

Approved: March 25, 2021

Posted: March 26, 2021



Town Council Meeting Minutes



Thursday, January 28, 2021, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order. Present at the meeting were Chairman Koenig, Vice Chair Boyd, Councilor Harrington, Councilor Rothhaus, Councilor Albert, Councilor Healey, Councilor Woods, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

Announcements

Upcoming Town Council meetings: Thursday, February 11, 2021, 7:00 PM Regular meeting and Thursday, February 25, 2021, 7:00 PM Regular meeting

Chairman Koenig read the following statement:

On June 4, 2020, Saint-Gobain formally requested of NHDES, a one-year extension (by variance) of their February 11, 2021 deadline to complete construction and installation of a Regenerative Thermal Oxidizer (RTO) to control the air pollutants from their Merrimack plant. If granted, the one-year extension would have allowed the RTO to be installed by February 11, 2022.

NHDES conducted a comprehensive review of the one-year extension petition request including comments submitted by the Town of Merrimack, and members of the public. Based on state law, RSA 125- C:16, which says, in part, " No variance shall be granted to any person applying therefor who is causing air pollution which creates a danger to public health, welfare or safety," NHDES declined to allow Saint- Gobain's requested extension.

On January 11, 2021, one month before the RTO was required to be installed and despite filing monthly RTO status reports with no mention of this fact, Saint Gobain informed the Town that the RTO will not be installed and operating to control its PFAS emissions by the permit deadline of February 11, 2021 and most likely will not be completed until June of 2021.

The Town is outraged by this news which defies the terms of the permit and NHDES' denial of an extension. We will continue to monitor NHDES' response and vigorously pursue any legal action available to protect the Town citizens and environmental resources from these ongoing toxic and illegal emissions.

Assistant Town Manager/Finance Director Paul Micali announced that the deadline to file petition warrant articles is Tuesday February 9th and the deadline to file petition bonds is Friday February 5th.

Comments from the Press and Public

None

Recognitions, Resignations and Retirements

None

Appointments

None

Public Hearing

None

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Legislative Updates from State Representatives

Greetings, Town Councilors: Bills are starting to be heard in a hybrid (in-person and remote) manner in House and Senate Committees.

Prior to his passing, the late Speaker Dick Hinch asked that I work with the Merrimack Citizens for Clean Water on two legislative issues. As a result, I am the prime sponsor of [HB 478](#) (An ACT relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District). I have attached the full text of the bill to this correspondence. Additionally, Laurene Allen of the Merrimack Citizens for Clean Water will submit a separate statement of support to you.

In sum, the bill extends the operations and maintenance remedy in the March 2018 Agreement between the Merrimack Village Water District and Saint Gobain Performance Plastics. HB 478 calls for Saint Gobain to pay "all costs associated with the continued operation, monitoring and maintenance and any necessary additional modifications thereto" and "all additional incidental operation and maintenance costs of wells 4 and 5" beginning on October 27, 2025 and continuing for so long as Merrimack Village Water District treats water in wells 4 and 5 to comply with "any existing or future water quality standards set for PFAS." NOTE: The October 2025 date is five years from the installation of the GAC filtration treatment system in wells 4 and 5.

The co-sponsors on this bill represent a cross-section of legislators from both parties in leadership from across the state, as well as Merrimack. The co-sponsors and I would like your support especially at the upcoming hearing set for February 17, 2021 at 10AM in the House Resources, Recreation and Development Committee. Instructions to register support and/or testify can be found here: <http://gencourt.state.nh.us/misc/House%20Remote%20Testimony%20Directions.pdf>. Additionally, written testimony may be emailed directly to all House Committee members via this email address: HouseResourcesRecreationandDevelopment@leg.state.nh.us Thank you for all you do. Respectfully submitted, Rep. Maureen Mooney (R-Merrimack)

Town Manager's Report

None

Consent Agenda

None

Old Business

1. Turkey Hill Road / Baboosic Lake Road Intersection Improvements Follow-up Discussion

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council reviewed and discussed the projected configuration and costs/engineering estimates for the Baboosic Lake Road and Turkey Hill Road roundabout. Dawn Tuomala explained the current design challenges such as sight distance, fence line, road curve and many turning movements. She stated that since 2005 there have been 33 accidents at this intersection. She stated that a round about provides improvements to sight distance, slows traffic, safer intersections and is a definitive entry to the town center. Dawn Tuomala advised the Town Council that the field surveys have been completed. Public hearing and resident letters were sent to those affected. The public hearing was held in March 2020. She recapped the changes that have been made to the plan including better access to Glenwood Lane. Dawn Tuomala stated that after receiving the cost estimate she asked for an estimate to construct a T-intersection. She stated that she has dissected the plan looking for areas to cut cost.

Dawn Tuomala presented the cost comparisons of the round-about design \$660,000 and the T-intersection \$406,000. She stated that there is \$300,000 in the Highway CRF for this project.

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Assistant Town Manager/Finance Director Paul Micali advised the Town Council that there are funds available in the road infrastructure CRF.

Councilor Albert stated that he is in favor of the round-about. He does not want to do nothing. He spoke about the dangers of the intersection. He spoke about the back ups that could happen when school is in session. Councilor Healey stated that she is not in favor of the round-about. She expressed concern that the residents on Glenwood will not be able to access the round-about.

Vice Chair Boyd is concerned about the restricted access for Glenwood Lane. He stated that he supports the concept of round-about verses the T-intersection. He would prefer that the Glenwood Lane restriction be reconsidered. Dawn Tuomala stated that it was given consideration, but it did not work well. Councilor Woods agrees with Councilor Albert. He spoke about the traffic congestion before and after school. Councilor Harrington supports the round-about concept. Vice Chair Boyd would like to review the engineering design as it relates to Glenwood Lane. Assistant Town Manager/Finance Director Paul Micali stressed that the Fire Department requested and supports the design as presented.

MOTION made by Councilor Woods and seconded by Councilor Harrington to approve the plans as presented to go forward with the round-about utilizing the funding from the Highway Capital Reserve account. MOTION CARRIES 6-1-0 Councilor Healey voted in the negative

New Business

1. 2021 Transportation Alternatives Program (TAP) Application

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council reviewed the proposed sidewalk project for the new round of TAP Applications – Daniel Webster Highway between Souhegan River and Merrimack 360. Dawn Tuomala advised the Town Council that the amount of the grant is up to \$1,250,000. She reviewed the Town Center Committee’s top three sidewalk priorities. This project would span 3600 feet of sidewalk. Dawn Tuomala explained that she could foresee right of way issues. She advised the Town Council that she is in the beginning stages of preparation and review, but the letter of interest and a map is due next Friday. She will be required to attend pre-application meeting. She stated that at the meeting she will told when the application is due.

Councilor Healey asked how much money the Town would be responsible for. Dawn Tuomala stated the grant is 80/20, the town’s portion would be 20% and that would come from capital reserve funds. Councilor Healey questioned the maintenance of the new sidewalk. Assistant Town Manager/Finance Director Paul Micali stated that the town would be responsible for maintaining and plowing the sidewalk. Vice Chair Boyd stated that he supports the project.

MOTION was made by Councilor Harrington and seconded by Councilor Albert to give permission to apply for the fourth round TAP grant and that the Town Council provide a letter of support. MOTION CARRIES 7-0-0

2. Request Letter of Support for NRPC Statewide Transportation Planning Funds Grant

Submitted by Welfare Administrator Patricia Murphy

The Town Council considered supporting the Nashua Regional Planning Commission’s (NRPC) grant application for the Statewide Transportation Planning to evaluate Community Transportation Programs in the Greater Nashua area for feasibility of developing new volunteer driver programs to fill in the gaps of need that was identified for Merrimack in the Locally Coordinated Plan for Community Transportation for the Greater Nashua Area. Pat Murphy advised the Town Council that Merrimack

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has been identified as a community that has gaps in the need for transportation. She stated that the study will look at ways to fill the gaps for Merrimack and surrounding communities. Councilor Harrington and Councilor Healey indicated that they support the study. Following is the letter of support.

The Town of Merrimack is pleased to provide a letter of support for the Nashua Regional Planning Commission (NRPC) application for Statewide Transportation Planning and Research Program funding .

NRPC proposes to evaluate the current level of volunteer driver programming in the region, identify gaps in service and strategies to support current services, and assess the need and feasibility of developing new volunteer driver programs to help fill those gaps. During this evaluation, NRPC will assess the feasibility of developing a coordinated volunteer driver - community transit network that will incorporate enhanced regional mobility management strategies.

The Locally Coordinated Plan for Community Transportation for the Greater Nashua and Milford Region indicated a need for additional public transit service in Merrimack. Whereas demand response paratransit service from Merrimack to Nashua is available to eligible residents, that service does not provide trips to destinations within the town. This proposed study will help determine the viability of creating a volunteer driver program that could fill these gaps in service.

Additionally, the enhanced mobility management network will provide valuable information about available transportation services and assistance with accessing those services. This is especially important to the elderly, individuals with disabilities , and residents with low income that we serve. Town of Merrimack staff believe that the enhanced network will be a valuable tool for use in our efforts to make sure that Merrimack residents have the basic needs of life.

The Town of Merrimack supports this funding proposal and urges the New Hampshire Department of Transportation to fund this important initiative.

Sincerely, Thomas P. Koenig , Chairman

MOTION made by Councilor Harrington and seconded by Councilor Healey to provide a letter of support to the Nashua Regional Planning Commission’s (NRPC) grant application for the Statewide Transportation Planning to evaluate Community Transportation Programs. MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meeting: January 7, 2021.

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to approve the Town Council meeting minutes for January 7, 2021 as amended. MOTION CARRIES 7-0-0

Page 2 under Legislative Updates insert committee assignments.

Page 3 insert “the” before health officer.

Comments from the Press

None

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Comments from the Public

Chairman Koenig stated that he received a letter from Laurene Allen encouraging the Town Council to support the proposed legislation.

Comments from the Council

Councilor Healey updated the Council that Comcast has announced that will not implement the data usage cap until August. She stated that the 275 Anniversary committee is working on a recipe book. Residents are encouraged to submit family recipes. Recipes can be submitted to the committee at 275recipe@merrimachnh.gov.

Councilor Rothhaus stated that he recently participated in a walk at Twin Bridge Park with Mr. Chuck Mower and Arnold Graton to discuss the bridge. He stated that the bridge is built, and oxen are brought in to pull the bridge across the water.

Chairman Koenig announced that Town Manager Eileen Cabanel was excused from tonight's meeting. Chairman Koenig encouraged everyone to remain vigilant by wearing a mask.

Adjourn

MOTION made by Councilor Harrington and seconded by Councilor Albert to adjourn the meeting. MOTION CARRIES 7-0-0

The meeting adjourned at 8:32 pm.

Respectfully submitted by Tracy Doherty