



Town Council Meeting Minutes



Thursday, February 11, 2021, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order at 7:00 pm. Present at the meeting were Chairman Koenig, Vice Chair Boyd, Councilor Harrington, Councilor Rothhaus, Councilor Healey, Councilor Woods, Town Manager Eileen Cabanel and Assistant Town Manager/Finance Director Paul T. Micali. Councilor Albert participated virtually.

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance

Announcements

Chairman Koenig made the following announcements:

To View the Meeting LIVE:

- Merrimack TV Channel 20 (Comcast)
- MerrimackTV.com (Click "Watch Live" and chose Ch 20)
- Roku / Apple TV devices via "Cablecast Screenweave"

Telephone: Dial either of the following phone numbers and enter the Meeting ID number when prompted:

1-929 205 6099 US (New York)

1-301 715 8592 US (Washington DC)

Meeting ID: 959 9712 6496

If you wish to speak during the public hearing:

If you wish to speak during the Public Hearing, when prompted to do so by the Chairman, you may press *9 to be placed in que. The Chairman or designee will recognize you by the last three digits of your phone number. Callers will be asked to state your name and address for the recorded minutes.

The Town Offices will be closed on Monday, February 15th for the observance of President's Day.

Upcoming Town Council meetings:

- Thursday, February 25, 2021, 7:00 PM Regular meeting
- Wednesday, March 10, 2021, 7:00 PM, at the James Mastricola Upper Elementary School (JMUES) in the All-purpose Room Deliberative Session
- Thursday, March 25, 2021, 7:00 PM Regular meeting

Special meeting next week will be held on February 18, 2021 at 7:00 pm to hear a petition warrant article.

Town Manager Eileen Cabanel made the following announcements:

2021 Dog Licenses are now available. Per NH State law, all owners of dogs four months and older are required to license their dog by May 1st. Owners must present a valid rabies certificate and a neutering or spaying certificate, if applicable. Licenses are available at the Town Clerk's office during our normal business hours of 9:00 AM to 4:30 PM. License renewals can also be completed by using the on-line payment services at www.merrimacknh.gov, by mail or by using the drop box. See Dog Licensing in the Town Clerk's section of the website for more information.

Filing Period for Town offices will be held February 24, 2021 to March 5, 2021. Candidates must file with the Town Clerk to have their name placed on the ballot and must be a registered voter and domiciled in Merrimack. Candidates for Town Council must also have been domiciled in Merrimack for at least one year. Please see the Town website or contact the Town Clerk's office for further details.

Comments from the Press and Public

None

Recognitions, Resignations and Retirements

None

Appointments

1. Saint-Gobain Air Permit Status Update

Submitted by Asst. Public Works/Wastewater Director Sarita Croce & Attorney Joanna Tourangeau

The Town Council received an update on the Saint-Gobain Thermal Oxidizer. Sarita Croce informed the Town Council that the air pollution device that is required by law to be installed by midnight tonight has not been installed. She explained that the Saint-Gobain pollution has contaminated the ground water in the Town of Merrimack. She outlined the history of the Saint-Gobain pollution situation that began in February 2016. She stated that the PFOA's are so toxic that they are measured in parts per trillion. Sarita Croce stated the highest detection of PFOA's was in March 2019 at 69,500 parts per trillion. She explained that the primary source of PFAS contamination to Merrimack's land water and air came from Saint-Gobain emissions from its process stacks. She reiterated that because of this pollution the State of NH DES required Saint-Gobain to comply with state law and obtain a permit mandating the installation of air pollution controls within one year. Sarita Croce stated that in June 2020 Saint-Gobain requested an extension of the deadline but in October 2020 the State of NH DES denied their request. She stated that the fire department received an application from Saint-Gobain in November 2020 to install a concrete pad for the regenerative thermal oxidizer (RTO). She informed the Town Council that the application did not comply with basic building codes and it was not signed by a professional engineer as required. Sarita Croce stressed the need for a complete plan review for compliance with building and fire codes to ensure the town is protected, as well as the first responders and abutting property owners as required by applicable ordinances and laws.

Sarita Croce advised the Town Council that last month Saint-Gobain informed the Town that the RTO would not be installed by the deadline of February 11, 2021. She recently requested an update from the State of NH DES on the non-compliance. Sarita Croce advised the Town Council that the DES does not comment on potential or pending enforcement actions/investigations. She stated that for the last 5 years Saint-Gobain has been allowed to discharge chemicals from their stacks that continues to contaminate the towns drinking water. Saint-Gobain has not installed any ground or surface water remediation or treatment systems. Sarita Croce explained that the Merrimack Village District (MVD) was required to install a treatment system to remove PFAS from the ground water wells at a cost of \$5.1 million dollars and Saint-Gobain only contributed \$3.4 million dollars. She stated that the MVD water users will pay the balance. She stated that Saint-Gobain is not willing to pay for the ongoing operation and maintenance cost associated with the treatment system.

Chairman Koenig clarified that none of the public statements from Saint-Gobain addressed the RTO schedule. Vice Chair Boyd voiced his disappointment with the lack of communication and sincerity by Saint-Gobain. Councilor Albert expressed his frustration with the behavior of Saint-Gobain. Councilor Harrington stated that the bottom line is that the DES denied Saint-Gobain's request for a variance because it would create a danger to public health.

Attorney Joanna Tourangeau addressed the Town Council to review the events of the last few days and discuss what the Town's options are going forward. She stated that an email was sent yesterday to Saint-Gobain asking for reassurance that Saint-Gobain will not be emitting uncontrolled PFC. She stated that in a response letter from Saint-Gobain they indicate that their emissions comply with the permit limits for PFOA and PFOS and Saint-Gobain will continue to comply with those permit limits. Attorney Joanna Tourangeau stated that the Town has been in contact with DES. She stated that the DES has not given the Town any assurances about enforcement action.

Attorney Joanna Tourangeau outlined the options the Town has. She stated that the Town could wait to see what action the DES takes. She stated that the Town and the MVD could file a temporary restraining order and permanent injunction. She stated that a citizen's suit could be filed under the Clean Air Act in federal court against Saint-Gobain and DES. Councilor Healey stated that the DES has known since November of 2020 that Saint-Gobain would not meet the deadline. She stressed that the DES should be ready to take immediate enforcement actions.

Chairman Koenig read the following statement:

Saint-Gobain Performance Plastics' smokestacks send toxic PFCs and precursors into the air which then rain down over the land, drinking water, and people of the Town of Merrimack and surrounding communities. New Hampshire Department of Environmental Services (DES) required that Saint-Gobain install a regenerative thermal oxidizer (RTO) by February 11, 2021 in order to stop this contamination, giving them a whole year as mandated by law, to accomplish that task. Saint-Gobain asked DES for an additional year of time to install the RTO and DES denied the request because it "would create a danger to public health, welfare, or safety."

Saint-Gobain has been making monthly status reports to DES on the design and construction of the RTO, even as recently as January 15, 2021, without mentioning that they are behind schedule and would miss the February 11, 2021 deadline. And yet, on January 11, 2021, Saint-Gobain informed the Town of Merrimack that the RTO would not be installed on time. That February 11, 2021 deadline, which was not extended, has now passed.

Saint-Gobain cannot legally continue to operate in the Town of Merrimack!

The Town calls on DES to enforce the terms of the permit issued to Saint-Gobain and require that it stop operations until the RTO is operational. To do otherwise is to allow Saint-Gobain to flout New Hampshire's environmental laws and is an affront to the people of New Hampshire including the Town.

The Town of Merrimack assures its citizens that this issue is of such paramount importance that the Town will take all available actions, including seeking emergency injunctive relief, to protect the Town's people, operations, and resources.

Councilor Albert asked if Saint-Gobain would have to cease and desist if the Town's was successful in obtaining a restraining order/permanent injunction. Attorney Joanna Tourangeau stated that the Town would be looking for uncontrolled emissions to cease or be significantly curtailed. Councilor Albert stated the Town has been patient and Saint-Gobain is not a good community partner. By consensus the Town Council agreed that it is time to direct Attorney Joanna Tourangeau to move forward with legal action.

Public Hearing

1. Public Hearing – Proposed Municipal 2021-22 Operating Budget and Warrant Articles

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

The Town Council held a public hearing to discuss the following:

2021/22 Proposed Municipal Operating Budget

Including Capital Reserve Fund Expenditures

- Collective Bargaining Agreements

- Capital Reserve Deposits General Fund

- Capital Reserve Deposits Wastewater

- Proposed Issuance of Debt, as follows:

 - Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study and Recommendations

- Petitioned Bonds, if any

- Other Petitioned Warrant Articles, if any

These hearings are being held pursuant to the requirements of NH RSA 33:8-a (I), NH RSA 32:5, I, NH RSA 21:35, NH RSA 40:13 II-b and Town of Merrimack Charter Article 8-3.

Assistant Town Manager Paul Micali reviewed the 2021/22 Proposed Municipal Operating Budget and estimated tax rate summary.

The Town Council deliberated and finalized the Operating Budget. Assistant Town Manager Paul Micali informed the Town Council that the General Fund increased approximately \$1.5 million, capital reserve increased \$65,000, other capital reserve decreased \$163,000 and roads/sidewalks decreased \$150,000. He explained that the difference to the General Fund is \$1.3 million.

Assistant Town Manager Paul Micali reviewed revenues. He stated that the general fund non tax revenue decreased by \$238,000, the use of fund balance of \$100,000 brings the decrease to \$138,000. The total increase to be raised by taxes is \$1,440,760 (8.2%). Assistant Town Manager Paul Micali stated that the value of the Town increased by \$58,000,000 for new construction.

Assistant Town Manager Paul Micali reviewed the increases to the budget: health insurance \$32,599, workers compensation \$25,714, general insurance \$13,089, library materials \$10,550, traffic signals/street lights \$15,000, solid waste tipping fees trash \$30,375, recycling \$54,000 and special handling \$16,000, totaling \$197,327. Assistant Town Manager Paul Micali reviewed the budget staffing/wage changes compensated absences (\$ 43,767), union contracts (6) \$ 272,488, non-union pay increase \$ 82,427, Library staffing changes (\$ 20,969), General Government part time position \$ 38,101, NHRS increase rates \$ 498,300, 53rd week of payroll \$ 278,150, 4 Firefighter/Paramedics wages \$ 460,371, fire overtime (\$ 109,200), Police Officers 1- 1/2 Year \$ 53,500 and MS-4 Positions 1/2 Year \$ 45,300. Total increases \$ 1,752,028. Assistant Town Manager Paul Micali reviewed the savings in the budget that totaled \$201,309 bringing the General Fund Operating to \$1,550,719. He stated that Capital Reserve Fund deposits increased \$65,000 (GIS and Fire equipment). He reviewed the areas that were reduced totaling \$163,700. Assistant Town Manager Paul Micali advised the Town Council total expenditures is \$1,302,019.

Assistant Town Manager Paul Micali stressed that \$942,800 of the fund balance is being used to reduce taxes. He stated that capital projects total \$407,200. Total reduction to unreserved fund balance is \$1,650,000.

Chairman Koenig opened the public hearing at 8:09 pm

Nelson Disco Chairman of the Town Center Committee joined the meeting via telephone. He expressed his disappointment with the removal of funds for the sidewalk plan. Chairman Koenig explained the decision was not easy for the Town Council. He stated that there is money in the current budget for sidewalks. He spoke about the uncertainty of the economy and the substantial increases the Town faces relative to the increase in retirement costs and health insurance costs. He understands the need for a sidewalk but given the current financial challenges he needed take a step back.

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to move the 2021/22 Proposed Municipal Operating Budget in the amount of \$34,539,495 to the warrant.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Discussion on the motion

Chairman Koenig asked if the Town Council had any interest in adding \$10,000 for sidewalks as a placeholder. Councilor Albert stated that he believes that the sidewalk project remains an interest for the Town Council but not this year. Councilor Rothhaus stated that he supports sidewalk projects but has concerns about how quickly the unreserved fund balance is being spent. Councilor Healey does not support adding money at this point. She reiterated that the Town Council's continued interest in sidewalk projects.

Assistant Town Manager Paul Micali reviewed the Capital Reserve Fund Expenditures totaling \$1,545,020. He explained that is the Department of Revenue (DRA) position that since the Town Council is the agent to expend capital reserve expenditures should no longer be included in the budget.

Assistant Town Manager Paul Micali advised the Town Council that there are no Collective Bargaining Agreements as the Town is still in contract with all six unions.

Assistant Town Manager Paul Micali reviewed the Capital Reserve deposits General Fund. He stated that CRF deposits have increased by \$65,000. He stated that this money will be raised by taxes.

No one from the public addressed the Capital Reserve Fund expenditures or Capital Reserve Deposits.

MOTION made by Councilor Harrington and seconded by Vice Chair Boyd to move \$1,880,000 for Capital Reserve deposits General Fund to the warrant.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

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Posted: March 26, 2021

Assistant Town Manager Paul Micali reviewed the Capital Reserve Deposits for Wastewater in the amount of \$500,000. He explained that this money is raised by sewer users not from taxes. He explained that there are several projects planned in the next few years.

MOTION made by Councilor Harrington and seconded by Councilor Rothhaus to move \$500,000 for Capital Reserve deposits Wastewater to the warrant.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Assistant Town Manager Paul Micali explained that Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study and Recommendations money is 100% reimbursed by the State up to \$75,000 and because the money is coming from the State Revolving Fund (SRF) the Town must place this item on the warrant as a bond. He stressed that this item has no tax impact.

MOTION made by Councilor Harrington and seconded by Councilor Rothhaus to move \$75,000 for Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study to the warrant.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Petitioned Bonds - None

Other Petitioned Warrant Articles - None

Legislative Updates from State Representatives

State Representative Maureen Mooney provided updates on four items

Item 1 is HB 478: She stated that the hearing on February 17th has been postponed. She advised the Town Council that HB 478 has been reassigned to the House Judiciary Committee. Item 2: State Representative Maureen Mooney is working with the Citizens for Clean Water on HB 236 which creates a statute of limitations of 6 years to bring civil action based on damages relative to PFAS. HB 236 has also been assigned to the House Judiciary Committee and a hearing is scheduled for Tuesday February 16th at 10am. She requested the Town Council's support on HB 236. Item 3: State Representative Maureen Mooney will defer to Senator Daniels to explain Senate Bill 117 the removal of the tolls at exit 10. Item 4: State Representative Maureen Mooney advised the Town Council that House Bill 20 has been renamed in honor of the late Speaker of the House Richard Hinch.

Senator Gary Daniels advised the Town Council that he is the Chair of the Senate Finance Committee and he sits on the Ways and Means Committee and the Capital Budget Committee. He recapped the various Senate bills that affect the Town of Merrimack. Senator Daniels advised the Town Council that he is a co-sponsor of SB135 Educational Aid for cities and towns to reduce the local cost of education. He stated that Merrimack's share is \$16,605,473 (increase of \$685,900). He stated that SB95 would allow virtual meetings to be a permanent option for municipalities. Senator Daniels spoke about an initiative that he would like to focus on which is educational alignment for students to be better prepared for college. Senator Daniels

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advised the Town Council that SB117 Removal of tollbooth at exit 10 has a hearing scheduled for February 16, 2021 at 2pm. He is exploring the possibility of privatizing the toll administration buildings that were left at exit 12. He stated that he requested to be a member of the commission on the environmental and public health impacts of PFAS to help find a solution.

State Representative Bob Healey outlined the hearing schedule for February 16th starting at 9:00 am.

HB135 Parties found responsible for private well contamination

HB236 Statute of limitations for civil actions

HB368 Medical monitoring

State Representative Bob Healey advised the Town Council that a House Bill sponsored by State Representative Rung was defeated that pertained to the tolls in Merrimack. Councilor Rothhaus encouraged the legislature to find better ways to fund the highway system that is more fair. Councilor Albert encouraged the Merrimack delegation to find ways to protect Merrimack neighborhoods. He encouraged them to remain involved in the issues facing Merrimack. Vice Chair Boyd encouraged the delegation to continue to be diligent with the Department of Transportation (DOT) as it relates to decisions that negatively affects Merrimack. Councilor Healey would like to see a future Legislative Service Request submitted that says the DOT must including funding for sound barriers on future highway expansions.

Town Manager's Report

Assistant Town Manager/Finance Director Paul T. Micali announced that the Merrimack Police Department is participating in a Special Olympic fundraising event. For a donation to Special Olympics male officers are allowed to grow a beard and female officers are allowed to have red streaks in their hair.

Consent Agenda

None

Old Business

None

New Business

1. Consideration of Letter of Support of House Bill 478 (HB 478)

Submitted by Town Council Chair Tom Koenig and Vice Chair Bill Boyd

The Town Council considered supporting HB 478, (An ACT relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village District). This bill requires Saint-Gobain Performance Plastics to pay for the remediation of water in certain wells in Merrimack that it contaminated. Chairman Koenig read the HB 478 Comment Letter into the record.

Dear Representatives Gordon, McLean, and members of the Judiciary Committee:

Thank you for the opportunity to provide comments on HB 478, which seeks to require Saint-Gobain Performance Plastics (SGPP) to pay for the remediation of specific contaminated well water in Merrimack.

The Town of Merrimack (Town) is deeply concerned about the perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) contamination in our environment. I'm sure that you and your committee members are quite familiar with the extensive contamination issues that have been experienced in Merrimack, Litchfield, Bedford, Amherst, and the Pease Tradeport areas. The Town remains vigilant and focused upon the safety of our citizens, and continues to make every effort to

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keep abreast of the myriad complex issues related to this extensive contamination problem. Sound science, research and data analysis has been and should continue to be the guiding criteria for regulations and remediation.

We have attempted to work with our residents who have been affected, the Department of Environmental Services (DES), Merrimack Village District (MVD) and SGPP to determine and implement remediation for the continuing contamination issues. We have been dealing with this pollution since it first came to light on February 29, 2016. Currently, the residents do not see an end in sight to the pollution issues caused by SGPP to our drinking water; however, we believe that the language in HB 478, which is currently in the Judiciary Committee, provides needed remediation for the citizens of Merrimack. Fundamentally, this bill would require SGPP to fix what they broke...the contamination of MVD Wells 4 and 5.

Please feel free to contact me at (603) 424-2331, if you have any questions or comments on the information provided in this letter.

Sincerely, Thomas P. Koenig, Town Council Chair Town of Merrimack NH

MOTION was made by Vice Chair Boyd and seconded by Councilor Healey to send a letter of support for House Bill 478.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

2. Capital Reserve Fund Withdrawal Request for the Purchase of Replacement Vacuum Truck

Submitted by Assistant Public Works/Wastewater Director Sarita Croce

The Town Council considered the withdrawal request of \$377,129 from the Capital Reserve Fund for the purchase of a planned replacement of Wastewater Treatment Plant sewer vacuum truck which is used for the maintenance and cleaning of the Town's collection system. Sarita Croce advised the Town Council that the truck that will be replaced is a 15 year old piece of equipment. She stressed that it is vital to their operations.

MOTION made by Councilor Woods and seconded by Vice Chair Boyd to withdraw \$377,129 from the Capital Reserve Fund for the purchase of a planned replacement of Wastewater Treatment Plant sewer vacuum truck.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

3. Capital Reserve Fund Withdrawal Request for a Replacement Grinder for Main Pump Station

Submitted by Assistant Public Works/Wastewater Director Sarita Croce

The Town Council considered the withdrawal request of \$63,000 from the Capital Reserve Fund for the purchase of a replacement grinder for the main pump station to cut up wipes and rags. Sarita Croce advised

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the Town Council that the current grinder is well beyond its useful life. She stated that the grinder is corroded and service calls are required monthly.

MOTION made Councilor Healey and seconded by Vice Chair Boyd to withdraw \$63,000 from the Capital Reserve Fund for the purchase of a replacement grinder for the main pump station to cut up wipes and rags.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

4. Review of the 2021-2022 Default Budget

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

The Town Council reviewed the 2021-2022 Default Budget. Chairman Koenig explained that the default budget would be the budget that would take affect should the proposed operating budget fail at the ballot box. Assistant Town Manager/Finance Director Paul T. Micali outlined the calculations and formulas used to determine the default budget.

MOTION was made by Vice Chair Boyd and seconded by Councilor Healey to move the 2021-2022 Default Budget to the warrant.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

5. Review of the 2021 Town Warrant

Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali

The Town Council reviewed and make recommendations on each article of the 2021 Town Warrant. Assistant Town Manager/Finance Director Paul T. Micali explained that he is looking for the Town Council's recommendation for each money article.

Article II 2021-2022 operating budget \$34,539,495 with a default budget of \$34,146,555

MOTION made by Councilor Rothhaus and seconded by Councilor Albert to recommend article II.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

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Article III Capital Reserve Deposits General Fund \$1,880,000

MOTION made by Councilor Harrington and seconded by Councilor Healey to recommend article III.

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A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Article IV Capital Reserve Deposits Wastewater \$500,000

MOTION made by Councilor Albert and seconded by Councilor Woods to recommend article III.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Article V: Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study \$75,000

MOTION made by Councilor Albert and seconded by Councilor Woods to recommend article V.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meetings:

♦ January 13, 2021 ♦ January 14, 2021 ♦ January 20, 2021 ♦ January 21, 2021

MOTION made by Vice Chair Boyd and seconded by Councilor Healey to approve the January 13, 2021 Town Council meeting minutes as amended.

Page 1 line 46 Strike boys insert Boyd

Page 3 line 11 capitalize Council

Page 4 line 20 strike Library Board of Trustees

Page 4 line 42 lower case socially distanced

Page 5 line 7 insert the number of visitors

Page 5 line 19 insert line of sight

Page 5 line 44 should read in decent shape

Page 6 line 22 should read prolong the life

Page 9 line 22 strike so insert do

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

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MOTION made by Vice Chair Boyd and seconded by Councilor Harrington to approve the January 14, 2021 Town Council meeting minutes as amended.

Page 2 line 12 should be Rothhaus

Page 4 line 45 strike boys insert Boyd

Page 4 line 46 add apostrophe to read Chair's

Page 3 line 7 strike waring insert wearing

Page 3 line 13 insert years after several

Page 4 line 6 strike recorded insert recording

Page 9 line 42 insert \$ before 50,000

Page 9 line 47 strike links insert leaks

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,

Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Boyd and seconded by Councilor Harrington to approve the January 20, 2021 Town Council meeting minutes as amended.

Page 5 line 45 strike boys insert Boyd

Page 6 line 8 strike fun insert fund

Page 5 line 6 insert \$ before 19,000

Page 5 line 7 insert \$ before 31,000

Page 5 line 16 capitalize Road

Page 8 line 13 strike (Kyle Fox

Page 10 line 33 lower case segued

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,

Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Boyd and seconded by Councilor Albert to approve the January 21, 2021 Town Council meeting minutes as presented.

A Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,

Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

MOTION CARRIES 7-0-0

Comments from the Press

None

Comments from the Public

Laurene Allen submitted the following letter: Thank you for placing discussion of a support letter for HB 478 on the Town Council agenda for this week. I am sure you are aware that the bill has been moved to the House Judiciary Committee and is awaiting scheduling. I look forward to your discussion and anticipate approval to submit your prepared commentary on behalf of our community.

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I wanted to additionally call your attention to 3 additional bills that were just announced today as included on the Judiciary Committee's schedule for Tuesday 2/16/21. As I am unable to attend the meeting, I would request that this statement be included in received correspondence.

2/16/21 PFAS bills hearing schedule:

9 am HB 135 (cosponsor Rep Notter) Pertains to Parties who have found to be responsible for private well drinking water contamination being financially responsible for a timely connection to a municipal water supply, immediate provision of bottled water and of a connection cannot be made within 6 months, shall install a whole house system. Water bills shall also be reimbursed for 5 years. This will be retroactive to discoveries after 1/1/16.

10 am HB 236 (cosponsors Reps Mooney and Healey) Pertains to establishing a 6 year statute of limitations relative to damages by PFAS which will allow for individuals and entities to bring forth civil action for harm, injury or damages. This is a very important bill to the town and the MVD in addition to our residents as you know the process of assigning responsibility and a work plan commitment has been lengthy and legal recourse may be necessary.

11 am HB 368 (cosponsor Rep Rung) Pertains to medical monitoring and allows a claim for medical monitoring to be made if specific conditions are met, including assignment of responsibility by the state of a party has been found to have caused exposure to a designated hazardous or toxic substance which increases risk of illness/disease.

The link to remote hearings which includes an option to sign in support of a bill, sign up to give testimony and/or write to the committee can be found at the Gencourt.state.nh.us page. We are fortunate to live in a state where public participation is welcomed and in a town where our elected officials and residents have worked together to further the needs of Merrimack

Thank you for your time, Laurene Allen Merrimack Citizens for Clean Water

Comments from the Council

Councilor Albert thanked the media department for assisting him and making his participation possible.

Councilor Healey urged Merrimack residents to submit recipes and pictures for the 275th anniversary recipe book. Recipes can be submitted to 275Recipe@merrimacknh.gov.

Councilor Rothhaus spoke about the importance of remembering the history of the Town. He explained that Fern Jones recently passed away. Fern Jones was very involved in the community for many years.

Chairman Koenig stressed the importance of remaining vigilant, wearing masks and social distancing. He hopes everyone stays safe.

Adjourn

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

Roll Call vote was taken, which resulted as follows:

7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert, Councilor Harrington, Councilor Healey, Vice Chairman Boyd

0 Nay

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The meeting adjourned at 10:08 pm

Respectfully submitted by Tracy Doherty