



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: February 1, 2022
Submitted by: Town Manager Paul T. Micali
Department: General Government
Speakers: Town Manager Paul T. Micali

Date of Meeting: February 24, 2022
Time Required: 25 minutes
Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input checked="" type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy Discussion

DESCRIPTION OF ITEM

The Town Council to discuss a Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy for reimbursement for the installation of a Point of Entry System (POET) or hook-up to MVD public water.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other:	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Paul T. Micali	Address:	6 Baboosic Lake Road
Phone Number:	603-424-2331	Email Address:	pmicali@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

Merrimack Private Well Owners PFAS Grant Reimbursement Program

Definitions:

AGQS- Ambient Groundwater Quality Standard

MCL – Maximum Contaminant Level

MVD - Merrimack Village District

NHDES – New Hampshire Department of Environmental Services

PFHxS – Perfluorohexanesulfonic Acid

PFNA – Perfluorononanoic Acid

PFOS - Perfluorooctanesulfonic Acid

PFOA - Perfluorooctanoic Acid

POET System – Point of Entry System

SGPP – Saint Gobain Performance Plastics

Purpose:

To access safe drinking water for private well owners outside the NHDES/ SGPP consent decree area and whose wells have exceedances of any one or more of the four regulated PFAS identified in the clean water drinking standards set by the state at RSA 485:16-e as may be amended (PFHXS -18 ppt, PFNA – 11ppt, PFOS -15ppt and PFOA -12ppt). The grant funds may be used to install POET systems OR to connect to MVD public water. The Town will reimburse home owners for the POET systems OR connecting to MVD water system up to \$6,500. **The \$6,500 can not be combined with any other state, local, or federal grant opportunities available at the time of request. The private well must be located in Merrimack and must be outside the SGPP consent Decree Area (see attached).**

This reimbursement opportunity is grant funded and will be available on a first come first serve basis, and only as long as there are grant funds available.

How To Apply:

The home owner must obtain and provide private well testing results, from NHDES or a NHDES approved lab that verifies an exceedance of one or more of the regulated PFAS. The town will not pay for private well testing. Home owner is to procure, arrange and pay for the installation of the POET or MVD hook-up. The town is not a party to the contract between the homeowner and the vendor. The private well owner must submit copies of a paid invoice for the POET or public water connection cost as well as the test results to show proof of exceedance. In case of hardship the town will review on a case by case basis. If you are outside the SGPP consent Decree area and installed a POET system or paid to connect to MVD after 9/30/2019 and were in exceedance of one of the four regulated MCL/AGQS you *may* be entitled to this reimbursement. **This reimbursement program will run from XX/XX/2022 through 12/1/2024 or as long as grant funds are available.**

This payment is only for reimbursement for the installation of a POET system or hook-up to MVD public water; any all future obligations or related expenses are 100% to be paid and are

the responsibility of the homeowner. The Town does not accept any liability nor responsibility for installation or maintenance of the system and by accepting reimbursement funds from the Town homeowners are agreeing to hold the Town harmless from any damages or liability related to the POET, the POET installation, the hook-up to MVD public water and the operation of the POET or hook-up.

This grant cannot be used in conjunction with any other state, local, federal grant that may be available at the time of request for reimbursement. Must be outside the SGPP consent Decree area. The Town reserves the right to deny a grant fund application for good cause.

Return completed applications to the Town Of Merrimack Town Manager's office. If you have any questions please visit our web site or call (603) 424-2331

Useful links:

NHDES - <https://www.des.nh.gov/>

<https://www4.des.state.nh.us/nh-pfas-investigation/>

https://www4.des.state.nh.us/nh-pfas-investigation/wp-content/uploads/PFAS-FAQs_MCL-Draft-11.04.19.v1.pdf

NHDES Private testing Form - https://www4.des.state.nh.us/nh-pfas-investigation/?page_id=307

MVD - <http://www.mvdwater.org/>

SGPP & NHDES Consent Decree Area - https://www4.des.state.nh.us/nh-pfas-investigation/wp-content/uploads/2018/04/Extent_PosterSize_20180321.pdf

Private Well Owners PFAS Grant Program Reimbursement Application

Name: _____

Address: _____

Address Cont.: _____

Amount requested (attach receipt/quote): _____

PFHxS – Perfluorohexanesulfonic Acid Level: _____

PFNA – Perfluorononanoic Acid Level: _____

PFOS - Perfluorooctanesulfonic Acid Level: _____

PFOA - Perfluorooctanoic Acid Level: _____

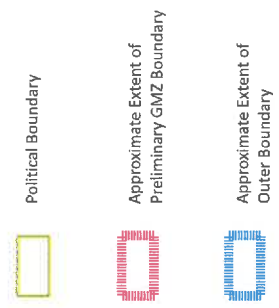
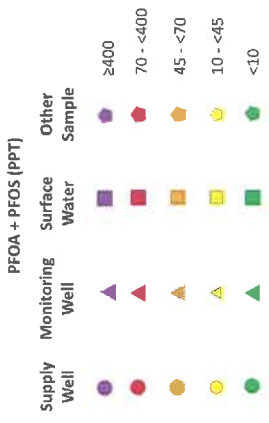
I/We, the undersigned, hereby apply for the PFAS grant from the Town and in consideration of receiving reimbursement from the PFAS Grant Program, understand, agree and covenant the following: This Program is a reimbursement program only that is subject to change without notice, and submittal of an application does not guarantee I will qualify for benefits. I/we are the owners of the above listed property; the selection of vendors, equipment, and contractors are solely at my/our discretion and the Town expressly disclaims any liability for those chosen by me/us; receipt of any funds from this Program is expressly conditioned upon me/us on my/our behalf and on behalf of all occupants of the above listed property releasing and holding harmless the Town, its employees, agents and officials from any liability in connection with my/our participation on the Program, including, without limitation, work performed by the vendors/contractors, the POET, the POET installation, the hook-up to MVD public water, and the success or failure of the installation or hook-up. I/we hereby agree to the foregoing statements and certify that the statements made by the undersigned on this application are true and accurate to the best of my/our knowledge. **All property owners must sign:**

Town Official Business Only:

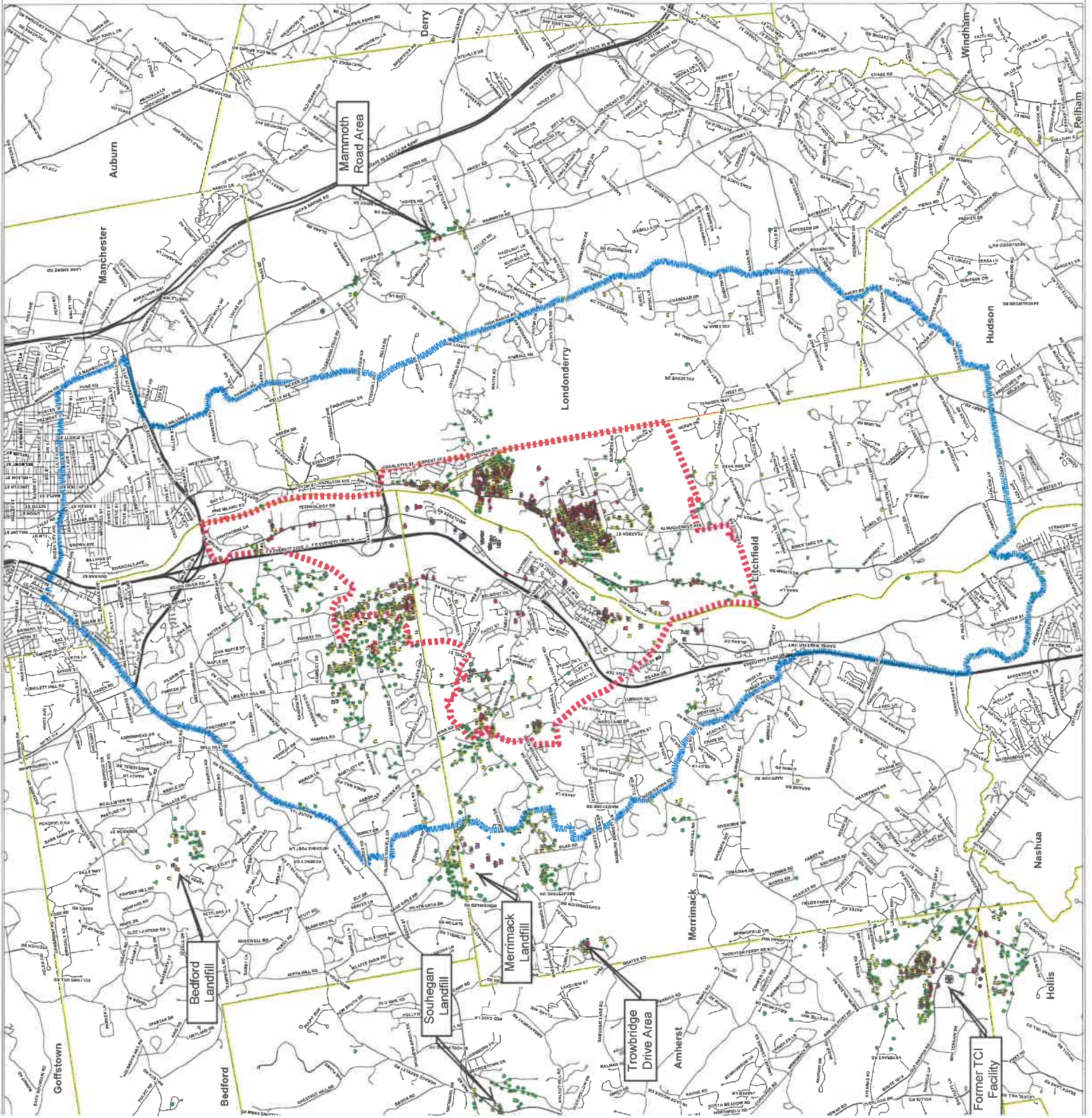
Approved by: _____

Reimbursement amount approved: _____

SOUTHERN NH PFAS INVESTIGATION March 21, 2018



Map By: Derek Bennett 603-271-8520



Approved: October 14, 2021

Posted: October 15, 2021

current entrance to construct a new entrance. Currently, the access is basically a shared driveway that connects his and his neighbor's house to Baboosic Lake Rd, and they have an easement to use the lane, which is the neighbor's property.

MOTION made by Councilor Harrington and seconded by Councilor Hunter to approve the issuance of a building permit on a lot without frontage, in accordance with the requirements of RSA 674:41 on 312 Baboosic Lake Road.

MOTION AMENDED by Mr. Micali to include: The municipality neither assumes responsibility for maintenance on said private road nor liability for any damages resulting from the use thereof; and prior to the issuance of a building permit, the applicant shall produce evidence and notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.

MOTION CARRIES 5-0-0

Town Manager's Report

Town Manager Micali stated that due to the time and knowing that the Town Council still has much to cover on the agenda he only wanted to inform the Council of the following:

- The roundabout / rotary is moving along as planned and the telephone poles are down and we should start seeing some cement work and the rest of the curbing going in. He also stated that we are still on track, weather permitting, be completed before October.

Consent Agenda

1. Consideration of Change to Chapter 92 of the Merrimack Town Code [Final Reading]

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council to consider the acceptance of recommended changes to Chapter 92, Amusement Devices, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION made by Councilor Harrington and seconded by Councilor Hunter to accept the recommended changes to Chapter 92, Amusement Devices, of the Merrimack Town Code, pursuant to Charter Article V.

MOTION CARRIES 4-1-0 with Councilor Woods in Opposition.

Old Business

1. American Rescue Plan Act Funds for Private Well Owners Discussion [Tabled at the September 9, 2021 Town Council meeting]

Submitted by Town Councilor Nancy Murphy

Discussion and proposed consideration to use American Rescue Plan Act of 2021 funds for private well owners.

MOTION made by Councilor Murphy and seconded by Councilor Harrington to remove this item from the table.

MOTION CARRIES 5-0-0

Councilor Murphy shared an update, stating that Mr. Micali was able to talk to Amy Rousseau at NHDES. Mr. Micali then continued the update, stating that they discussed the PFOA Remediation Loan Fund grant. If the town wanted to apply for this grant, there are two options. The first one is where the town has to hire a contractor to install point of entry (POET) systems for each of the homes exceeding city AGQS. This would allow the town to control and install the same POET system in every home. The town would also have to complete a consolidation study report. This option would delay a solution to people in need due to the lengthy time frame to complete these steps. The second option, which is the quickest and most efficient,

allows the town to apply for the grant and allow reimbursement for a POET or a connection to MVD. The town would have to establish conditions and requirements for reimbursement and to establish a reimbursement dollar amount. This would put the responsibility on the homeowner to find an installer and thus removing the town from that additional liability. After some discussion, the Council was in agreement to go with the second option as it would allow the quickest solution for impacted residents. Councilor Murphy shared that residents who live outside the consent decree area can also get their water tested by requesting sampling from NHDES through their private well testing request form on their website. Residents can also sample themselves or have sampling done for them, in which NHDES has provided a list of NH small public water system contractors on their website.

MOTION made by Councilor Murphy and seconded by Councilor Harrington to allow the Town Manager to apply for grant funding from the PFAS Remediation Loan Fund to provide reimbursement for point of entry treatment (POET) or connection to public water supply to those private well owners outside the consent decree area whose private well PFAS testing exhibits exceedance of one or more of the four regulated PFAS AGQS and meet the grant requirements; also to allow the Town Manager to expend those grant funds and for him or his designee to sign documentation; and for the Town Manager to come back with the help of Councilor Murphy to the Council for the reimbursement requirements.

MOTION CARRIES 5-0-0

New Business

2. Request to Expend from the Communications Capital Reserve Fund for New Record Management System for Police & Fire

Submitted by Police Chief Brian Levesque

The Town Council to consider the request to expend \$250,000 from the Communications Capital Reserve Fund for the replacement of current Record Management System (RMS) and Computer Aided Dispatch with new system called CSI. This RMS will integrate Police and Fire into the same program.

Town Manager Paul Micali and Police Chief Brian Levesque provided a quick synopsis, stating that the CSI system integrates citations, court documents, accident reports, etc. into one user friendly system. Mr. Micali stated that there is enough money in the Capital Reserve Fund to cover this as this update has been culminating for the past few years.

MOTION made by Councilor Hunter and seconded by Councilor Murphy to approve the expenditure of \$250,000 from the Communications Capital Reserve Fund for the replacement of current Record Management System (RMS) and Computer Aided Dispatch with new system called CSI.

MOTION CARRIES 5-0-0

3. Donation Acceptance from Resident for the Merrimack Police Department

Submitted by Deputy Chief Matthew Tarleton

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$300.00 from resident John C. Karch to the Merrimack Police Department to be used towards community based outreach programs, pursuant to RSA 31:95-b and Charter Article 8-15.

Police Chief Brian Levesque shared that with the amount donated by resident John C. Karch, he thinks it would be good to use it for different community events for outreach and community policing.

Approved: September 23, 2021

Posted: September 27, 2021

- Case Record Retention of Records per RSA 41:46 Merrimack Retention of Records, p. 35.
- Flexibility for Welfare Administrator in determining the process of interviews, reviewing applications, and making decision, pages 11, 14, & 15.
- Use of Pending and Emergency Decisions, p.14.
- Interpretation of RSA 165 with the wording “relieved” and “maintained”, p.19.
- Hearing area instead of listening area for confidential information, p.15.
- Modernization of documentation with addition of debit card accounts, p.18.
- Explanation of what is an adult student as “18 years old or over”, p.21.
- Explanation of net income for self-employed, p.29.
- Fuel Assistance updated to actual name of LIHEAP (Low Income Heating and Energy Assistance Program), p.29.

After Ms. Murphy’s presentation, Mr. Micali wanted to let the Council know that these updates have been vetted by legal counsel and they all comply with state laws and state RSAs.

MOTION made by Councilor Harrington and seconded by Councilor Woods to accept and move to the Public Hearing the proposed amendments as presented to Chapter 193, Welfare Guidelines, of the Merrimack Town Code, pursuant to Charter Article V.

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

7 Yea: Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, and Councilor Woods.

0 Nay MOTION CARRIES 7-0-0

5. American Rescue Plan Act Funds for Private Well Owners Discussion

Submitted by Town Councilor Nancy Murphy

Discussion and proposed consideration to use American Rescue Plan Act of 2021 funds for private well owners.

Councilor Murphy discussed the American Rescue Plan Act of 2021, sharing that this is an option for funding for contaminated private wells. Since 2016, many efforts have been made to make drinking water safer, but private well owners have been left out of any help for this as DES does not have any legislative authority over private wells. To help aid this and provide filtration for their home, Councilor Murphy reached out to a number of people at DES to find out what can be done for private well owners. She shared that the town of Londonderry has a PFAS task force that the Town Council created that received a \$500,000 grant to provide \$500 rebates to impacted well owners in their town through the drinking water and groundwater trust fund, which is a special project assistance program. Councilor Murphy then stated that the Council could apply for this, but there are a number of steps to complete and a lengthy time frame before receiving the funding. Instead, she has spoken with Erin Holmes, NHDES Drinking Water and Groundwater Trust Fund Administrator, and Amy Rousseau, NHDES PFAS Response Administrator and PFAS Remediation Loan Fund Administrator, to propose that wells that do not fall within the Consent Decree radius apply for the PFAS Remedial Loan Fund. This grant would allow for public water or a point of entry for safe drinking water for individuals impacted by PFAS. She then shared that the town is eligible for a consolidation study, which would not cost the town but rather NHDES would pay for an engineer to come

and do a cost study analysis to determine whether the town should request connections to public water, point of entry, or a combination of both based upon the access to public water.

Approved: September 23, 2021

Posted: September 27, 2021

After some discussion, the Council decided to take some time to review the documents presented and speak with the individuals at DES to get a better understanding of this potential opportunity and determine if they want to proceed with this option.

MOTION made by Councilor Hunter and seconded by Vice Chair Rothhaus to table this discussion on the PFAS funding for private wells to the September 23rd meeting.

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

7 Yea: Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, and Councilor Woods.

0 Nay MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meeting:

◆ August 19, 2021

MOTION made by Councilor Woods and seconded by Councilor Harrington to approve the minutes of August 19, 2021 as presented.

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

6 Yea: Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Hunter, Councilor Murphy, and Councilor Woods.

0 Nay Councilor Healey abstained. MOTION CARRIES 6-0-1

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Town Manager Paul Micali wanted to amend his Town Manager's report to include an update on the angels monument for Abbie Griffin Park that was previously presented at a Town Council meeting by the TEARS Foundation. He shared that this project is moving forward, and the anticipated unveiling date is September 25th.

Adjourn

MOTION made by Councilor Harrington and seconded by Councilor Hunter to adjourn the meeting.

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

7 Yea: Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, and Councilor Woods.

0 Nay MOTION CARRIES 7-0-0

The meeting adjourned at 9:25 pm.

Respectfully Submitted by Jennifer Steagald

Per and Polyfluoroalkyl Substances

Section 485:16-e

485:16-e Per and Polyfluoroalkyl Substances. –

I. The maximum contaminant levels for the following shall be:

- (a) Perfluorooctanoic acid (PFOA): 12 parts per trillion.
- (b) Perfluorooctanesulfonic acid (PFOS): 15 parts per trillion.
- (c) Perfluorohexanesulfonic acid (PFHxS): 18 parts per trillion.
- (d) Perfluorononanoic acid (PFNA): 11 parts per trillion.

II. By November 1, 2020, and at least annually thereafter, the commissioner of the department of environmental services shall report to the speaker of the house of representatives and the president of the senate, the chairperson of the house committee on science, technology, and energy, the chairperson of the senate committee on energy and natural resources, the chairperson of the joint legislative committee on administrative rules, and the governor, with a recommendation regarding the adjustment of the maximum contaminant levels set in paragraph I.

III. The commissioner of the department of environmental services may adopt maximum contaminant levels different than those set forth in paragraph I if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to prenatal development, the commissioner determines the maximum contaminant levels in paragraph I need adjustment for the protection of human health.

Source. 2018, 368:5, eff. July 10, 2018. 2020, 30:3, eff. July 23, 2020. 2021, 223:2, eff. Aug. 24, 2021.