



Town Council Meeting Minutes



Thursday, February 8, 2024, at 7:00 PM, in the Matthew Thornton Room

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, Councilor N. Murphy, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Rothhaus led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, February 15, 2024, 7:00 PM Special Town Council meeting
- Thursday, February 22, 2024 NO MEETING
- Thursday, March 14, 2024, 7:00 PM Regular 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 Library's elevator project is underway. The Lower Level - including the Children's Room, rest rooms and the Klumpp Room are only accessible using the main stairwell.

Please check the Library's website at merrimacklibrary.org for updated information.

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)

2024 dog licenses are now available at the Town Clerk's office.

The New Hampshire Department of Transportation (NH DOT) will hold a Public Information Meeting from 6:00–7:00 PM in the Matthew Thornton Room on **Tuesday, February 13th** to review and discuss the proposed bridge replacements and associated roadway work for the Wire Road and Baboosic Lake Road Bridges over the F.E. Everett Turnpike in Merrimack.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

1. Public Hearing – InvestNH Municipal Per Unit Grant Program Acceptance

Submitted by Community Development Director Robert Price

The Town Council will hold a public hearing to authorize the acceptance and expenditure of up to \$480,000 to be received under the InvestNH Municipal Per Unit Grant Program for the Town of Merrimack, pursuant to 31:95-b and Charter Article 8-15.

Mr. Micali shared that this is an initiative that the Governor's office set up to have affordable housing in the state of NH. There is a workforce housing project going on at Twin Bridge Road in which the state contacted the town and said they are eligible for \$480,000 no strings attached since they qualify for the grant. At this time, Mr. Micali does not have a plan for the money, but he wants to get in the queue so this can get approved and the money can get earmarked for the town and they can come back at a later date to get the money expended.

The public hearing was opened at 7:07pm and closed at 7:08pm.

MOTION made by Councilor Koenig and seconded by Councilor M. Murphy to accept and expend the authorization of up to \$480,000 to be received under the InvestNH Municipal Per Unit Grant Program for the Town of Merrimack, pursuant to 31:95-b and Charter Article 8-15, and authorize the Town Manager to sign any necessary documents. Councilor Hunter added a condition to an amendment to the motion to have this come back to the Town Council before the expenditure.

MOTION CARRIES 7-0-0

2. 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.

Stuart Ormsby from Freedom Energy Logistics and Colonial Power Group was present to speak about the Community Choice Aggregation Plan. He shared that this program is basically another electricity option for residents in town besides Eversource. He shared that this would be an "opt out program" meaning that all customers currently taking their power supply from Eversource are in the program unless a customer elects to opt out. Other benefits to this program include leverage/community buying power, price stability, optionality, public oversight, local control, product options, and that the program is self-funded. Mr. Ormsby shared that the billing will not change, and all Eversource benefits will remain the same as they are still the delivery source for electricity. Lastly, he highlighted that they cannot guarantee savings, but their goal is to seek out rates that are better than the utility Eversource rate.

The public hearing was opened at 7:28pm.

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Representative Wendy Thomas was present to share her support of Community Aggregation. She wants people to understand that they're not tied to it- they can leave and rejoin it at any time.

Representative Jeanine Notter was present to speak about this program as well, stating that reliability is just as important as the savings of this program. Mr. Ormsby then spoke about reliability, sharing that they are working with top notch suppliers that will be there for the duration of the contracts.

Jim Angle of Cummings Road asked Mr. Ormsby how many towns in New Hampshire have this program set up, in which Mr. Ormsby stated that this is a new opportunity for New Hampshire due to a statute, but they are currently working with Hampton, North Hampton, Ossipee, Hancock, Greenland, and Londonderry, as well as being active in Massachusetts. Mr. Angle would like to see some data on comparative prices in Massachusetts, in which Chairman Rothhaus asked if Mr. Ormsby could have this ready for the next public hearing.

Karen Contos of Fairway Drive shared that she is the chairperson for the Informal Merrimack Energy Advisory Committee, and this committee is very much in support of this program.

Richard Barry of 12 Kyle Road asked how much it costs for Freedom Energy Logistics to manage this program, in which Councilor Koenig shared that it's built into the program and they receive 1/10th of a cent per kilowatt hour sold to the town of Merrimack Aggregation Program, so they are funded through a very small adder onto the electric rate that they contract.

Councilor Healey asked how Eversource bills for their utility work, in which Mr. Ormsby stated they separate their delivery piece (wires/poles) from the supply piece on the bill.

Tyrel Borowitz of Timber Lane was present to ask Mr. Ormsby if there is anything to prevent Eversource from having an increase delivery charge, in which Mr. Ormsby stated the delivery and supply sides are entirely different so there would not be any impact. Mr. Borowitz then asked how accessible the rates will be for residents to determine if they want to opt in or opt out of the program, in which Mr. Ormsby stated there will be a dedicated program website that will always have the latest information posted that will be linked on the town website, as well as ongoing touch points such as information sessions and updates at Town Council meetings and senior centers.

The public hearing was closed at 8:09pm. Chairman Rothhaus stated that if anyone would like to comment on this, they can email the Town Manager at PMicali@MerrimackNH.gov and put "CCA" in the email subject line, as well as your name and address in the body of the email.

Legislative Updates from State Representatives

Representative Wendy Thomas shared that there were three voucher bills that came up today. They were able to stop two of them, one of which would have added \$100 million to their budget. The one that did pass is estimated at \$43 million, but they are not in a budget year so the money for this has not been appropriated, meaning this is an unfunded mandate. However, if this passes, this must be funded through raising property taxes.

Representative Jeanine Notter shared that voucher bills are not unfunded mandates, and there are two parties for a reason. Private schools remain a good option for students that cannot do public schools for whatever reason, and this will help children who need to change school environments.

Councilor Murphy shared that this voucher bill funds about 4,200 students, but the students that are taking advantage of this bill are already in private schools and not public schools. Further, even with the voucher, lower income families cannot afford the cost of private school so this voucher bill does not benefit many

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families. Councilor Murphy shared that after this passed by one vote, the refer to Finance Division waived off, meaning that there will be no financial considerations about the impact on taxpayers and it will go directly to the Senate, which is unheard of. Councilor Murphy also talked about HB1114, which relates to extending the PFAS commission from 2019 - November 2024. This passed unanimously, and there was an amendment added to add Hudson into the Bill. HB1415, which relates to eliminating PFAS exposure from facilities that have adversely impacted NH's water sources. It amends RSAs with PFAS related definitions including that of a "PFAS facility", and it adds a new paragraph to the Hazardous Waste law that imposes liability on any person who owns or operates a PFAS facility where a release of PFAS has resulted in concentrations in groundwater or surface water of 100 parts per trillion or greater. Those persons would be subject to federal regulations regarding the closure, removal from service, or decommissioning of tanks, piping, containers, manufacturing equipment, waste or wastewater treatment infrastructure, air pollution control devices, and the interior and exterior surfaces of PFAS facility buildings and structures. If a company shuts down their business, they must ensure they are responsible for the removal of their PFAS materials and all the waste. The responsibility for the cost and cleaning up the mess should not fall on the communities that they've already harmed. Councilor Murphy then talked about HB 1649, which relates to stopping the source of PFAS contamination in goods that continue to negatively impact the environment and public health, and burden all of us with the cost to manage them in the waste management area, remediation, and impacts of public health. This is a source reduction bill that is supported by NHDES. Lastly, she shared that HB1109, relative to requiring student ID cards to include the helpline for the National Alliance for eating disorders, which was precipitated by Merrimack High School student Matthew Brown will be exact.

Representative Thomas shared that she put in a House Resolution outlining the history of Saint Gobain and the amount of PFAS they have released into the community, as well as the damage and health impacts that have been caused due to their lies and neglect.

Mr. Micali shared an update on HB1002, the Right to Know bill, which passed originally and allowed for communities to charge \$25 an hour for anything over 10 hours for right to know requests. A number of corporations have started to come in and ask to do the research for them for large right to know requests and half the time they don't pick up any of the information. He originally had asked everyone to vote no on the reconsideration, and he was told today by Representative Mooney that the reconsideration passed so they will be continuing the fight.

Town Manager's Report

None.

Consent Agenda

None.

Old Business

None.

New Business

1. Proposed 2024 Special Warrant Article for Athletic Fields

Submitted by Rick Greenier

The Town Council to be presented with the details of the petition received for a proposed 2024 Special Warrant Article for Athletic Fields that reads as follows:

Shall the Town raise and appropriate the sum of \$1,000,000 for the purpose of development of town owned land on Pearson Rd into a multiple use athletic field, for the use of Soccer, Football, Lacrosse, Baseball, Softball etc.?

MYA President John Calabro was present to share the petition for the proposed 2024 Special Warrant Article for the Athletic Fields. He shared that the programs are struggling to fit onto the fields that they currently have, and it's difficult to schedule practices and events. He's bringing this warrant article forward raise the funds to solve this issue by having a multi-use athletic field. Vice Chair Harrington shared that this would add 22 cents onto the tax rate for one year and this will be a tough sell onto the residents, but this would benefit the community. Councilor Hunter shared that he doesn't know how he could support this since it's such a big jump. Councilor Healey is not sure what the \$1 million buys, in which Vice Chair Harrington stated that Dawn Tuomala had her interns draw the diagram up after conducting an engineering study. Mr. Micali shared that he believes the field could get completed for \$1 million, minus paving the parking lot.

MOTION made by Vice Chair Harrington and seconded by Councilor Hunter to accept the Petition Article and move it to the Town Warrant.

MOTION CARRIES 7-0-0

2. Ratification of Collective Bargaining Agreement for New England Police Benevolent Association (NEPBA) Local 12

Submitted by Town Manager Paul T. Micali

Town Council to consider ratification of tentative collective bargaining agreement for NEPBA Local 12.

Mr. Micali shared that the NEPBA Local 12, which is the police officers, detective, and sergeant union, has 37 members and they came to an agreement on a three year contract. They came forward and asked to open up their contract a year earlier than what was due, due to the changing atmosphere in the state of NH and the amount of shortage of policing in the state. The union voted unanimously on this agreement, and Mr. Micali shared the following highlights: language clarifications for bereavement, education, life insurance, worker's compensation, personal leave and disability, and separation; a 3 year cost of living plus an additional wage adjustment to move the group towards average- 3% (\$293,873) for year 1, \$174,065 with no longevity for year 2, and \$185,000 for year 3. The total cost is \$649,468. The Tax impact is 6 cents for the first year, 3 cents for the second year, and 4 cents for the last year, for a total of 13 cents over the life of this contract.

MOTION made by Councilor Koenig and seconded by Councilor Healey that the Town Council ratify the Tentative Agreement reached with the New England Police Benevolent Association (NEPBA) Local 12 – Police Officers Union which includes a net cost of \$293,873 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting.

MOTION CARRIES 7-0-0

3. Ratification of Collective Bargaining Agreement for New England Police Benevolent Association (NEPBA) Local 112

Submitted by Town Manager Paul T. Micali

Town Council to consider ratification of tentative collective bargaining agreement for NEPBA Local 112.

Mr. Micali shared that the NEBPA Local 112 is the union for dispatchers and police administrative staff, as well as animal control. They used a negotiator for this contract, and some language was changed such as bereavement, family medical leave (removed and put towards Town Policy), military leave (removed and put towards Town Policy), maternity leave (removed and put towards Town Policy). They were given a 3% cost of living increase and a wage adjustment to keep dispatchers in line with other dispatchers for the first year, and a step at the five and ten year step for dispatchers. They were given an increase in shift differential of 25 cents, as well as a training stipend by 50 cents. The total for the first year of the contract is \$59,943, or

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roughly 1 cent, the second year is \$38,868, or roughly 1 cent, the third year is \$25,313, or roughly 1 cent, and the fourth year is \$22,089, or a fraction of a cent. The total cost of the contract is \$146,214.

MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy that the Town Council ratify the Tentative Agreement reached with the New England Police Benevolent Association (NEPBA) Local 112 – Dispatchers and Police Support Staff Employees Union which includes a net cost of \$59,943 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting.

4. Ratification of Collective Bargaining Agreement for Teamsters Local 633

Submitted by Town Manager Paul T. Micali

Town Council to consider ratification of tentative bargaining agreement for Teamsters Local 633.

Mr. Micali shared that Teamsters Local 633 is made up of the supervisors and secretaries of the DPW Department-14 employees total. They did not use a negotiator for this contract, and implemented a wage scale based on increases based on merit. There was a 3% cost of living wage adjustment, as well as an increase in their clothing allowance to \$300. The first year of the contract is \$84,762, the second year is \$54,232, and the third year is \$40,153. In the first year of the contract, \$44,566 is paid through the Enterprise Wastewater fund, so \$40,206 is paid through taxes in the first year, and the second and third years are both 1 cent.

MOTION made by Councilor Healey and seconded by Councilor Koenig that the Town Council ratify the Tentative Agreement reached with the Teamsters Local 633 – Public Works Supervisors and Secretaries Union which includes a net cost of \$84,762 in the first year so that the Tentative Agreement may be put on the warrant for voter approval at Town Meeting. Of which \$44,566 would be offset by revenue from the Wastewater Treatment Fund.

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meetings:

♦ January 17, 2024 (Budget)

MOTION made by Vice Chair Harrington and seconded by Councilor N. Murphy to approve the minutes from January 17, 2024 as amended.

MOTION CARRIES 5-0-2 with Chairman Rothhaus and Councilor M. Murphy abstaining

Amendments:

Public comment section

♦ January 18, 2024 (Budget)

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to approve the minutes from January 18, 2024 as amended.

MOTION CARRIES 6-0-1 with Chairman Rothhaus abstaining

Amendments:

Public comment section

♦ January 25, 2024

MOTION made by Vice Chair Harrington and seconded by Councilor M. Murphy to approve the minutes from January 25, 2024 as presented.

MOTION CARRIES 6-0-1 *with Councilor Healey abstaining*

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor M. Murphy shared that she received an email from the Girl Scout who presented to the Council a few weeks ago on her Wasserman Park project- she has invited the Town Council to go visit on the days they will be working on the renovations. The first day will be this weekend, February 10th from 12:00pm until 4:00pm. She also asked to have this email shared with the Council as it has the other renovation dates listed and she would like the Council to attend if they are able to.

Council Koenig shared that they will be talking about the Community Choice Aggregation program again next week at another public hearing, so any comments or questions are welcomed. If a resident cannot make the meeting, please send in the comments via email and include your name, phone number, and address to ensure Merrimack residents are being heard.

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 9:30pm.

Respectfully submitted by Jennifer Steagald