trailer as well as two (2) R.A.D. Aggressor Simulation Training Suits for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore, that the Town Manager or her proxy be authorized to sign any paperwork necessary to perfect the acceptance and expenditure. MOTION CARRIED 6-0-0

2. Public Hearing – Solar Exemption Petition

Submitted by Amanda Hyde-Berger

The Town Council will hold a public hearing to receive public input on a Group Petition received, pursuant to Charter Article 10-1, B. The petition is to add Merrimack to the majority of New Hampshire towns and cities that offer tax exemption for solar panels and renewable energy productions and wood heating energy systems for 100% of the assessed value.

Chairman Rothhaus noted the Petition was not received in time to be included on this year's Warrant. A Public Hearing is required to be conducted within a prescribed amount of time set by the Town Charter.

Amanda Hyde-Berger

Stated the impetus for the Petition is her concern for the environment. The State has a goal to have 25% of all electricity sold in the State to come from renewable energy sources by 2025. As of 2017, 20% came from renewables. Her concern with the taxation of solar panels is that it hinders people

1 from placing them on their property, which is a statement she has heard from several Merrimack
2 residents. She spoke briefly of the impacts of non-renewable energy sources that emit carbon dioxide,
3 contribute to greenhouse gases and global climate change, etc. seen throughout the county and world.
4

5 There are 135 towns in the State currently providing some sort of tax exemption. Local communities
6 that provide a 100% tax exemption include Brookline, Derry, Goffstown, Mason, Mt. Vernon, and
7 Nashua. Those having some percentage of exemption include Bedford, Hollis, Londonderry, Pelham,
8 and Windham.
9

10 She stated the desire for Merrimack to be leaders in demonstrating the importance of our climate and
11 future, and that the Council consider the Petition, and that it will be addressed in the future. Asked if
12 she currently has solar panels on her home, she indicated she does.
13

14 Councilor Albert questioned the financial impact that would be borne by the tax base should the Town
15 provide a 100% exemption, and was informed the current value is \$2,631,400. Utilizing the 2018 tax
16 rate at \$24.12/\$1,000, the Town collected around \$63,000 in taxes.
17

18 Councilor Healey questioned what occurs if panels are leased and the residence sold. Ms. Hyde-
19 Berger was unfamiliar with the process.
20

21 Asked what occurs in the instance of the amount of electricity produced being greater than the personal
22 need. Ms. Hyde-Berger stated the excess is sold back; however, she does not receive revenue. She
23 will reduce her cost, but continues to be responsible for paying the delivery fee.
24

25 Assistant Town Manager/Finance Director Micali indicated during the conversation had around the
26 need for the Public Hearing, he informed Ms. Hyde-Berger the Petition would not be on this year's
27 Ballot.
28

29 Ms. Hyde-Berger questioned if the Petition could be placed on a future Ballot, and was encouraged to
30 bring the issue forward again. Councilor Harrington commented on the issue having come before the
31 Council two years ago. She is supportive of it, and would like to see a Petition Warrant Article come
32 forward again. Town Manager Cabanel encouraged Ms. Hyde-Berger to visit her office, and extended
33 an offer to be of assistance.
34

35 Ms. Hyde-Berger commented having a tax exemption on solar panels will increase the tax burden;
36 however, she would expect revenue to be increased with the new construction occurring in Town. She
37 encouraged long-term thinking.
38

39 Chairman Rothhaus noted at least one commercial property in Town with a solar array setup that has a
40 substantial value. Those types of set-ups would make it a greater impact. He is supportive of the issue
41 being placed on the Ballot to provide the opportunity for residents to make their wishes known.
42

43 Councilor Harrington suggested the 100% exemption may not pass; however were there a cap placed
44 on the amount of exemption, she believes it would garner greater support.
45

46 Ms. Hyde-Berger questioned if there are plans to put solar panels on Town or school property.
47 Councilor Boyd commented that conversation occurred in the 2011-2012 timeframe.

Councilor Healey questioned and was told the process of preparing the language and gathering the required signatures should begin in January, and a Petition is valid for 90 days.

Chairman Rothhaus declared the Public Hearing open at 7:37 p.m.

Jackie Flood, 6 Shore Drive

As a Real Estate Broker with 40 years of experience selling real estate in this Town, she has conducted hundreds of market opinions on houses, and is very familiar with how value is arrived at. Never in the history of the marketplace has any home improvement ever been valued more than the cost of doing it except for perhaps landscaping.

She referenced her property noting they have been assessed for a higher cost than what they paid. They are leasing their panels, but could have purchased them for \$15,000. The first year they were assessed at \$30,000. They had expected a savings of \$400/year to do the right thing. Based on a \$20,400 assessment, there is a tax implication of \$492. She disagrees with the assessment of this utility. She noted no market data is available to base the assessment on. She does not see the request as an exemption, but bringing it to where it should be; zero.

Ben Niles, 11 Fernwood Drive

He has spent his entire career of 40 years in mortgage finance and housing, and could not agree more with what Mrs. Flood stated regarding assessed values. When you appraise a property for Fair Market Value, if you don't have the comps to support it, the match you use is cost. We're not trying to assess an income stream from the solar energy process generated on the rooftop array. These are residential properties, not income-producing properties, and they should not be assessed a value based on an income potential. He encouraged the Town to review the assessment practices and the determination of value.

Mr. Niles stated his understanding wood produces more carbon into the air than coal. Wood heating systems is not what he would consider an environmentally friendly solution. Europe has closed many of their coal plants and gone to cutting down their woodlands and burning wood. Europe's CO² and Carbon emissions have gone up. If correct that wood burning puts more carbon in the air, he would highly recommend that portion be removed from the warrant article as that is not the direction desired from an environmental standpoint.

Chairman Rothhaus stated his belief the Statute that allows for the exemption includes that language. Town Manager Cabanel noted there are three different types; solar, wind, and wood burning. The Town could select one, two, or all.

Gina Rosati, 15 Dunbarton Drive

Does not have solar panels and was not aware they were taxed. She questioned if, in 2017 when this was voted on, it had to be voted on by the Town or if the Council able to make that exemption decision. Chairman Rothhaus stated the Council can in fact do that via an Ordinance. For him, because it is coming off the tax rolls, he believes it to be something the taxpayers should participate in.

1 Councilor Harrington stated the Council did not take a vote. It was a topic of discussion and
2 information was gathered. The Assessor addressed the questions raised. At the time, the Council felt
3 encouraged those who were interested would submit a Petition Warrant Article, which the Council
4 would support. The Council wished for the voters to make the decision. The Petitioners were
5 encouraged to submit a Petition to be placed on the Ballot.

6
7 Vice Chairman Koenig spoke of the reference to a tax on solar panels, and stated there is not a tax on
8 solar panels, there is a property tax assessment. Because the solar panels are thought to increase the
9 value of your property, the value of your tax goes up.

10
11 Mrs. Rosati stated her hope the Town will participate in activities that are greener.

12
13 Natalia Bairamova, 26 Crosswoods Path Boulevard

14
15 Stated she was before the Council two years ago. She spoke of the need for everyone to be
16 environmentally friendly. Solar is one area to be considered. She leases solar panels. The large
17 difference between leasing and owning is those who lease do not get any tax incentives. The
18 advantage of leasing is there is no cost involved for the system. She spoke of the contract language
19 indicating property taxes are included in the rate. Should she move, the new owner could take over the
20 lease or the system could be removed (at a cost of \$500). When she moves, she will take her solar and
21 that assessment will go with her.

22
23 She spoke of the give and take involved in items throughout town that impact the taxes of all residents,
24 e.g., older residents sharing in the cost of the schools.

25
26 Ms. Bairamova spoke of having recently switched her home insurance. During the process they
27 questioned whether her property had a pool, etc. She was not asked if she had solar.

28
29 She stated her belief that when this issue was discussed initially, it was to be placed on the Ballot. Last
30 year she signed a few petitions. She believes there was an issue with the Petition that kept it from
31 going forward. There was a motion before the Council to put it on the ballot, the Council deliberated,
32 and as there was uncertainty with the language that should be used, the decision was reached not to
33 rush the issue. She encouraged the Council to consider placing it on the Ballot.

34
35 Tom Atkins, 24 Amherst Road

36
37 Leases his solar panels. He stated his inability to take his solar panels with him. He has noted those
38 who lease have questioned how they can be taxed on something they do not own.

39
40 Chairman Rothhaus reiterated it is not a tax on the system, it is an assessment on the value of the
41 property. According to the Town Assessor, the value of the property increases with solar panels.

42
43 Mr. Atkins commented they may be parked on the house at the moment, but he does not own them or
44 have any responsibility for them. The assumptions are not correct. When leasing, at 20 years, if not
45 bought outright, they go back to the company. He cannot take them with him should he move; they
46 would go back to the company or someone else would have to take them. There is not an ownership

1 aspect to that. There should not be a tax. He spoke of the financial benefit of having the solar panels,
2 which is offset by a value-add tax that will increase every year.

3
4 Chris Kolb, Mt. Vernon

5
6 Co-President of the Hillsborough County Area Renewable Energy Initiative; a non-profit volunteer
7 organization that tries to make solar more affordable for homeowners by helping them to do it
8 themselves. There are two reasons their members are interested in solar; economics and
9 environmentally friendly. A typical system that would be put on a home in Town would be approx. 5
10 kilowatts, which is the equivalent of planting about 200 trees/year. It is also good economically and
11 not just for those who have systems on their homes. Utilities are now discussing time of use rates, how
12 to incentivize storage, etc. A good portion of their costs are transmission costs, which come out of the
13 peak usage that occurs during heavy loading. The heaviest days are heavy air conditioning days in the
14 summer months. Solar offsets those costs, and is a major benefit to the utilities. It reduces costs for all
15 utility users. That money is returned to the ratepayers under the way the system works under the
16 Public Utilities Commission.

17
18 He remarked, taxes affect behavior. What is important about public policy is incentivizing the
19 behavior you want to see. Including solar panels in the valuation of the home disincentivizes solar.
20 The economics of residential solar in the State are not great. That is one of the reasons his
21 organization exists. Typical cost of a project like this would be \$11,000 for a 5-kilowatt system. It can
22 return about 7%, but given Merrimack's tax, it would take 35-30% of the return coming from electrical
23 savings.

24
25 For those who do a lease agreement, he would be surprised if they are getting quoted rates where they
26 are breaking even on their electric. What they do with their clients is purchase materials in group
27 savings and do barn raisers to put them up on the roof. Although they go all over Hillsborough County
28 and have put in 40 systems over the last 5 years, they have no participation in Merrimack. There was
29 one done in Merrimack before the tax consequences were understood, and they have not done any
30 since. There are no other towns in Hillsborough County where there are currently tax dollars collected
31 on rooftop solar. Bedford places an assessed value at \$300/panel (half of what Merrimack assesses the
32 panels at); however, Bedford exempts that value.

33
34 Asked if there are Federal tax incentives for solar. Mr. Kolb indicated there are; when you put in a
35 solar system there is a 30% off the top on all expenses to do so. That is this year. Next year it will be
36 down to 26% and then 22%. Councilor Harrington remarked if owning the system you can achieve
37 that incentive and if leasing, the company that owns the system receives that benefit. Mr. Kolb stated
38 that to be correct.

39
40 George Heavner, 29 Briann Drive

41
42 Does not believe solar panels increase the value of a property. He and his wife placed solar panels on
43 their home about 5 years ago (36 panels) at a cost of \$47,500. They own them outright. The year
44 after, their assessment went up \$80,000 (about \$1,800/year more in taxes). Their electricity bill went
45 down from about \$150/month to \$13.08/month (line charges for power going the other way). They are
46 saving about \$1,800/year, which all goes to pay the tax bill. If you argue this has increased the value
47 of the home, that value would be when someone is going to purchase the home.

1
2 Erik Saunders, Erik St.

3
4 Spoke of his water heater, which happens to have a pipe to his roof, which he is taxed on. He has two
5 solar thermal panels on his roof, which he has been taxed on since 2011, for having a water heater. No
6 one else is taxed by the type of water heater they have.

7
8 Rob Link, 1 Crestview Circle

9
10 Asked if there was a vote taken to initiate taxing the panels. Chairman Rothhaus stated it is a matter of
11 the value of the home. There was suggestion there were no comparables in Merrimack, and he is
12 uncertain if that is the case or not, but the Town Assessor came before the Council and explained how
13 the values are derived. They do look at homes that have sold. The value, according to the Assessor, is
14 greater when you have solar panels. That is why it is important to recognize it is not a tax on the solar
15 panel, it is that the value of the home has increased because of the panels.

16
17 Mr. Link stated his belief it is backwards to look at an exemption as a loss in revenue. He stated his
18 belief younger families would be interested in properties with solar panels and would avoid a town that
19 doesn't support them. In that sense, it would lower the property values of homes in the community.

20
21 After obtaining solar panels he refinanced his home, with Wells Fargo, and they had no interest in
22 solar panels adding any value to his home. He does not believe there to be any value data. For those
23 who do not own their panels, he cannot wrap his head around the logic of an increased value.

24
25 Town Manager Cabanel remarked she does not believe there is anyone on the Council opposed to an
26 exemption. The Public Hearing is intended to allow the public to provide input, but it will be the
27 decision of the taxpayers as to whether to grant an exemption.

28
29 Ned Reynolds, 110 Aldrich Road, Portsmouth, NH

30
31 Sells commercial solar projects for ReVision Energy, which has an office in Brentwood, NH and
32 employs over 50 people. He is also a resident and a three-term City Councilor in Portsmouth, which is
33 one of the 135 municipalities in the State that either fully or partially exempt the value of solar
34 equipment from property tax base.

35
36 He was speaking as a representative of the New Hampshire based solar energy system designer and
37 installer. They installed 380 solar and related technology projects throughout the State in the last year.
38 He has been in the energy policy field for over 20 years. He spoke of the event held in Concord earlier
39 in the day in celebration of NH Energy Week. He is confident it was lamented that the State has some
40 of the highest electric rates in the country. This is because we have zero native fossil fuel resources.
41 Most of the energy we use is imported. Seventy cents of every dollar we spend on oil, gasoline,
42 natural gas, and electricity from the fossil fuel fired regional grid leaves the State. For that reason
43 public policy at the State and local level should encourage and support, in every way possible, the
44 installation and use of distributed and renewable energy resources.

45
46 We have solar energy in the State. He stated his understanding 92 Merrimack residents have already
47 shown it does work. Thousands of homeowners and hundreds of businesses, institutions, other

1 municipal governments across the State have already recognized and embraced the value of solar
2 energy and the contribution it makes to multiple widely held policy goals such as energy
3 independence, reduction of greenhouse gas emissions, etc.

4
5 The State provided for this exemption because those who make that investment in renewable energy
6 equipment are producing benefits for everyone in the State in terms of reduced stress on the local
7 utility grid, which reduces the need for infrastructure upgrades that are paid for by all in their utility
8 bills. The notion that exempting renewable energy property from property tax would unfairly burden
9 the rest of the taxpayers in Town ignores that fact. The cost of the energy that goes onto the grid is a
10 huge component of rates. He spoke of a study by the Independent System Operator (ISO) (grid
11 operator) of New England, which found, on the hottest day of the year, the contribution of solar energy
12 to the region's electricity supply that day, in a single hour of peak demand, saved ISO New England
13 ratepayers \$20 million collectively. Solar energy produces peak output coincident with peak demand
14 on the grid.

15
16 Councilor Boyd commented on having considered solar three years ago, and the company had
17 indicated Merrimack had the exemption. He informed them Merrimack did not. He questioned if,
18 when going into the other 104 communities in the State that don't have the exemption, if that is part of
19 their talking point to make certain potential purchasers/leases are aware. Mr. Raynolds stated they do;
20 they track it very closely and advise would be customers of the benefits and costs involved.

21
22 Councilor Albert questioned what a solar panel is constructed of, and was informed it is silicon wafer.
23 The other components include aluminum frame, transistor, wiring, and inverter. Mr. Raynolds stated
24 his company procures the panels. They are part of a procurement collaborative that sources different
25 company's panels. They come in different sizes and capacities, which is another reason why assessing
26 a panel at a flat rate of anything is not an accurate way to do it.

27
28 Chairman Rothhaus commented he is uncertain if that is how it is addressed.

29
30 Rudy Bazelmans, 174 Naticook Road

31
32 Stated the DRA database is not up-to-date. There is a large difference between the way they are
33 handled in the southern part and bigger cities in the State than in the northern part of the State.

34
35 He spoke of moving to Town from Nashua, and of being surprised, after putting in solar, to have
36 learned that although the State permits exempting them and Nashua exempts them, Merrimack does
37 not.

38
39 When talking about the value of a home, you need to consider utilities are reducing the benefits
40 dramatically now that they are not giving you credit for distribution. They are making changes so they
41 can make more money themselves. He does not believe there will be as many individuals interested in
42 this in the future. With the increased assessment and reduced benefit of solar (change in utility costs),
43 it is not worth it in Merrimack.

44
45 It is an eyesore. People complain about it sometimes. When you sell there is a fear of an obligation
46 the potential purchaser has, the increased assessment and the fact the Return on Investment (ROI) is
47 just not there. He remarked it is embarrassing to have solar. When speaking to anyone who asks him

1 how he is doing with his solar he has to admit it is hardly paying off because of the tax situation. He
2 believes the proper thing to do is reduce the tax on any house that has solar. If distributing the \$64,000
3 of tax revenue among everyone in Town, it would be about \$6/year or 6/100th of 1% increase in the tax
4 bill.

5
6 Glenn Nakamoto, 83 Tinker Road

7
8 Stated he is probably the one who started some of the petitions in 2017 and earlier. His wife came
9 down with Cancer twice and both attempts at this were severely interrupted in the signature collection
10 phase.

11
12 They installed solar panels about 3½ years ago. He knew, at the time, there was not an exemption.
13 For him it still made sense as he was able to afford to pay cash up front, the State incentives were
14 \$3,750 versus \$1,000, and Eversource was still providing the full retail payment for net metering. That
15 made it very attractive where he could have ROI within 10 years or so. Purchasing the same system at
16 today's prices at approx. 4.5% interest on a loan (based on the savings data he has collected for the
17 past 3 years), the ROI period would be roughly 12 years. Adding the additional assessment he has had
18 for the past 3 years, it would take 18 years to break-even. Given the solar panel has a 20-year life, it
19 does not make a lot of sense to undertake. Currently there is a \$1,000 State credit and 67% retail
20 payback.

21
22 For the past three years, his assessment on the solar panels has not reduced a single dollar even though
23 the performance is steadily dropping year by year (approx. 1-2%). The first year he received his
24 assessment he sought an abatement. He showed the cost of the system and the significantly larger
25 assessment. He suggested the comps used to determine the increased value are from a community that
26 does not tax the panels.

27
28 Councilor Boyd requested Town Manager Cabanel confirm when an individual applies for an
29 abatement, comps utilized are in Merrimack. Town Manager Cabanel responded that was not the
30 purpose of the Public Hearing, and, as a result, she was not prepared to talk to that. She is uncertain of
31 the exact process for assessing the panels. She is aware it is \$600/panel. It is depreciated, but the
32 value is only changed every 5 years. A person would only see it in the 5th year.

33
34 Councilor Boyd commented if you take solar panels out of the equation and do comps with other
35 houses for the sake of an abatement, the square footage of the roof, number of panels, etc. might be
36 different from one home to another. It would be difficult for the Assessor to get what would be an
37 appropriate comp, just in evaluating the abatement process for the square footage for solar panels.

38
39 Chairman Rothhaus suggested the Council continue the discussion and discuss how to address the
40 larger operations. There are questions the Council should address with the Assessor, if necessary, at
41 some point in the near future.

42
43 Councilor Albert suggested the Council consider taking the action it can within the next few months.
44 Currently it is a \$60,000 impact, which could become greater. He spoke of the importance of a cap,
45 and suggested that be a discussion the Council have.

Councilor Healey stated her desire to see something intermediate and then have the issue placed on the Ballot at the earliest possible opportunity. She questioned if it must wait for the April 2020 Ballot. Chairman Rothhaus stated that to be the case unless the Council were to pass an Ordinance.

Glenn Nakamoto, 83 Tinker Road

Has resided in Town for approx. 5 years, East Wakefield prior for about 10 years, and Massachusetts for 20 years before that. He also spent a fair amount of time in Hawaii where he learned the concept of distributed generation where rooftop solar, community solar, and the grid all work together in a coordinated fashion. Utility folks know the writing is on the wall that revenue will begin to decrease. We continue to rely on the infrastructure. New Hampshire has the New Hampshire State Energy Strategy Document that talks about distributed generation and looks at a partnership between local homeowners with rooftop solar, towns and communities that support large scale solar projects, and the utility providers.

In Hawaii, he got involved with talking with folks to see what those partnerships looked like. On the island of Kauai, on a sunny day, they generate about 77% of their electricity purely from solar. They are averaging 8-9 cents per kilowatt hour whereas if they pay from fossil fuel it is over \$0.38, which is double what we pay here. They are highly incentivized. They get ROI in 4-5 years. Despite that, the Honolulu Council, in 2009, approved tax exemption for solar panels. In 2009, the solar penetration on rooftop was less than 1%. In less than 10 years they have reached a saturation point of 10%, but with that 10% came this distributed generation notion where the partnerships have started to grow, battery power is starting to come into play. There is a significant future path we can learn about from places that have adopted this.

Ravi Sampath, 14 Abbey Road

Moved to Merrimack 4 years ago from Upstate New York where for about 15 years he had solar panels. He has had them here for 4 years. He is a very staunch environmentalist.

He spoke of the discussions that have already occurred around the assessments and the fact that depreciation is only realized every five years noting IRS code states a depreciation every year. He stated the Council could have the Town Assessor make that change on a yearly basis.

He remarked if the issue is put to the Ballot it needs to be done with 100% support of the Council. He spoke of the idea of a cap and stated his preference would be no cap. He commented on commercial properties depreciating heavily.

Regarding assessing the value of a home based on the cost of a solar panel, he remarked that does not return anything to him; it is the solar power, which varies. He suggested his power generation be monitored and the assessment be determined based on the energy generated. The assessment base itself is wrong.

1 Rudy Bazelmans, 174 Naticook Road

2
3 Stated concern if this goes on the Ballot there will be about 100 solar owners and another 400-500
4 voters who want solar and about 8,500 who are fearful that their taxes are going to go up. They won't
5 realize it would go up by 6/100th of 1%. They will hear it is going up and will vote it down.
6

7 Ned Raynolds, 110 Aldrich Road, Portsmouth, NH

8
9 Urged the Council not to adopt an exemption with a cap. The public benefit; reduced stress on the
10 local grid, substations, distribution wires as well as the public environmental benefits are in direct
11 proportion to the size of the system.
12

13 For the local business a solar system is a sound business strategy to lower energy costs, make energy
14 costs more predictable, insulate themselves from future increases in electricity prices and make
15 themselves more competitive. From a local economic development perspective, he suggested the
16 Town would want that.
17

18 Asked if he has solar at his home, Mr. Raynolds responded he does not as it is not suitable for it; axis
19 of roof is north/south, and property has some large trees.
20

21 Councilor Boyd questioned the percentage of his clients that purchase versus lease. Mr. Raynolds
22 stated he has not been selling commercial solar systems for that long and does not have a good
23 database. It is a far better value to purchase.
24

25 Mark Bishop, 2 Pine Tree Lane

26
27 Spoke of having solar and of the number of residents who have stopped at his home to ask about the
28 panels. He has spoken of the benefits they provide and also informed of the Assessor viewing them as
29 a home improvement and the increased assessment on his home. He suggested there would be a
30 greater number of residents installing solar panels were it not for the increased assessed value.
31

32 He commented on the negative issues in Town such as traffic, tolls, PFAS, and suggested it would
33 make sense to want to be a more progressive community, investigate geothermal for the larger
34 corporations, etc.
35

36 He does not believe the revenue gained of \$63,000 is a great impact to the Town; however, the portion
37 he is paying on his taxes means a great deal to him. There are actual home improvements he could
38 make to his home and enjoy, and be assessed at the same rate.
39

40 Natalia Bairamova, 26 Crosswoods Path Boulevard

41
42 Is pleased the Council is coming to realize the assessment is off. She remarked the reason the last
43 discussion of this issue resulted in a lengthy meeting was because a mistake made in assessing of non-
44 profits. She stated her belief that played a part. Now that additional information is available, perhaps
45 the Council will look more closely at how the assessment is done.
46
47

1 Bill Dallas, 18 Hansom Drive

2
3 Does not have solar, and does not mind paying the additional tax that would result with an exemption.
4 He will be downsizing, and plans on putting solar on his next home. It won't be in Merrimack if there
5 is an additional assessment. He stated his hope the Council would not wait for a Warrant Article in
6 2020. He would like a discussion to occur with the Assessor to look more closely at the value
7 identified for panels. He suggested an Ordinance could be put in place until the next Town Meeting
8 when the voters could decide.

9
10 Dick Josephson, 4 Woodward Road

11
12 Stated Eversource charges him about \$0.08 cents/kilowatt hour. SolarCity charges him \$0.13 and he
13 keeps a running tab of how much each is costing and tries to keep the two the same at year end, which
14 means he turns the solar off periodically.

15
16 ***Chairman Rothhaus declared the Public Hearing closed at 9:02 p.m.***

17
18 ***There being no objection, the Council recessed for five minutes.***

19
20 ***The Council reconvened at 9:08 p.m.***

21
22 Chairman Rothhaus stated the desire for information to be gathered relative to the value of the
23 companies utilizing solar to allow the Council to reach a decision as to a cap on exemptions.
24 Councilor Albert stated the desire to receive options on what could be done in terms of an Ordinance
25 that would alleviate some of the concerns stated.

26
27 Town Manager Cabanel stated her understanding the Council wished to review the assessing practices
28 regarding how value is determined. The Assessor would be asked to attend a meeting to engage in that
29 discussion with the Council. Aside from that, should the Council wish to consider an Ordinance, there
30 is a process for doing that.

31
32 Councilor Harrington stated the desire for the Council to evaluate the issue and determine the available
33 options for addressing it. She would like to engage in a discussion to determine if the appropriate
34 action is adopting an Ordinance. Councilor Albert stated agreement.

35
36 Councilor Harrington remarked most of the towns she looked at exempted 100% of the assessed value.
37 All agreed there is an assessed value or there would not be the need for an exemption. We can debate
38 what the percentage is and have the Assessor explain the amount of and basis for the assessment.

39
40 The question of available comparables came up. Town Manager Cabanel commented she spoke with
41 the Assessor earlier in the day who indicated it is charged based on some kind of standard.

42
43 Councilor Boyd stated agreement this issue has been discussed since 2016 when a corporation came to
44 the Council looking to do a Pilot (Payment in lieu of taxes) because of certain federal grants and tax
45 credits they would achieve if going to build a solar array on their property. At the time, they were
46 supposed to present to the Council. That never occurred. A great deal of documentation was provided
47 but a presentation was not. It felt hurried at the time. The Council voted against it, which he felt was

prudent. On February 16, 2017, the Council voted (3-2) to put an exemption on the warrant article for 2017. It was for an exemption of 50% capped at \$5,000. Chief Currier raised concerns regarding specific fire and safety standards. A motion to reconsider prevailed 4-1.

The Council has been exposed to a lot of different information. Although this law has been in existence since 1975, it only seems to have been promulgated to municipalities in our State within the last 10-15 years.

Regarding the assessed value, the point was made that we have 97 residents that have a solar array on their property. As was brought up during public comment, there is the question of if a resident applies for an abatement and there are no other homes that allow the Assessor to make a qualified opinion.

The Council has taken the stance it will do its due diligence to make a determination of how to proceed on this issue. The question of whether this should be addressed through Ordinance or placing it on the Warrant is a philosophical conversation. There is the need to understand the implications on both residential and commercial properties.

Councilor Boyd spoke of a discussion he had with an Assessor in the City of Manchester who pointed out to him there is a variety of different assessing software available. Some communities don't have the ability to assess solar based on their software. He explained Manchester has historically not valued solar. If applying for an exemption they were providing it, but they were not physically altering the assessing card. The 2021 revaluation will be different as they are changing the software and will have the ability to assess a value for that component.

Legislative Updates from State Representatives

Representative Nancy Murphy, on behalf of herself and Representatives Rung, Stack, and Thomas, thanked everyone who attended the Merrimack Village District Annual Meeting to vote to approve PFAS filtration of our public wells to protect the health of our community.

Given New Hampshire is #1 in the nation for pediatric cancer, breast cancer, esophageal cancer, and bladder cancer, and we know PFAS is known to be associated with cancer, thyroid, neurodevelopmental, reproductive and other health issues, it behooves us to do everything we can to protect our environment and human health.

As victims of an industrial polluter that refuses to take responsibility for this contamination, it is reprehensible that Merrimack residents must pay to filter these toxic chemicals out of our drinking water. However, our community has been informed, and voted overwhelmingly (by a 92% margin) to protect ourselves. We will finally have PFAS free water because citizens fought for and voted for it. She thanked members of the Council, MVD Commissioners, Merrimack Citizens for Clean Water, community members, and all involved in this process.

Representative Murphy encouraged residents to attend the PFAS Community Health Fair on Wednesday, April 3rd, from 5:00 - 8:00 p.m. in the Merrimack High School cafeteria.

The bills discussed at the Council's last meeting are moving to the Senate side of the State House.

Town Manager Cabanel questioned if the NHDES has come up with the new advisory number. She is aware there was consideration of 38 ppt for PFOA and then it was indicated they would reduce that significantly. Representative Murphy indicated she has not heard further. Town Manager Cabanel noted there to have been a statutory deadline. Representative Murphy indicated public comments had to be submitted by a date certain. She stated uncertainty of the specifics. Town Manager Cabanel indicated she would follow up.

Town Manager's Report

The waterline installation into Watson Park began yesterday and is ongoing. The beach volleyball courts will be installed in the park this spring.

On April 2nd, the Planning Board will begin initial discussion on a comprehensive overhaul of the Town's Site Plan Regulations. Over the past year, Community Development staff has been working to develop new, more modernized, Site Plan Regulations. These new draft regulations are intended to replace the various sections of the Subdivision Regulations that pertain to site plans. The hope is that by modernizing and clarifying many of the requirements and processes associated with Site Plan review, that Merrimack will see both better development and more efficient review by Town staff and the Planning Board.

Additionally, and very importantly, the draft regulations have been updated (reviewed and recommended by the Town Engineer) to address the EPA MS-4 requirements for stormwater management. For more details, please check the "News and Events" Section of the Planning Board webpage on the Town website.

Consent Agenda

1. **Consideration of Changes to Chapter 183, Vehicles and Traffic of the Merrimack Town Code**
[Final Reading]
Submitted by Town Council Chair Finlay Rothhaus and Vice Chair Tom Koenig
The Town Council to consider the acceptance of recommended changes to Chapter 183, Vehicles and Traffic, of the Merrimack Town Code, to change yield sign to a stop sign on Daniel Webster Drive, pursuant to Charter Article V.

MOTION made by Councilor Boyd and seconded by Councilor Healey to move the Consent Agenda. MOTION CARRIED 5-1-0 Councilor Koenig voted in opposition

Old Business - None

Minutes

March 14, 2019

The following amendment was offered:

Page 4; replace "Chief Roy" with "Deputy Director Tuomala"

Approved: April 11, 2019

Posted: April 12, 2019

MOTION made by Councilor Boyd and seconded by Councilor Albert to approve the minutes of the March 14, 2019 meeting of the Town Council, as amended. MOTION CARRIED 5-0-1
Councilor Albert Abstained

Comments from the Press - None

Comments from the Public

Lon Woods, 2 Arbor Street

Commented on having observed the Council for three of its most recent meetings complimenting the Council and staff on the polite discourse and interaction between themselves and with the public.

Mr. Woods spoke of the Town elections coming up on April 9th. He is running for Town Council. Addressing the Council and viewing audience, he stated he has been involved with a lot of things in the Town over several years, and is asking for their vote for three reasons; Woods is saying voting for commitment, Woods is saying vote for experience, and Woods is asking for your vote.

Comments from the Council

Councilor Boyd encouraged residents to attend the PFAS Community Health Fair on Wednesday, April 3rd, from 5:00 - 8:00 p.m. in the Merrimack High School cafeteria. He spoke of the efforts that went into ensuring the appropriate professionals will be in attendance to address the questions and concerns of residents.

Chairman Rothhaus wished his mother a Happy Birthday. She turned 86 the previous day.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Healey to adjourn the meeting. MOTION CARRIED 6-0-0

The March 28, 2019 meeting of the Town Council was adjourned at 9:37 p.m.

Submitted by Dawn MacMillan