

Approved: March 14, 2024

Posted: March 15, 2024



## Town Council Special Meeting Minutes



Thursday, February 15, 2024, at 7:00 PM, in the Matthew Thornton Room

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### Call to Order

Chairman Rothhaus called the meeting to order at 7:00pm. Present at the meeting were Chairman Rothhaus, Vice Chair Harrington, Councilor Healey, Councilor Hunter, Councilor Koenig, Councilor M. Murphy, and Town Manager Paul Micali. Councilor N. Murphy arrived at 7:10pm.

### Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

### Announcements

The Town offices will be closed on Monday, February 19<sup>th</sup> for the observance of Presidents Day.

### Upcoming Town Council Meetings:

- Tuesday, February 20, 2024 at 6:15PM Nonpublic
- Tuesday, February 20, 2024 at 7:00PM Special Council meeting
- Thursday, February 22, 2024 NO MEETING
- Thursday, March 14, 2024 at 7:00PM Regular Council meeting

### IMPORTANT DATES TO REMEMBER:

- Wednesday, March 13, 2024, 7:00 PM in the All-Purpose Room at James Mastricola Upper Elementary School located at 26 Baboosic Lake Road- Deliberative Session
- Tuesday, April 9, 2024, 7:00 AM – 7:00 PM Annual Meeting / Voting Day - At your designated polling location

The Parks & Recreation Department invites you to join them next Saturday, February 24<sup>th</sup> at Wasserman Park for the 32<sup>nd</sup> Annual Winter Carnival. The event runs from 12 – 3 pm and features 30 businesses and community organizations who will be offering free games, activities and demonstrations. For questions, please contact the Parks & Recreation Department at 882-1046.

### **Filing Period for Town offices will be held from February 21 to March 1, 2024.**

#### TO BE ELECTED:

- 3 Councilors for 3 years
- 1 Ethics Committee Members for 3 years
- 2 Library Trustees for 3 years
- 1 Trustee of the Trust Funds for 3 Years
- 1 Moderator for 2 years
- 1 Town Clerk/Tax Collector for 3 Years
- 1 Supervisor of the Checklist for 6 Years

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. (RSA 669:6, 669:19) Candidates for Town Council must also have been domiciled in Merrimack for at least one year. (Town Charter Article 3-4, C)

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2024 dog licenses are now available at the Town Clerk's office. Per NH State law, all owners of dogs four months and older are required to license their dog by May 1<sup>st</sup>. Owners must present a valid rabies certificate and a neutering or spaying certificate, if applicable.

If you no longer have your dog, please contact the Town Clerk's office at 424-3651 so that we may update our records.

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

None.

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

None.

### **Appointments**

None.

### **Public Hearing**

#### **1. Public Hearing – Proposed Municipal 2024-25 Operating Budget and Warrant Articles**

*Submitted by Town Manager Paul T. Micali*

Residents of Merrimack are hereby advised that the Town Council will hold a public hearing to discuss the following:

2024/25 Proposed Municipal Operating Budget

- Collective Bargaining Agreement(s),
  - The New England Police Benevolent Association (NEPBA), Local 12
  - The New England Police Benevolent Association (NEPBA), Local 112
  - Teamsters, Local 633
- Proposed Issuance of Debt, as follows:
  - Pine Knoll Shores – Roadway and Drainage Improvements design and permit phase
  - Purchase of Land, if applicable
- Capital Reserve Deposits General Fund
- Capital Reserve Deposits Wastewater
- Petitioned Bonds, if any
- Other Petitioned Warrant Articles,
  - Athletic Fields Construction

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.

Mr. Micali shared the following information via PowerPoint Presentation:

- The Council voted in January on a \$4.42 tax rate, a 37 cent increase on the tax rate from the prior year.
- General Fund obligations increased \$237,000, however revenues decreased \$1.7 million. Overlay increased \$38,000, for a total increase of \$1.9 million on the tax rate.
- Appropriations:
  - Health insurance increase: \$717,000
  - Worker's Compensation: \$17,000
  - General Liability Insurance: \$14,000
  - IT Budget: \$19,000

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- Asphalt Pile Grinding: \$30,000
- Legal: \$15,000
- Nashua Transit: \$34,300
- Solid Waste Tipping Fees: \$18,300
  - Recycling: \$0
  - Disposal: \$18,300
- Electric/Water/Sewer/Natural Gas: \$29,400
- Office Equipment Maint.: \$10,000
- Maint. Buildings & Grounds: \$16,700
- Maint. Machinery/Equipment/ Vehicles: \$19,600
- Dues: \$10,450
- Ammunition: \$32,500
- Audit/Ambulance Collection: \$13,000
- Uniforms & Protective Clothing: \$27,300
- Welfare Housing: \$19,500
- Snow Plowing Town Lots: \$22,000
- Miscellaneous: \$70,900

**Budget Highlight- Staffing Increase (Decrease)**

- Compensated Absences: \$60,000
- Union Wages (including steps) \$272,000
- NHRS: \$135,100
- Benefits (Life/Dental/Short-term etc.): \$23,100
- Fire Overtime: \$115,700
- Library Raises: \$32,000

**Staffing**

- Asst. Tech Coordinator: \$111,000
- Safer Grant: \$286,700

**Part-time to Full-time**

- Custodian: \$40,900
- Animal Control Officer: \$41,700
- EMS Part-time (reduction of hours): \$(20,150)
- Deputy DPW to Civil Engineer: \$(36,500)

**Total: \$2,197,500**

**Savings**

- Police vehicles: \$(15,000)
- Brine Storage Tank: \$(25,000)
- Street Sweeping & Pavement Marking: \$(40,000)
- **Net Savings: \$80,000**
- **Total GF Increase: \$2,117,500**

**Budget Highlights Cont.**

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	<b>Increase (Decrease)</b>	
<b><u>Other Capital</u></b>		
Blgs & Grounds - TH Sprinkler Syst.	<b>(\$150,000)</b>	0.00%
Blgs & Grounds - Church Parking Lot	<b>(\$92,424)</b>	0.00%
Blgs & Grounds - Ext. Building Repairs	<b>\$100,000</b>	0.00%
Community Devel. - Master Plan	<b>\$75,000</b>	0.00%
Fire - Mobile Radios	<b>\$2,000</b>	0.00%
Fire - Turn Out Gear	<b>\$15,000</b>	0.00%
Code Enforcement - Comp./Software	<b>\$5,000</b>	0.00%
Highway - Updated Fuel Dist. Syst.	<b>(\$1,400,000)</b>	0.00%
Highway - Brine Storage Tank	<b>(\$25,000)</b>	0.00%
Solid Waste - Office Trailer	<b>(\$70,000)</b>	0.00%
Parks & Recreation - Beach Phase IV	<b>\$0</b>	0.00%
Police- Vehicles	<b>(\$15,000)</b>	0.00%
Gen Govt - Voting Machines	<b>\$0</b>	0.00%
<b>Subtotal Other Cap.</b>	<b>(\$1,555,424)</b>	<b>0.00%</b>
<b><u>Road Infrastructure</u></b>	<b>(\$325,000)</b>	<b>0.00%</b>
<b>Total increase to General Fund</b>	<b>\$ 237,076</b>	

### Revenues

- Increase
  - Solid Waste Revenue: \$10,000
  - Ambulance: \$115,000
  - Charges for Services: \$48,625
  - Miscellaneous: \$12,656
- Decrease
  - Insurance Rebate: \$(40,000)
  - Building Permits: \$(25,000)
  - Other Building Revenue: \$(51,800)
- **Net Revenue Increase: \$69,481**
- **Safer Grant: \$(286,667)**

### Use of Fund Balance

- Total to Reduce Taxes: \$984,500
- Offset to Capital Projects
- Purchase of Land: TBD
- Total Reduction to Unreserved Fund Balance: \$984,500
- A decrease of \$1,500,000 (\$984,500-\$2,384,500) from prior year
- **Total Decrease in Revenue: (\$1,717,186)**

The public hearing was opened at 7:20pm and closed at 7:21pm.

### Non-Union Employees

Mr. Micali then discussed non-union employees, recommending a 4% wage increase. He share that there are 63 full time and regular scheduled part-time employees that are all considered non-union. Of this \$195,280, only \$180,606 is general fund, or 3 cents on the tax rate. He also shared that these employees do not have a step system, and non-union does not have longevity and education incentives like union employees do, and this will keep the town in pace with cost of living and current CPIs.

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**MOTION made by Councilor Koenig and seconded by Councilor Healey to increase the town budget for non-union pay increase of 4% in the amount of \$195,280.**

**MOTION CARRIES 7-0-0**

**MOTION made by Councilor Healey and seconded by Councilor Koenig to move \$39,778,556 for the Operating Budget to the Town Warrant.**

**MOTION CARRIES 7-0-0**

### **NEPBA Local 12**

- Police Officers, Detectives, and Sergeants
- 37 Members
- Three year deal totaling \$649,468
- Cleaned up the contract with language clarifications for bereavement, education, life insurance, worker's compensation, personal leave and disability, and separation
- Year 1
  - New wage scale Patrol 2% /4% between steps
  - Everyone else 2% between steps
  - 3% plus a wages adjustment as well as a reduction in longevity
- Year 2: 3% plus a wage adjustment. No Longevity
- Year 3: 3 % plus wage adjustment. No Longevity
- 13 cent impact on the tax rate

The public hearing was opened at 7:31pm and closed at 7:32pm.

**MOTION made by Councilor M. Murphy and seconded by Councilor N. Murphy to move \$293,873 for Collective Bargaining Agreement between the Town and NEPBA 12 contract to the Town Warrant.**

**MOTION CARRIES 7-0-0**

### **NEPBA Local 112**

- Dispatchers and Police Office Staff
- 12 Members
- Four year deal totaling \$146,213
- Some language was changed such as bereavement, other language such as family medical leave, military leave, and maternity leave was removed and put towards Town Policy
- Year 1
  - Dispatchers 3% plus \$1.20 adjustment and added 5yr and 10 year step
  - Records Clerk 3%
  - Prosecutors Secretary 3% plus \$1 adjustment
- Year 2
  - Dispatchers 3% plus \$.75 adjustment
  - Records Clerk and Prosecutors Secretary 3%
- Year 3:
  - Dispatchers 3%
  - Records Clerk and Prosecutors Secretary 3% plus \$.50

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- Year 4
  - Dispatchers, Records Clerk and Prosecutors Secretary 3%
- 3 cent impact on the tax rate

The public hearing was opened at 7:38pm and closed at 7:39pm.

**MOTION made by Councilor Koenig and seconded by Councilor M. Murphy to move \$59,943 for Collective Bargaining Agreement between the Town and NEPBA 112 to the Town Warrant.**

**MOTION CARRIES 7-0-0**

### **Teamsters**

- DPW Supervisors and Secretaries (Highway, Solid Waste, Equipment Maintenance and Wastewater)
- 14 Members
- Three year deal totaling \$179,147
- Year 1: Implement a step wage scale. Added 3% to top of scale and then 2.5% in-between steps. Place each employee on scale and move 1 step.
- Year 2: 3% wage adjustment
- Year 3: 3% wage adjustment
- Increase in clothing allowance from \$200 to \$300
- 2 cent impact on the tax rate

The public hearing was opened at 7:43pm and closed at 7:44pm.

**MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to move \$84,762 for Collective Bargaining Agreement between the Town and Teamsters to the Town Warrant.**

**MOTION CARRIES 7-0-0**

### **Proposed Issuance of Debt**

- Pine Knoll Shores
  - Design and Permit Phase
  - 1) Finalize the conceptual design Engineering Report, including performing wetlands delineation, geotechnical investigation, and additional survey, as deemed necessary.
  - 2) Finalize the conceptual design plans.
  - 3) Finalize the cost estimate.
  - 4) Prepare the bid documents to contract the work.
  - 5) Prepare permits leading to the construction of the project, which could include NHDES AoT (Alternation of Terrain) permit, NHDES Shoreland permit, and Town Permits, and USACE Wetlands permit.
  - The estimated cost for this scope of work is \$266,338
  - There is a match of about \$92,000 from the SRF grant from NHDES
  - Yearly maintenance costs will be about \$400, mostly in wetland plant reestablishment

The public hearing was opened at 7:51pm and closed at 7:52pm.

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**MOTION** made by Councilor N. Murphy and seconded by Councilor M. Murphy to move \$266,338 for the Pine Knoll Shores Drainage Study to the Town Warrant.

**MOTION CARRIES 7-0-0**

**Purchase of Land**

- TBD

**MOTION** made by Vice Chair Harrington and seconded by Councilor Healey to continue the Public Hearing on Land Purchases to Tuesday, February 20<sup>th</sup> at 7:00pm in the Matthew Thornton Conference Room at 6 Baboosic Lake Road.

**MOTION CARRIES 7-0-0**

**CRF Deposits**

	2023-24	EST. 2024-25	\$ \$ Diff	% Diff
<b>Liability Trust Fund</b>	<b>10,000</b>	<b>10,000</b>	-	0.00%
<b>Ambulance</b>	<b>115,000</b>	<b>250,000</b>	<b>135,000</b>	117.39%
<b>Athletic Fields</b>	<b>5,000</b>	<b>5,000</b>	-	-
<b>Communications Equipment</b>	<b>100,000</b>	<b>55,000</b>	<b>(45,000)</b>	-45.00%
<b>Computer Equipment</b>	<b>35,000</b>	<b>95,000</b>	<b>60,000</b>	171.43%
<b>Daniel Webster Highway</b>	<b>50,000</b>	<b>75,000</b>	<b>25,000</b>	50.00%
<b>Fire Equipment</b>	<b>400,000</b>	<b>400,000</b>	-	0.00%
<b>Highway Equipment</b>	<b>425,000</b>	<b>425,000</b>	-	0.00%
<b>Land Bank</b>	-	-	-	0.00%
<b>Library Building Maintenance Fund</b>	<b>75,000</b>	<b>75,000</b>	-	0.00%
<b>Playground Equipment</b>	-	<b>5,000</b>	<b>5,000</b>	100.00%
<b>Property Revaluation</b>	<b>17,250</b>	<b>20,000</b>	<b>2,750</b>	15.94%
<b>Road Improvements</b>	-	-	-	0.00%
<b>Salt Shed</b>	-	-	-	0.00%
<b>Sewer Line Extension</b>	-	-	-	0.00%
<b>Solid Waste Disposal</b>	<b>100,000</b>	<b>100,000</b>	-	0.00%
<b>Fire Station Improvements</b>	-	-	-	0.00%
<b>Traffic Signal Pre-emption</b>	<b>5,000</b>	<b>5,000</b>	-	0.00%
<b>GIS</b>	<b>5,000</b>	<b>20,000</b>	<b>15,000</b>	300.00%
<b>Road Infrastructure CRF</b>	<b>595,000</b>	<b>700,000</b>	<b>105,000</b>	17.65%
<b>Total CRF</b>	<b>1,937,250</b>	<b>2,240,000</b>	<b>302,750</b>	15.63%
			-	
<b>Milfoil</b>	<b>10,000</b>	<b>10,000</b>	-	0.00%
<b>Total GENERAL FUND</b>	<b>1,947,250</b>	<b>2,250,000</b>	<b>302,750</b>	15.55%

The public hearing was opened at 8:04pm and closed at 8:05pm.

**MOTION** made by Councilor Healey and seconded by Councilor M. Murphy to move \$2,250,000 for General Fund Capital Reserve Fund to the Town Warrant.

**MOTION CARRIES 7-0-0**

**Wastewater CRF**

- Sewer Infrastructure Improvements 23-24: \$550,000, 24-25: \$550,000
- User fee driven, no bearing on the tax rate

The public hearing was opened at 8:11pm and closed at 8:12pm.

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**MOTION made by Councilor Koenig and seconded by Councilor Healey to move \$550,000 for Wastewater CRF to the Town Warrant.**

**MOTION CARRIES 7-0-0**

**Important Budget Dates**

- Deliberative Session
  - Wednesday, March 13, 2024 -- 7:00 pm
  - James Mastricola Upper Elementary School All Purpose Room
- Annual Voting Day
  - Tuesday, April 9, 2024 – 7:00 am – 7:00 pm
  - James Mastricola Upper Elementary School All-Purpose Room, 26 Baboosic Lake Road
  - St. John Neumann Church, 708 Milford Road (Route 101A)
  - Merrimack Middle School, 31 Madeline Bennett Lane

**Athletic Fields Construction**

- MYA President John Calabro presented this to the Council
- This development would be on town owned land on Pearson Rd
- Land would be turned into a multi-use athletic field for the use of Soccer, Football, Lacrosse, Baseball, Softball etc.
- Latest estimate is just under \$1 million

The public hearing was opened at 8:19pm.

Katie Schwartz of 9 Maidstone Drive and Soccer Director for MYA, voiced her support of the Athletic Fields construction, sharing that a lot of other towns come to use Merrimack fields and the current fields and parking situations aren't very safe. This project would make sporting events safer for not only Merrimack residents, but anyone who comes to play in Merrimack.

Mr. Calabro shared that with the growing Merrimack community, including expanding apartments, the expected amount of children playing in sports is anticipated to grow as well, meaning that the multi-use athletic field will be not only good for safety, but also useful for the growing community of youth sports.

The public hearing was closed at 8:23pm.

**MOTION made by Councilor N. Murphy and seconded by Councilor Healey to move Pearson Rd Athletic Field to the Town Warrant.**

**MOTION CARRIES 7-0-0**

**2. Public Hearing – 2024 Milfoil Grant Funds for Horseshoe Pond & Naticook Lake**

*Submitted by Planning and Zoning Administrator Casey Wolfe-Smith*

The Town Council will hold a public hearing to authorize the acceptance and expenditure of up to \$52,146 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which \$26,073 is from a grant from the New Hampshire Department of Environmental Services (NHDES) for milfoil control, and the Town's matching share is \$26,073, to be funded from the Milfoil Expendable Capital Reserve Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

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Community Development Director Robert Price was present to share that a majority of the \$52,146 will be going towards an herbicide treatment at Horseshoe Pond. Additionally, there is a 50/50 split this year with NHDES due to a grant, so the town's cost would be \$26,073.

The public hearing was opened at 8:29pm and closed at 8:30pm.

**MOTION made by Councilor M. Murphy and seconded by Vice Chair Harrington to accept and authorize the expenditure of up to \$52,146 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which \$26,073 is from a grant from the New Hampshire Department of Environmental Services (NHDES) for milfoil control, and the Town's matching share is \$26,073, to be funded from the Milfoil Expendable Capital Reserve Fund, pursuant to RSA 31:95-b and Charter Article 8-15; and authorize the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

### **3. Public Hearing – Town of Merrimack Community Choice Aggregation Plan**

*Submitted by Town Manager Paul T. Micali*

The Town Council will hold a public hearing to present information and receive comments about the proposed Town of Merrimack Community Choice Aggregation Plan prepared by the Community Choice Aggregation Committee (CCAC). At the hearings, the Town's energy consultant, Colonial Power Group, and members of the Committee will present the planned program, answer questions, and take public comments.

Before beginning, Mr. Micali shared with the Council that he didn't receive any emails from Merrimack residents with any questions or concerns about the CCAC. Stuart Ormsby from Freedom Energy Logistics and Colonial Power Group then highlighted the following information via PowerPoint:

#### **What is a Community Choice Aggregation Program?**

- A CCA Program is an optional buying group organized by a municipality to benefit electric consumers in the community
- This Program enters into electricity supply contracts for all "Eligible Consumers"
- Eligible Consumers are residential and business consumers currently receiving default services from their utility (Eversource)
- Eligible Consumers are automatically enrolled, unless they opt out
- Consumers currently under contract directly with third-party suppliers will not be enrolled in the program. Option to opt-in later, if they wish

#### **Benefits of Community Choice Aggregation**

- **Choice:** No longer "stuck" with electric utility default rates
- **Leverage:** Community buying power; larger buying group attracts robust participation from leading suppliers
- **Price stability:** Ability to secure long-term rates and avoid market price volatility
- **Optionality:** Opt-out any time without penalty. Opt-in at a later time
- **Public Oversight:** Electricity supplier and consultant accountable to town officials
- **Local Control:** Operate program based on community priorities and preferences
- **Product Options:**
  - Define a standard product
  - Offer one or more other opt-in products, e.g., greater renewable power content

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- Program offerings may change over time as new market opportunities develop
- **Self-funded:**
  - No burden on municipal staff or local budgets
  - No costs imposed on non-participating consumers
  - Program administration outsources to town consultant

### CCA Overcomes Shortcomings of Electric Market Choice

- **Predatory Business Practices:** Specific targeting of vulnerable consumer segments and customer inattention
- **Predatory Contract Terms:** Beneficial rate at start converts to a much higher “market-based” rate after initial term expires
- **Limited Purchasing Power:** Difficult to profitably serve individual residential consumers absent imposing outsized margins
- **Presents an Additional Market Option:** Program will not interfere with consumers who prefer to shop for themselves

### Important Elements

- **Choice-** Consumers may:
  - Opt-out of the Program and continue receiving supply from utility
  - Leave subsequent to launch without penalty
  - Opt into the Program after initial launch
- **Who keeps my lights on?-** Utility will continue to be responsible for maintaining service to your home; if you lose power, you still contact your utility
- **Billing-** You will continue to receive a single bill from your utility; the only change is a separate line item for Program supply replacing utility default service
- **Customer Service- who do I contact?**
  - **Utility:** power outage, metering, billing, payments, start/stop service
  - **Program Consultant:** issues regarding opting in or opting out
- **Utility Services-** Utility services unaffected (budget billing, electronic payment, payment arrangements, energy assistance, energy efficiency programs)
- **Are Savings Guaranteed?** The goal is to deliver savings over the life of the Program compared to utility default service. However, such savings and future savings cannot be guaranteed.

### Net Metered Consumers

- Net metered consumers may participate in the Program on an **opt-in basis**
- Net metered consumers may be unable to benefit by enrolling in the program
  - **Consider opt-in:** if kWh consumption consistently > kWh generation
  - **Don't opt in:** if kWh generation > kWh consumption
- Currently active discussion amongst regulators, utilities, and aggregation advocates to try to facilitate participation for net metered consumers (work-in progress)

### Staying informed

- Dedicated Program website:
  - Program details and reference material
  - Customer service number
- Town website and social media
- Community meetings

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### **Plan Development and Approval Process**

- Town Council votes to form an Electric Aggregation Committee (“EAC”) (*Nov 2023*)
- Town engages with Freedom Energy Logistics (“FEL”) who, in coordination with Colonial Power Group (“CPG”), will assist with all aspects of CCA planning, regulatory compliance, and program operations (*Nov 2023*)
- **EAC prepares CCA Program Plan** (“Plan”) in coordination with FEL/CPG and in accordance with state statute and rules of the Public Utilities Commission (“PUC”) (*JAN 2024*)
- Town Council approves Plan and warrant article (*Feb 2024*)
- **Residents vote on whether to adopt Plan at Town Meeting** (*Mar 2024*)
- If passed at Town Meeting, Plan filed with PUC for review & approval (*Mar/Apr 2024*)
- PUC approves Plan *May/Jun 2024*)
- Program launch (*Q3 2024, or later if market conditions warrant*)

### **Program Launch and Implementation**

- Program will not commence unless and until it can offer initial rates below utility default service rates
- Town signs electric services agreement with supplier selected in competitive bid process
- Town/CPG mails notifications to all Eligible Consumers at least 30 days prior to program launch
- Town/CPG holds public information sessions prior to launch
- Consumers that have not opted-out are enrolled in the Program
- CPG manages the transition and on-going Program administration

### **Follow up Questions**

- Freedom Energy Logistics manages about 90 programs in Massachusetts
- Current net savings for aggregate upwards of around \$500 million
- Boston alone was 2/3<sup>rd</sup>s the total amount of savings
- 7 communities in Massachusetts suspended their Programs early, due to locational pricing, which does not happen in New Hampshire; all minus Burlington have restarted the program, with Burlington in the process of restarting their program

State Rep Wendy Thomas shared that it’s important for the committee to continue to provide oversight throughout this program, and for residents to continue to email her and Rep Notter and questions or concerns.

The public hearing was opened at 8:53pm and closed at 8:54pm.

**MOTION made by Councilor Koenig and seconded by Vice Chair Harrington to move the Community Choice Aggregation Plan to the Town Warrant.**

**MOTION CARRIES 7-0-0**

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

State Rep Wendy Thomas shared that they had session today and sent a bunch of bills over to the Senate, and they were able to stop some of the voucher bills. She shared that House Resolution 28, which was asking for oversight on the closure of Saint Gobain, was passed today on the consent calendar and the letter is going to President Biden, but Saint Gobain sent out their own counter letter. She also talked about HB1170 that she

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drafted with Rep Nick Germana about contamination, which relates specifically to mandate that NHDES consider public benefit as well as community impact to make them more accountable to the public and to the environment.

State Rep Jeanine Notter was present to share information on the complex education freedom accounts, which are not vouchers but are scholarships. She shared they are not unfunded mandates, and this will not raise tax amounts. She shared that it's important for students to have the scholarships to be able to have options outside of public school.

State Rep Tim McGough was also present to discuss some bills from today's session. He began with the municipal inspections on owner occupied units/multi-dwellings, which was killed today. HB1212, which raises the eligibility cap for free school meals, was passed today and goes to finance, where if it passes it will go to Senate and impact tax payers. He also shared that the fire chief talked about reimbursement rates for ambulance and fire insurance, and that a bill passed to establish a veteran's court that would specialize in court services for veteran's that can manage PTSD and complex brain issues.

Councilor Murphy shared that HB1696, regarding electronic record under the right to know law, passed on a voice vote. This establishes a state repository for a municipal right to know records funds or records manager, and encourages municipalities to use the repository enhancing public record access and reducing requests.

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

There will be a public hearing on February 22<sup>nd</sup> at 6:30pm in the Matthew Thornton Room regarding the bridge replacement work done on Beals Road. For those that don't know where Beals Road is, this is near Parkhurst Road and Woodward Road towards the backway to the Transfer Station. Repair costs are still being finalized as a large portion of the bridge is in Bedford.

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### **Consent Agenda**

None.

### **Old Business**

None.

### **New Business**

#### **1. Donation Acceptance for the Merrimack Police Department**

*Submitted by Deputy Police Chief Matthew Tarleton*

The Town Council to consider the acceptance and expenditure of a donation of \$4,320 from Merrimack Crimeline to the Merrimack Police Department for upgrades to patrol rifles for our Regional Special Operations Unit Officers (6), pursuant to RSA 31:95-b and Charter Article 8-15.

Deputy Chief Tarleton was present to thank the Merrimack Crimeline for their generous donation, and shared that they are looking to basically purchase half of a rifle. This purchase is replacing the upper barrel portion of the receiver of the rifle. This upgrade is more compact and user friendly, and has better

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attachments for accessories. The price of this also includes the bull carrier group (assembly and charging handles).

**MOTION made by Vice Chair Harrington and seconded by Councilor Healey to accept and expend a donation of \$4,320 from Merrimack Crimeline to the Merrimack Police Department for upgrades to patrol rifles for our Regional Special Operations Unit Officers (6), pursuant to RSA 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any necessary documents.**

**MOTION CARRIES 7-0-0**

**2. Town of Merrimack Charter Article 6-1 (B) Recommended Amendment**

*Submitted by Town Manager Paul T. Micali*

The Town Council to consider adding the recommended amendment to Charter Article 6-1 (B), Conservation Commission, of the Town of Merrimack Charter to the 2024 Town Warrant.

Mr. Micali shared the following proposed amendment section via PowerPoint:

- Conservation Commission. There shall be a Conservation Commission consisting of seven members. Six of these members shall be appointed by the Town Council for terms of three years, such terms to be staggered. One Town Council member shall be appointed annually to serve as an ex officio member [and one student representative would be recommended by the School Board and appointed by the Town Council, this individual is not a voting member, nor a member for quorum purposes.] There shall also be three alternate members appointed in the same manner as regular appointed members, except no more than one alternate appointed member's term shall expire in a single year. The Town Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by New Hampshire state law Effective April 1, 2024.

**MOTION made by Councilor M. Murphy and seconded by Councilor Healey to move the Charter Amendment related to adding a non-voting member to the Conservation Commission to the Town Warrant.**

**MOTION CARRIES 7-0-0**

**3. Review of the 2024-2025 Default Budget**

*Submitted by Town Manager Paul T. Micali*

The Town Council will review the 2024-2025 Default Budget.

Mr. Micali shared that the default budget exists as another option for residents to vote on the ballot if they do not want to vote for the budgetary number that the Council puts forward. The calculations for the default budget are pursuant to RSAs and are taken from last year's operating budget (\$38,801,878) with the addition of any contracts that were voted on at last year's ballot, any long term agreements or bonds, any union benefit increases, any onetime Capital purchases, and adjustment of any debt services to get the final default budget calculation. He then shared the following charts via PowerPoint to show the calculation:

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Chart 3 - Default Calculations		
	2023-24	2024-25
	<u>Voted Budget</u>	<u>Default Budget</u>
General Town operations and charges - Article 2	38,801,878	39,272,934
<b>Union Contracts:</b>		
IAFF Union (Article 5 2023-24)	154,367	106,788
AFSCME 93, Local 3657 (Article 6 2023-24)	153,941	76,059
AFSCME 93, Local 2986 (Article 7 2023-24)	162,748	130,167
NEPBA 12 (article 7 2020-21)		164,351
<b>Union Contract Benefit Increases (decreases) {2024-25}</b>		
Health Insurance		570,780
Workers Comp		(4,555)
<b>One Time Purchases (2023-24)</b>		
One Time Capital Expenses		(1,817,424)
<b>Debt service:</b>		
2023-24		(682,247)
2024-25	-	667,388
	<b>39,272,934</b>	<b>38,484,241</b>

### Default Tax Rate Comparison

2024-25 Default Tax Rate Comparison		
		Est. Default <u>2024 Tax Rate</u>
Default Appropriations		38,484,241
Estimated Default Revenues (see below)		(20,028,479)
Use of Fund balance		
Tax overlay		350,000
Veterans exemptions		886,580
Property tax levy		19,692,342
Valuation for property tax rate		4,996,343.359
Default property tax rate		3.94
Proposed Budget tax rate		4.00
Variance		(0.06)
<b>Revenue comparison:</b>		
2024-25 revenue Proposed Budget	(21,012,979)	
Less:		
Use of Fund balance	984,500	
		(20,028,479)
<b>Appropriation Comparison</b>		
2024-25 Proposed Budget Comparison		39,778,556
Default Budget (from above)		38,484,241
Decrease in appropriations (default versus proposed budget)		(1,294,315)
Tax Rate variance Appropriations		(0.26)
Tax Rate variance Revenue (Use of Fund Balance)		0.20
Overall tax rate variance		(0.06)

**MOTION** made by Vice Chair Harrington and seconded by Councilor M. Murphy to move the default budget of \$38,484,241 to the Town Warrant.

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**MOTION CARRIES 7-0-0**

**4. Review of the 2024 Town Warrant**

*Submitted by Town Manager Paul T. Micali*

The Town Council to review and make recommendations on each article of the 2024 Town Warrant.

**MOTION made by Vice Chair Harrington and seconded by Councilor Koenig to table this agenda item until Tuesday, February 20<sup>th</sup>, 2024.**

**MOTION CARRIES 7-0-0**

**Minutes**

None.

**Comments from the Press**

None.

**Comments from the Public**

None.

**Comments from the Council**

None.

**Adjourn**

**MOTION made by Councilor Healey and seconded by Vice Chair Harrington to adjourn the meeting.**

**MOTION CARRIES 7-0-0**

The meeting adjourned at 9:52pm.

Respectfully submitted by Jennifer Steagald