



Town Council Meeting Minutes

Wednesday October 9, 2019 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Boyd, Councilor Albert, Councilor Harrington, Councilor Healey, Councilor Rothhaus, Councilor Woods, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Koenig led in the Pledge of Allegiance.

Announcements

The Town Council expressed sincere condolences to the friends and family of Mr. William Godfrey who passed away on October 1st. Bill was a valued member of the Town's Highway Safety Committee since June 14, 2014.

Arthur (Art) Ducharme passed away on Tuesday, September 24th at the age of 73. Art served in the Air Force Reserves from 1965 to 1972 and worked for Anheuser Busch for 35 years. After his retirement, he was employed by the Town of Merrimack Police Department as a crossing guard for the past 13 years as well as an active member of the Merrimack Crimeline where he volunteered hundreds of hours.

Chairman Koenig stated it is with great sadness that we acknowledge the passing of our colleague and friend, Jacqueline (Jackie) Flood who passed away on Friday, September 27th at the age of 79. Jackie was an active member of our community who served as a Merrimack Town Councilor for several years, and as a member of the Watson Park Committee where she oversaw the development and opening of Watson Park. She was on the Parks and Recreation Committee as well as a member of the Highway Garage Committee. Jackie's knowledge, experience, wit, humor, and gentle nature were so important to us all, and we are grateful and honored to have known her.

The Town Council observed a moment of silence in memory of William Godfrey, Arthur Ducharme, and Jacqueline Flood.

Councilor Albert spoke of having had the opportunity to work with Jackie as a Town Councilor. As a new Councilor he was fortunate to have her sitting next to him. She was a great example of how to conduct yourself.

Chairman Koenig commented Jackie brought to the Council a lot of in-depth thought and careful consideration of the things she was dealing with. You always want to have different opinions, but she was always gentle and willing to work with people and help us all to understand her opinions if they differed. He spoke of appreciation of her input and value to the Council and community.

Councilor Harrington commented when thinking of Jackie she wants to think of the funny and cute times, and the times they would debate about various things on the Council. She commented we would disagree, but always remained friends.

1 She spoke of how Jackie was a very strong Democrat, very involved in State politics, and would have a
2 lot of people running for various elected positions to her home. Former Councilor Dan Dwyer was a
3 very active Republican.
4

5 During one of the meetings, Jackie made a decision, at which point Dan Dwyer, who was sitting next
6 to her, said have you become a Republican? You just made a vote that was Republican not Democrat.
7 They all cracked up. That was the kind of fun they had with Jackie. She did the same back with us.
8 When she thinks of Jackie she smiles because there are a lot of really nice memories. She will be
9 missed.
10

11 Vice Chairman Boyd expressed his thoughts and prayers to the entire Flood family. There is not much
12 more that can be said except that Jackie was a lady. She was thoughtful, deliberative, and always put
13 the community first in every single decision she made. Her dedication to the Watson Park Committee
14 is magnified by the fact that she was willing to change her mind and say Wasserman Park is a great
15 location for the dog park. It is to her leadership and willingness to be thoughtful about the big picture
16 of those parks that lent credence to why they are what they are today. The community has lost a
17 wonderful woman. His thoughts and prayers go out to Peter and the entire Flood family.
18

19 Regular meetings of the Town Council will be conducted on Wednesday, October 23rd and Thursday
20 November 7th at 7:00 p.m. in the Matthew Thornton Room. On Tuesday, November 5th in the James
21 Mastricola Elementary School All-purpose Room, NHDES will hold a Public Hearing on a draft air
22 permit related to the installation and operation of air pollution control equipment at Saint-Gobain
23 Performance Plastics Corporation in Merrimack. The public is invited.
24

25 Chairman Koenig noted following the last meeting and letters that were sent, he, Vice Chairman Boyd,
26 Councilor Healey, and Town Manager Cabanel met with Congressman Chris Pappas and his team to
27 discuss the material the Town had put together. He understands and is doing what he can from the
28 Federal perspective to help out here in Merrimack.
29

30 Town Manager Cabanel commented while at the celebration of Community Policing Week along with
31 Vice Chairman Boyd and Councilor Healey, she ran into Senator Jeanne Shaheen. Since she happened
32 to have all of her paperwork in her car, she asked if Senator Shaheen would be willing to sit down and
33 talk to her, and review the facts and figures that were presented to the State relative to the fact that
34 Saint-Gobain is still using the same exact chemicals that contaminated our Town. She was again very
35 receptive. Both Senator Shaheen and Congressman Pappas' staff have followed up with her. They
36 will be meeting again with Saint-Gobain.
37

38 In her opinion, one of the most important things that came out of the conversation was that they were
39 both very surprised because they had met with Saint-Gobain in Washington the week before and Saint-
40 Gobain assured them, in no uncertain terms, that they no longer use PFOA in their plant, and they do in
41 fact continue to use it.
42

43 Vice Chairman Boyd remarked what he found interesting regarding the visit between Saint-Gobain,
44 Congressman Pappas and Senator Shaheen was that Saint-Gobain asked for the appointment. He is
45 flabbergasted, as were they, that that testimony was presented and is parenthetical to what we have
46 discovered here in Merrimack.
47

48 Councilor Healey commented although they were unable to meet with Senator Margaret Hassan at the
49 same time, they were able to get her staffer to come into the meeting conducted with Senator Shaheen.

1
2 The New Hampshire Secretary of State's office has advised that the deadline for registered voters to
3 make any party changes prior to the New Hampshire Presidential Primary election is Friday, October
4 25th.

5
6 The date of the Primary has not yet been set. The department will continue registering new voters until
7 the registration cutoff date, which is expected to be within 10-14 days of the Primary date.

8
9 Merrimack Fire Department's Open House will be held on Wednesday, October 16th from 4:00 - 8:00
10 p.m. at the Central Fire Station located at 432 Daniel Webster Highway. Please join us for another
11 year of demonstrations and fun with your local firefighters.

12
13 Town Manager Cabanel spoke of efforts to arrange a second meeting with the Department of Health &
14 Human Services (DHHS) for them to come in and talk about what the new PFAS maximum
15 contaminant levels mean to people; particularly those who are on Merrimack Village District (MVD)
16 water. They all received something from the MVD saying their numbers had exceeded the 12 ppt. We
17 wanted to ensure DHHS advises people as to what they should be doing.

18
19 Provided with a few possible dates for the meeting, the consensus of the Council was for Wednesday,
20 November 20th.

21 22 **Comments from the Press and Public**

23
24 Representative Rosemarie Rung, 21 Ministerial Drive

25
26 Addressed the agenda item relative to a solar panel exemption stating her encouragement for the
27 Council to adopt exemptions for residents who have solar panels. There are over 135 municipalities in
28 the State that already do; many at 100% of value. It not only saves residents money, but provides
29 energy from the source that is renewable and does not emit carbon. It is a win/win/win.

30
31 William Hines, 3 Dutton Lane

32
33 Questioned the impact on residents who don't receive the exemption. The amount of the tax burden no
34 longer paid by those receiving an exemption must be paid by those not receiving it. He sees the solar
35 panels as a personal/family choice.

36
37 Rudy Bazelmans, 174 Naticook Road

38
39 Commented the benefit of solar has decreased. At this point, if you are using solar you are only
40 getting credit for the energy you produce, you still have to pay for distribution. Payback on solar has
41 extended further out. Having a tax on top of that worsens the situation.

42
43 **Recognitions, Resignations and Retirements** - None

44
45 **Appointments** - None

46
47 **Public Hearing** - None

48
49 **Legislative Updates from State Representatives**

1
2 Representative Jeanine Notter stated she is currently in her 5th term in the New Hampshire House of
3 Representatives. Her title is Deputy Republican Floor Leader (highest ranking Republican woman in
4 the House).

5
6 Representative Richard Barry stated he is in his 6th term, and on the Finance Committee for Division 1.
7

8 Representative Notter issued an apology for not coming to these meetings regularly. It has been
9 brought to her attention the Council has been hearing one perspective since January, and she intends to
10 rectify that. If unable to be in attendance in person, she will submit a report to be read into the record.
11

12 Currently the Office of Legislative Services is busy drafting Legislative Service Requests (LSRs) for
13 the 2020 session. As of today, there are nearly 700 bills being written. She spoke of the volume of
14 emails received from Merrimack residents concerned Second Amendment rights, and suggested it
15 might be of interest to know that LSR #s 1-5 are all anti-Second Amendment gun bills filed by
16 Representative Katherine Rogers. The titles of the LSRs can be found on the New Hampshire General
17 Court website.
18

19 Two weeks ago Governor Sununu, in consultation with Republican leadership, came to an agreement
20 with the legislative majorities on a compromised budget. It is not a Republican budget, but Governor
21 Sununu fought hard to get 10 of the 21 major items included or taken out. After stepping back and
22 looking at the bigger picture, the Republicans consented to pass the compromised budget to prevent the
23 October 1st property tax assessments from going up, the government shutting down, and public funding
24 for abortion put back in, just to name a few. She only mentioned the latter because she has heard from
25 a lot of concerned pro-life voters who had questions. The final budget included key differences from
26 the original proposal vetoed by Governor Sununu. First the compromised budget does not include any
27 increased taxes, unlike the one from before, which would have raised taxes on large and small
28 businesses alike.
29

30 The original proposal also included a structural deficit of nearly \$100 million. It used one-time funds
31 for ongoing expenses that would have put towns like ours on the hook to make up the difference if that
32 money dried up. Having our State make promises it cannot keep was irresponsible and a deal breaker.
33 After coming to an agreement on these two fronts, we came together to pass a budget that provided
34 historic funding increases to our education system, \$400 million in municipal revenue sharing, and
35 increased our State's rainy-day fund by \$5 million.
36

37 Among the additional funds being invested in our cities and towns, over \$1 million would be given to
38 Merrimack. A week before voting on the budget bill, the House convened to address over 50 bills
39 wisely vetoed by Governor Sununu. These included bills that stand in opposition to the
40 overwhelmingly successful pro-business, pro-growth policies of previous years and bills that would
41 harm our state's most vulnerable electric ratepayers. To name one, HB 183, would have harmed our
42 state's most vulnerable citizens by giving a massive subsidy to the already heavily subsidized biomass
43 industry. She gave the parliamentary inquiry before the vote to sustain the veto and thanked the 1
44 Democrat who voted with them on this one bill.
45

46 They also stopped HB 293, which would have unreasonably restricted employers' use of credit reports
47 to limit risks in some of their most sensitive operations.
48

1 She remarked she would be remiss if she didn't also mention the gun bills that infringe our
2 Constitutional rights. She received numerous emails from gun owners in Merrimack and did her best
3 to answer each one, since gun rights is an issue she has always supported.
4

5 Even though the gun bills were vetoed and sustained, because they passed both the House and the
6 Senate, they could be resubmitted word for word.
7

8 With regard to legislation being drafted related to the County Attorney's office, Police Chief Roy has
9 been frequently and rightfully voicing her frustrations. In a plea for help, she reached out to the New
10 Hampshire Attorney General's Office. They responded by appointing a well-respected former police
11 officer, prosecutor, and police chief to oversee the office. This was the type of help our law
12 enforcement desperately needed, and unfortunately it appears partisan politics blocked it.
13

14 She stated her hope legislation being drafted by her colleague will aid in addressing an issue like this
15 properly in the future, and when the language of the bills is made public, she looks forward to updating
16 the Council.
17

18 Representative Barry questioned if the level of spending would be reduced in accordance with a
19 reduced revenue based on exemptions provided for solar or if the reduced revenue would have to be
20 made up by the remaining taxpayers.
21

22 Chairman Koenig stated that to be an issue the Council would have to resolve through upcoming
23 discussions.
24

25 Councilor Albert stated appreciation for the update provided. He spoke of the issue of bail reform; a
26 real issue needing to be addressed. He is hopeful Representatives will be supportive of bail reform.
27 The way it is written, it is not working. People can go to court, fail to appear, commit crimes while out
28 on bail, and keep getting released. This is an issue.
29

30 Representative Jeanine Notter spoke of a show on channel 22 where this was discussed earlier in the
31 day. She would like to do a whole show on bail reform. Dennis Hogan, former County Attorney, was
32 on the show. It put a lot of pressure on the County Attorney's Office. It is just not working out, and
33 needs to be addressed. Unfortunately, the filing period for 2020 has ended. It will have to be picked
34 up in the following year.
35

36 Councilor Albert spoke of Representative Barry's last visit and the discussion on a possible bill on
37 utilities and property tax revaluation for utilities. He questioned where that bill went. Representative
38 Barry stated it had a full study committee, hearing, and the numbers Town Manager Cabanel provided
39 him were 70/30. It came in close to that and allows for a five-year phase in.
40

41 Representative Barry commented his father was a cop. Every once in a while he will sit in on a court
42 session. He saw one hearing where the judge was listening to a video from the jailcell, looked at him
43 and said you shouldn't drink. Have you got a place to stay? The man said no. Can you find a place to
44 stay? He said I don't know to which the Judge responded, "Well I'm going to release you on your own
45 recognizance, please go find a place to stay." That isn't right.
46

47 Vice Chairman Boyd remarked one of the things he admires Governor Sununu for sticking on was the
48 structural deficit that was a potential in the State budget and eventually remediated (75%). He

1 questioned if there is a comfort level that the 25% will be manageable two years from now based on
2 what is being seen in terms of revenue outlooks for the next 12-18 months.

3
4 Representative Barry stated revenue estimates are getting to be what he would consider more
5 reasonable. His biggest concern is a recession and those estimates will go down. He is concerned if
6 we go on a spending spree where we are adding people and services we could suddenly have to cut
7 people and services. He would rather we be more conservative with the estimates.

8
9 Vice Chairman Boyd remarked he would have liked to have seen no structural deficit going into 2021.

10
11 Representative Rung stated there has been an LSR filed to address the concern regarding bail reform.
12 She has not reviewed the actual bill, but if it doesn't address the concerns, there still is an opportunity
13 for a bill to be submitted by the Senate. She is certain Senator Shannon Chandley would be happy to
14 do that.

15
16 Representative Wendy Thomas remarked she continues to work on the sub-committee for OHRVs.
17 They are close to finishing that bill. It is something they have to stay on top of because if we don't
18 control this, the same situation that is happening up north will happen down south.

19
20 She has met with a committee to study unprotected drinking water sources chaired by Senator
21 Chandley.

22
23 She attended the Commission on the Environmental and Public Health Impacts of Perfluorinated
24 Chemicals with Councilor Harrington and Representatives Rung, Murphy, and Notter, and Senator
25 Chandley. She has also helped to establish the PFAS educational materials for the New Hampshire
26 Task Force, which includes representatives from UNH, Dartmouth, CDC, DES, DHHS, Superfund
27 Organization, Boston University, Advocates from the Seacoast, and Merrimack. They are creating
28 educational material for NH residents and physicians, and are looking into creating Best Practices for
29 neighboring states. They are interested in forming a multi-state coalition.

30
31 On October 20th from 1:00 - 3:00 p.m. there will be a Merrimack peaceful protest protesting Saint-
32 Gobain. It has been cleared through the Merrimack Police Department. They will stand on the side of
33 the road and will not impact traffic or driveways. The following campaigns have committed to
34 sending the Town of Merrimack a letter of support for this effort: Andrew Yang, Michael Bennett, Joe
35 Biden, Elizabeth Warren, Dan Feltes (running for Governor), Cory Booker, Marianne Williamson,
36 John Delaney, Shaheen, Beto O'Rourke, and Chris Pappas.

37
38 November 12 - 16, she will be in Washington, DC, and is hoping to meet up with some of our
39 Representatives and Senators to talk about what is happening on the national level.

40
41 Vice Chairman Boyd questioned the final number in the compromised budget as it relates to the
42 municipal revenue sharing.

43 Representative Rung commented on having sent an email with that information, and stated her
44 recollection it was higher than what was in the Governor's original budget, remained unchanged in the
45 budget that passed the House and Senate, and remained unchanged in the compromised budget.

46
47 Town Manager Cabanel recalled the email indicated there were two allotments; one for the school
48 district, which was \$623,000 and another \$400,000. She tasked the Assistant Town Manager to

1 identify its purpose, and he found it was for free and reduced lunch revenues. The entire \$1.1 million
2 goes to the school (over 2 years).

3
4 Representative Rung stated she would check, but was pretty confident there is revenue sharing that
5 goes to the Town. The school district can opt to use the funds to lower the revenue that needs to be
6 raised through property tax. There was money for revenue sharing.
7

8 Assistant Town Manager/Finance Director Micali spoke of a discussion with Matt Shevenell, Assistant
9 Superintendent for Business, and it appears the numbers he received (full amount over the two years),
10 represent most of the revenue is going to the school. In addition, his contact at DRA has not instructed
11 him to increase any of the revenues for State funding.
12

13 Representative Rung reiterated she would check on it. The revenue sharing was a lot lower than what
14 the school is getting. The increase from the education fund was primarily driven by a change in the
15 formula which weighs more heavily those student who earn free and reduced lunch. It wasn't really
16 two different numbers for the school district, but may have been explained as additional revenue
17 because of the change in the formula.
18

19 Vice Chairman Boyd remarked DCYF has been plagued over the past years by not having enough case
20 workers for the close to 1,500 at risk kids in our State. There has been talk of increasing funding to
21 DHHS to ensure additional case workers. He questioned if the compromised budget included funding
22 for DCYF to address that particular problem. Representative Rung stated, in the Governor's budget
23 address, he pledged to increase staffing at DCYF. The money that came along with his budget didn't
24 cover that, but the House and Senate took care of that, and it remained untouched.
25

26 Councilor Albert questioned if they received the response from the Commissioner of NHDES, and was
27 informed they had.
28

29 Chairman Koenig commented when he opens his email and there is a Twitter announcement from a
30 State Representative, and it reads "Dam this stupid idiot to hell" he would like to think that is not one
31 of our New Hampshire State Representatives. He requested the Representatives show a little decorum
32 in their public announcements and statements especially if going to put New Hampshire State
33 Representative behind your name.
34

35 **Town Manager's Report**

36
37 The Community Development Department welcomes Casey Wolfe as the new Assistant
38 Planner. Casey started with the department on September 30. Casey graduated from the University of
39 New Hampshire in 2015 with a Bachelor of Science in Community and Environmental Planning.
40

41 Before coming to Merrimack she interned for the Rockingham Planning Commission and worked in
42 several land use offices including for the Town of Fremont and the Town of Londonderry.
43

44 **Consent Agenda** - None

45 46 **Old Business**

47 48 **1. Toll Removal Discussion / Senate Bill 300 (SB300)**

49 Submitted by Town Council Chairman Tom Koenig

1 The Town Council to discuss potential options for the removal of the toll plazas in Merrimack.

2
3 Chairman Koenig read the following statement into the record:

4
5 *In an effort to continue work on finding a resolution to the problem of ongoing toll collections at the*
6 *on and off ramps to the F.E. Everett Turnpike in Merrimack, I requested this discussion on options and*
7 *review and the status of SB 300. The bill was passed by the Senate and is currently in review by the*
8 *Transportation Committee in the House. Senator Chandley is sponsoring the bill and working to get it*
9 *through along with members of our House Delegation.*

10
11 *It has been requested that we become involved in promoting passage of this bill, and I have been asked*
12 *to meet with the Transportation Committee on Wednesday the 16th of October to provide testimony. As*
13 *we heard at the last meeting, and was relayed to me separately, some on the committee believe that*
14 *Merrimack should be willing to “trade” with the State for the privilege of having the tolls removed.*
15 *One option offered is for Merrimack to take over responsibility for the State portion of Continental*
16 *Boulevard, the bypass extension that was put in between Industrial Boulevard and Route 101A.*

17
18 *The specifics of that are open for negotiation. Perhaps DOT would be required to ensure the road is*
19 *in good condition prior to its turnover. We’ve discussed this in the past, and felt like the cost and*
20 *expenses were too high. But I wanted to open it up and see where we are today before I try and go and*
21 *talk to the committee. There might be other options to consider or perhaps, we the Council, feel that*
22 *no special consideration should be required; fair play should prevail, and all users should help to*
23 *cover the cost of infrastructure not just a few.*

24
25 Senator Shannon Chandley, District 11, stated she introduced SB 300 on January 29th, but it isn’t the
26 first time those in the Legislature have seen a bill to remove tolls and certainly isn’t the first time the
27 Council has discussed this. She spoke of the inconvenience as well as the financial burden of the tolls,
28 and the particular ways it impacts the citizenry of Merrimack. There were exit ramp tolls at exits 10,
29 11, and 12. The one at exit 12 was removed. The F.E. Everett Turnpike has, since the time those tolls
30 were put in place, added another 20 or so exit ramps, none of which are tolled. The people who travel
31 from Nashua, Manchester, etc. do not pay exit ramp tolls; only the people of Merrimack. That is the
32 heart of the matter as far as she is concerned. It is patently unfair and is important to her that the tolls
33 be removed. She has come to understand it in talking to constituents. When talking with people in
34 Merrimack it is one of the issues heard most often.

35
36 The exit 12 toll was removed as part of HB 367 several years ago, which raised what is called the road
37 toll, otherwise known as the gas tax. Exit 12 isn’t a full interchange so it was somewhat helpful and
38 much appreciated, but exits 10 and 11 are important. Senate Bill 300 refers only to the exit 11 toll.
39 That was, from her perspective, a bit of a compromise. She wanted to assure people in the Legislature
40 that removing the one at exit 11 would be important because that is the one that really is used by the
41 residents of Merrimack. Exit 10 is certainly used by residents of Merrimack, but also by people who
42 are visiting the outlets and some of the other employers in that area.

43
44 It is also important to convey the opposition to removing the toll is often concern about reduced
45 revenue. She understands the DOT does not want to suffer a great revenue loss, which is why there are
46 some triggers in the legislation, some ways to account for that and assess that.

47
48 The Bill was heard in the Senate Public Works and Highways Committee. It then came to the floor of
49 the Senate where it passed by a vote of 24-0. As is often the case with bills of this magnitude, it was

1 referred to a second committee. It went to Finance and was amended to include the trigger; the toll
2 would be removed upon payment of the proportion of the aggregate principal and interest on bonds
3 issued to finance the NH Turnpike system that was dedicated to improvements on the Merrimack
4 interchange on the Everett Turnpike, and upon certification by the Commissioner of the DOT to the
5 Speaker of the House of Representatives and the Senate President, the Fiscal Committee of the General
6 Court, and the Secretary of State that the turnpike toll revenues of the most recent completed fiscal
7 year have increased over the previous fiscal year by an amount at least equal to the amount of revenue
8 generated at the exit 11 toll. It would provide some assurance to the Turnpike system that its budget
9 would not be decimated. It is a compromise she can accept, but it is not the end goal. She stated the
10 desire to emphasize that; we need to work to have the tolls removed.

11
12 Once it came out of Finance, the Bill passed the Senate again on a voice vote. She heard no objection
13 when it passed. It has been in the House since last spring. They retained the bill and have been
14 holding hearings. Some Representatives and she have been advocating for the removal of the exit 11
15 toll, and are asked each time they are there what the Town Council thinks. They have been asked to
16 answer some very specific questions to which she has replied she cannot speak for the Town Council.
17 She believes they would benefit from hearing the Council's viewpoint.

18
19 She appealed to the residents of Merrimack to reach out not just to their State Representatives and her
20 as their Senator, but to everyone on the Public Works and Highways Committee. She is aware there
21 isn't necessarily complete agreement as some have raised issues around whether removal of the toll at
22 exit 11 would create greater problems at exit 10. From discussions she has had with people who do
23 this kind of work, that does not seem to be an expectation.

24
25 She has also asked for research to gather numbers, e.g., was traffic diverted when the exit 12 toll was
26 removed.

27
28 Senator Chandley noted the Delegation from Merrimack is a diverse and hard-working Delegation
29 with Representatives from both parties. They can work in their individual caucuses as well to help
30 persuade their colleagues that this is the right thing to do.

31
32 Representatives Barry, Richard Hinch, Rosemarie Rung, Kathryn Stack, and Wendy Thomas are co-
33 sponsors. There can only be 6 people from the House who sponsor a bill.

34
35 Senator Chandley stated there to be a very good opportunity to pass SB 300, but it is also an important
36 time as the Ten-Year Transportation Improvement Plan is being developed in the very same
37 committee. She requested citizens reach out to their Representatives and to the DOT, and talk about
38 removal of all of the tolls being incorporated into the ten-year plan.

39
40 Folks can also access the ten-year plan website and take a survey. Up until November 12th, citizens
41 can submit written testimony.

42
43 Chairman Koenig questioned what the language of the bills means; removal of the toll at exit 11 and
44 inclusion of a fiscal note, which included figures that did not make a lot of sense.

45
46 Senator Chandley responded the fiscal note is on the original bill. The way the fiscal note is done is
47 the LBA reaches out to the department and asks what the cost of the bill would be. She stated her
48 belief the revenue minus expenditures from the exit 11 toll is approx. \$600,000 - \$700,000. Once the
49 bonds are paid off, the Commissioner would have to say that the money that is being collected at the

1 other tolls will make up for the amount of money that would be lost. Asked if there is any anticipation
2 of that happening, she stated her belief it is possible given the projections being put forward. It is hard
3 to say because the DOT argues they don't want to lose that revenue. She is not sure this is the way that
4 revenue should be collected.

5
6 Chairman Koenig noted it also said the Turnpike amount had to be paid off, and the revenue had to be
7 neutral. Senator Chandley stated her belief the bond should be paid off in 2024. Chairman Koenig
8 remarked we're talking about 2024 before we could possibly get the toll removed, even if the bill
9 passes. Senator Chandley responded "Yes, which is why I urge you to move forward with including
10 this in the ten-year plan."

11
12 Chairman Koenig commented everything he has seen has been really squirrely as far as calculating that
13 bond payoff. Senator Chandley stated she would agree; she has different reports that have different
14 years, different numbers, and she is operating with the most recent information she has been given.

15
16 Councilor Albert stated this discussion was had when Executive Councilor Streeter, then Senator
17 Danielson and Representative Barry were in front of the Council on October 11, 2018. As mentioned,
18 it was a trade-off; there was a suggestion the Town take Industrial Drive and/or Continental Boulevard,
19 and that clearly is too expensive. He asked for clarification there is nothing in the wording indicating
20 they want that type of trade-off. Senator Chandley responded "In this bill, no not at all".

21
22 Councilor Albert stated, in the previous presentation, the Council was told by the Delegation that exit
23 11 was operating at a loss. It was costing the State \$0.93/person to go through there, yet they were
24 only charging \$0.50/toll. None of this made sense that they could say it is a revenue. Now he is
25 hearing it is a \$600,000 revenue, and he is unclear.

26
27 Senator Chandley responded it is a loss to collect the cash toll, but the cash toll combined with the
28 EZPass toll generates the revenue.

29
30 Councilor Albert stated the Council saw numbers for the original amount of the bond and the fact that
31 they have refinanced that loan over and over again. The citizens of Merrimack keep paying this debt.
32 It shouldn't take until 2024. He stated appreciation for her efforts. Losing the toll at exit 11 is a step
33 in the right direction. It is too bad it cannot occur sooner.

34
35 He commented the State can pull the tolls from exits 10 and 11 out, but who is to say the DOT
36 wouldn't simply throw another toll in just over the State line in Nashua.

37
38 Town Manager Cabanel spoke of having read in newsprint that the Commissioner of the DOT in no
39 uncertain terms clearly stated that they would support nothing; no removal of any tolls in Merrimack
40 unless Continental Boulevard was taken over by the Town. Senator Chandley responded the DOT has
41 its opinion and expresses it. We can disagree and ask the Legislature to remove the tolls.

42
43 Councilor Albert stated, if the discussion comes up, the idea of the Town of Merrimack taking
44 ownership of Continental Boulevard, it is a no deal for him as that is a loss for the community.

45
46 Senator Chandley stated that to be a question she has been asked to answer for the Town. She can
47 relay that, but believes the Legislators throughout the State would be sympathetic if they understood.
48 The more they hear from the people of Merrimack the better they will understand the impact of the
49 tolls on the people who live here.

1
2 Councilor Harrington stated her understanding of SB 300 is that the bottom line is just removal. It has
3 nothing to do with the language the DOT is talking about. Senator Chandley stated that to be correct.
4 Councilor Harrington continued by stating the Council's letter to DOT should address only the
5 removal as stated in SB 300. If we're asked then we should be able to respond the Council has
6 determined X as of this date, which is a separate discussion from SB 300. Senator Chandley
7 responded yes, absolutely SB 300 says one thing. Of course it is still a bill, and a bill can be amended.
8 The House is going to do with it what it will do. She stated she would leave a copy of the "as
9 introduced" version and "as passed by the Senate" version. She suggested the Council let the House
10 committee on Public Works & Highways know its opinion. She reiterated the importance of the
11 Council and citizenry to comment on the ten-year plan.

12
13 Representative Notter wanted those viewing the meeting to understand this is not the first time we've
14 had this discussion. It is an ongoing contentious debate every term. She resides between exits 10 and
15 11 and has serious concerns about exit 11 going away and exit 10 remaining, only one mile away.
16 People are going to figure out how to avoid the toll by getting off one exit away and backtracking. She
17 spoke of the number of vehicles already speeding down Camp Sargent Road on weekends.

18
19 Councilor Healey stated her suspicion they have taken that original loan for the exits and not only
20 refinanced it, but added on another expense (landscaping). That is the understanding as to what
21 extended the original loan to construct the exits. She does not trust that it would not be extended
22 again.

23
24 She spoke of residing on Back River Road and how, since the offramp tolls have been removed, a lot
25 more traffic is seen coming and going out of Bedford trying to miss the Bedford tolls. She expects
26 there will be some sort of fallout if those tolls are pulled off of exit 11.

27
28 Chairman Koenig stated he has received feedback from Representatives that the Committee Chair is
29 wanting to trade something with the Town of Merrimack, and he has been asked and wondered why
30 the Town is not willing to pay \$250,000/year to reduce \$600,000 or \$1.2 million in toll charges for
31 people that come through Merrimack. Part of his reasoning by not being excited about it is that we got
32 stuck in this thing in the first place by some people being promised we will give you these tolls and
33 we're of course going to toll the other exits that we build along the highway, if you are willing to pay
34 the tolls. He commented as soon as we are willing to take over the roads, he is certain there will be
35 something else the Legislature or the DOT will change their minds on that says you have to do this as
36 well, etc.

37
38 He spoke of the potential for the Legislature to change every two years. You have someone else in
39 there deciding based on their background and their neighborhood's wants and needs. He understands
40 not wanting to lose the revenue, but he does not believe Merrimack is getting a good deal out of this
41 whole thing. It was poorly crafted in the first place and obviously wasn't well delineated when they
42 said after you pay the bond off we will remove the tolls, back when it was originally installed. Yet no
43 one could tell us, until recently, how much was owed on the bond. We finally got a spreadsheet that is
44 very large and includes not one but several different refinances that include Continental Boulevard and
45 other things. While the Commissioner has assured us they are figuring just the amount that was paid
46 for the tolls at exit 10 or 11 but not necessarily both. He has a hard time believing that we will not find
47 ourselves in a similar situation down the road.

1 A question he does not know the answer to is who would control that road were the Town to take it.
2 He would assume if the Town were to own it, the Town would be allowed to define curb cuts, etc. He
3 questioned if the State would want us to do that considering it is one of their feeder roads from 101A to
4 the east/west highway to the Turnpike, which is north/south; they put it in there to try and alleviate
5 some of the traffic through Nashua. He does not see why the Town should be taking up that expense.
6

7 He reiterated he has been asked to go and visit with the committee on Wednesday of next week at
8 10:00 a.m. in the Legislative Office Building. Anyone is welcome to come along. He questioned the
9 will of the Council as to what he will allude to.
10

11 Councilor Rothhaus stated concern with eliminating the toll at exit 11 and not the one at exit 10 as well
12 as he does believe there will be diversion, but he appreciates it, and therefore supports the whole
13 notion. In the long-term, the State has spoken too frequently about having a Hooksett situation south
14 of Merrimack. Because they have spoken about it on a number of occasions, he believes it is going to
15 happen. He would never take over Continental Boulevard or Industrial Drive because of that
16 specifically as well as the fact that it is a feeder road for the State.
17

18 Vice Chairman Boyd spoke of intending to attend the Governor's Advisory Commission on Intermodal
19 Transportation (GACIT) committee meeting, on Thursday, October 17th at 7:00 p.m. at the Bedford
20 Cable TV Meeting Room. He was planning on attending specifically to talk about the widening of the
21 Turnpike, the barriers DOT has been asked to put up for the neighborhoods, and is happy to relay
22 whatever the Council wishes as it relates to SB 300.
23

24 He remarked the albatross of this whole conversation is DOT putting overhead tolling south of exit 10.
25 Nobody can give him assurance they will or will not do it because they are already losing money at the
26 Wicczorek Drive interchange heading to the Manchester Airport. They will look at any way they can
27 to acquire any lost revenue as a result of the deal made to get the Federal grant money to build that
28 particular project. Overhead tolling south of exit 10 is non-negotiable, no discussion. That is how he
29 feels about it.
30

31 Chairman Koenig stated agreement the Council should be encouraging them to put toll removal into
32 the Ten-Year Plan in any way possible. Councilor Healey added she would specify that if you are
33 going to put the toll removal in because you are putting the overheads in, start it at the border.
34

35 Several Councilors expressed an opinion a toll at the border will never happen. Councilor Rothhaus
36 stated his belief it is not permitted. It was suggested it could be put at exit 2.
37

38 ***The Council expressed clear opposition to the notion the Town of Merrimack take over Continental***
39 ***Boulevard.***
40

41 Representative Barry stated a desire to hear from the public as well noting hearing their testimony was
42 a reason for his attendance.
43

44 Senator Chandley stated the meeting being held on the 16th at 10:00 a.m. is with the House Committee
45 on Public Works & Highways. The Chair of that committee is Representative John Cloutier, a
46 thoughtful, earnest Chair. She believes he and the rest of the committee would be very receptive to
47 comments. She spoke of having attended the Public Hearing conducted by the Governor's Advisory
48 Commission on Intermodal Transportation (GACIT) in Nashua on September 25th, and advocating for
49 inclusion of removal of the tolls in the Ten-Year Plan.

1
2 Councilor Woods commented the NHDOT will look out for their own best interest as they perceive
3 and define it. He stated support for SB 300. With regard to Continental Boulevard and Industrial
4 Drive, he does not believe the Council should be fooling around with that.

5
6 Councilor Harrington stated concurrence with the remarks of her colleagues. This subject has been
7 discussed the entirety of her time on the Council. She agrees SB 300, as presented this evening, is
8 terrific. She has no hesitation with that. She would not go along with any amendments. The idea that
9 there has to be a trade, is something she does not agree with.

10
11 ***Chairman Koenig opened the floor for public comment.***

12
13 Diane Link, 12 Parker Drive

14
15 She is a commuter into Boston. It is like adding insult to injury that Merrimack residents have to pay
16 those tolls where there is all of that congestion between 5:00 and 6:00 p.m. and getting off at exit 11.
17 She spoke of an increased number of accidents and fatalities at our exit, which is of concern to her.

18
19 Representative Barry stated at the last hearing he addressed the committee and said I think what we are
20 talking about is a rounding error; when you look at the total dollars that the Turnpike spends and the
21 amount of net revenue they collect from there. After, the Chair spoke with him saying we would love
22 to hear from the Town, we need their input. If the Town is interested in some kind of a tit for tat (so to
23 speak) then he believes they can do something, if not, he thinks they cannot. He did follow up with
24 him twice, which is why he has asked Chairman Koenig to speak before the committee.

25
26 The House sets where the tolls will be, and the Governor's Council sets the amount going in. The
27 reason we got the toll at 12 taken down was we said we want the buildings removed, and then the tolls
28 could not be collected. There is a proposal to raise tolls across the system, which the Governor so far
29 has kept somewhere out of sight of the Executive Council. To an earlier comment about if the tolls
30 aren't making money then why don't we shut them down, well it is a government monopoly; they can
31 raise the tolls if they want to.

32
33 He is delighted Chairman Koenig will speak to the committee. He will be in attendance. If the only
34 way they will do it is with a tit for tat and the Town Council does not want to do that, then that is easy
35 enough, we can move on and try something else. Specifically, appeal to them at hearings and say it is
36 a rounding error and at some point in time the Turnpike System has to have overhead tolls non-staffed
37 and run them in a way so that they can fund the expansion and repairs of the Turnpike.

38
39 Regarding bonding, it is not that the bonding for Merrimack was changed, it is bonding for the State
40 Turnpike system, and they all get rolled in so that they can have larger numbers and lower rates. The
41 Deputy Commissioner is worried that if we show them that we're reducing revenue then the cost of the
42 bonds will go up. They do want to hear from Merrimack, and he is pretty certain if they don't, then the
43 bill will not get there.

44
45 If this bill goes through, it then has to go to the Governor for approval. If he is going to say I'm going
46 to shut down a toll in Merrimack and bring the raises to the Governor's Council, he has to have a good
47 reason for that.

1 Representative Barry stated his reason to be it is a rounding error. When you look at the total numbers,
2 it is a waste of time to have people there.

3
4 Councilor Rothhaus questioned if it was the committee Chair that indicated if no one from Merrimack
5 shows up to speak they will vote no. There must be a new person there because it is quite obvious and
6 evident over all of these years, how the Town feels about it. Representative Barry stated Mr. Cloutier
7 has been on the committee for a long time. Councilor Rothhaus responded then he thinks he knows.

8
9 Representative Barry remarked what he said to him was I think if we can do something with the Town
10 and maybe do some sharing then I think I can get my committee to vote for this. Councilor Rothhaus
11 responded “which means that he really has no interest in doing something...” Representative Barry
12 commented it means he would be expecting an amendment to the bill to say the Town will pick up
13 something going on.

14
15 Town Manager Cabanel stated in the Turnpike System there are three separate turnpikes; Blue Star
16 Highway, Spaulding Turnpike, and Everette Turnpike. There were, until exit 12 was removed, 5 ramp
17 tolls; three were in Merrimack. Now there are 2 in Merrimack, 1 in Hooksett, and 1 in Hampton.
18 There are no other ramp tolls in the entire turnpike system for the entirety of the State.

19
20 Councilor Rothhaus stated his opinion the Legislature has to see how they will start collecting
21 revenues for the highway system. Regarding the gas tax, with more efficient cars coming out, there
22 will be more and more of an impact on revenues. The tolls have obviously been inefficient if 50% of
23 the revenue goes to manning the tolls, maintenance of infrastructure, etc. It is the most inefficient,
24 unfair way to do it. The Legislature has to look seriously into how we will handle our highway
25 funding into the future.

26
27 Vice Chairman Boyd commented he is aware Representative Cloutier has put in a lot of time in
28 Concord, is an esteemed colleague, and has been on the committee for a lot of time. However, to not
29 be aware and understand the sentiment in Merrimack is intellectually dishonest. It has been well
30 known the community has been fighting for a rate relief as it relates to the tolls since he moved into the
31 Town in 2005.

32
33 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey that the Town**
34 **Council authorize the Town Manager to write a one-sentence letter to Chairman Cloutier that**
35 **reads “The Merrimack Town Council unanimously supports SB 300 as written, as of this date.”**

36
37 **ON THE QUESTION**

38
39 The letter could be hand-delivered when testimony is presented on the 16th.

40
41 Chairman Koenig commented he does not see the value of the letter when he is standing there, as the
42 Town Council Chair, making that statement.

43
44 Vice Chairman Boyd remarked he was viewing it as something that signifies to the Chairman that there
45 are 28,000 people standing behind him that don't like the tolls at exit 11.

46
47 Representative Barry stated Norm Major, long time Ways & Means Chair has been putting in bills for
48 the past couple of years. There is one going through now with a study committee to look at how do we
49 make it fair for people who have gas, electric cars, hybrids, and the ones with higher weights; do we do

1 it on a vehicle miles traveled, combination of weights, etc. He has been working on the concept for
2 years. Right now it is more for the road toll rather than highway tolls.

3
4 Representative Barry commented, what Massachusetts finally did out in the western part of the State
5 with overhead tolling is relatively fair; on the highway/everybody pays.

6
7 Regarding the motion, Councilor Rothhaus suggested, given the Chairman will be in attendance to
8 speak on the Council's behalf, he can make the statement that the Councilor supports SB 300 and not
9 touch upon the issue of Continental Boulevard unless brought up. If having a letter in his possession, it
10 should elaborate more.

11
12 Chairman Koenig stated his suspicion there will be questions he will be asked to answer. The letter
13 could be presented as physical backup to his presentation. He questioned what would be added to
14 elaborate.

15
16 Councilor Rothhaus remarked he agrees with the Chairman it would not be necessary, but would
17 support it if the will of the Council.

18
19 **AMENDED MOTION made by Vice Chairman Boyd and seconded by Councilor Healey that**
20 **the Town Council unanimously support SB 300 as written, as of this date**

21
22 **ON THE QUESTION**

23
24 Vice Chairman Boyd noted passage of the motion becomes part of the public record for this meeting.

25 **MOTION CARRIED**

26 **7-0-0**

27
28 **New Business**

29
30 **1. Town Safety Policy Update**

31 Submitted by Joint Loss Committee Chairman Tom Boland

32 The Town Council to consider the proposed revisions to the Town's Safety Policy manual to be in
33 compliance with NH House Bill 406 and other relevant laws and regulations.

34
35 Tom Boland, Chair, Joint Loss Committee, spoke of the need to revise the Town's Safety Policy as a
36 result of the passage of HB 406, which became effective in July of 2019. The Bill addressed employer
37 reporting requirements in the event of a death or serious injury in the workplace. The Bill added a
38 definition of what constitutes a serious injury and modified the timing and information that employers
39 are required to report to the State Department of Labor in such circumstances.

40
41 The Town was alerted of the need to modify the language in the Safety Policy as a result of the new
42 law by its insurance carrier, Primex. The proposed changes to the policy have been reviewed and
43 signed off on by the Town's Joint Loss Management Committee as well as the Town Manager and the
44 Account Representative at Primex.

45
46 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to approve the**
47 **revisions to the Town's Safety Policy manual to be in compliance with NH House Bill 406 and**
48 **other relevant laws and regulations, as presented. MOTION CARRIED 7-0-0**

1 **2. Optional Property Tax Credit for Service-connected Total Disability (Veterans Exemption**
2 **Increase Proposal) Discussion**

3 Submitted by Raquel Perez

4 The Town Council to consider a proposal to request an increase to the Optional Property Tax
5 Credit for Service-connected Total Disability, as referenced within SB 341, RSA 72:35, RSA
6 72:27-a and Chapter 178, Taxation, of the Merrimack Town Code.

7
8 Raquel Perez,

9
10 Being requested is that the Town implement an increase in the optional tax credit for service-connected
11 total disability from \$2,000 to \$4,000.

12
13 Ms. Perez commented when learning of this she contacted the Town, and obtained a list of veterans
14 who qualify and are receiving the credit.

15
16 Chairman Koenig remarked what is being asked for is an increase from the \$2,000 tax credit to the
17 \$4,000 maximum limit the State has imposed with the modification to the RSA.

18
19 Town Manager Cabanel stated there are currently 49 fully disabled veterans in the Town receiving the
20 \$2,000 credit. Were that increased to \$4,000, it would result in a revenue reduction of \$98,000. The
21 impact on each person's tax rate would be less than \$0.03 per \$1,000 of assessed valuation.

22
23 Ms. Perez commented the average household income in the Town of Merrimack is \$97,400. The
24 majority of our veterans are quite a bit below that.

25
26 Bob Santaniello, 45 Back River Road

27
28 Stated the average income of a 100% disabled veteran is around \$50,000. He wished for that to be
29 taken into consideration. He suggested if it only impacts the Town budget by \$100,000/year, it seems
30 like a reasonable thing to do.

31
32 Councilor Harrington stated her wholehearted agreement. She does not believe it to be debatable when
33 you are 100% service connected. We as citizens owe it to our veterans.

34
35 Councilor Woods stated his complete agreement.

36
37 Councilor Healey stated the desire to make the motion to support an increase.

38
39 Town Manager Cabanel noted the item was placed on the agenda for discussion purposes. Prior to a
40 vote of the Council, the process of revising the Ordinance has to be conducted.

41
42 **MOTION made by Councilor Healey and seconded by Councilor Harrington to move to the first**
43 **reading an increase to the Optional Property Tax Credit for Service-connected Total Disability,**
44 **as referenced within SB 341, RSA 72:35, RSA 72:27-a and Chapter 178, Taxation, of the**
45 **Merrimack Town Code**

46
47 ON THE QUESTION

1 Asked to explain the process, Town Manager Cabanel stated there would be three readings. If the
2 motion passes, there would be a first reading. The 2nd reading would be the Public Hearing. The third
3 reading is when final action would occur. The entirety of the process takes 1-2 months. Chairman
4 Koenig noted that to be the quickest the process could be handled. It could be handled by April 1st,
5 which is the deadline for applying.
6

7 Ms. Perez stated she learned of this through her veteran counselor. It was passed on May 5, 2018 and
8 enacted January 1, 2019. She questioned if it is typical the Town would not be made aware of such
9 actions. She specifically questioned who would represent the veterans to inform them of what is
10 available.
11

12 Councilor Rothhaus spoke of legislative updates received by the Council, which is how they learn of
13 such issues. It was noted no time was lost given the date it was enacted.
14

15 Vice Chairman Boyd spoke of the Town's relationship with the New Hampshire Municipal
16 Association. They have their own lobbyists in Concord on a regular basis, and provide monthly
17 updates.
18

19 Bob Santaniello, 45 Back River Road
20

21 Questioned why the Council could not vote on the matter at this time. When informed it could not, he
22 questioned if all members agree.
23

24 Town Manager Cabanel noted a motion was on the floor.
25

26 Councilor Rothhaus noted this was not the time for public comment; there will be a forum for that in a
27 few weeks.
28

29 Mr. Santaniello stated he is curious as to how the Council voted for the updated manual of the laws to
30 be incorporated into State law.
31

32 Councilor Rothhaus stated this to be an Ordinance, which would be a bit more in-depth. There are
33 required hearings so that public testimony can be received, etc.
34

35 Chairman Koenig started it would impact the disabled veterans directly, but would also impact the
36 entire Town. When they talk about the \$98,000 credit to the veterans that will have to be raised
37 elsewhere in the Town budget. What that impacts is the tax rate. The rest of the people in Town are
38 going to see their tax bills go up by \$0.03/\$1,000 of their house evaluation. A typical house, if it was
39 \$300,000, would then increase by \$9/year because of this action. It does impact the Town, which is
40 why there is the requirement for a public hearing. We have to let people express their opinions.
41

42 Dennis Magleo, 1 Bruster Street
43

44 Commented he waited over 50 years for the V.A. to recognize the problems he is going through right
45 now. It took until 2016 for him to get disability. He is 100% disabled, and now he is being told, with
46 the Town that he has lived in since 1972, that they cannot decide tonight on something that they were
47 all sent a flyer saying that possibly something could be done. It bothers him because every year in this
48 Town there is a surplus. The \$0.03 shouldn't matter to a lot of people. It does matter to them.

1 Councilor Albert thanked the Veterans for their service. He remarked if the Council were able to do
2 that this evening he believes it would, but there are laws set in place. He requested those in attendance
3 understand that is where the delay is coming from.

4
5 Chairman Koenig noted, by law, even if they were to pass it tonight, it wouldn't go into effect until
6 April 1st (next tax bill).

7
8 Mr. Magleo commented more time was given to the discussion of the tolls and the DOT. He expressed
9 frustration the Council could not come to a decision at this time, and that public comment had to be
10 brief.

11
12 Ms. Perez suggested the veterans needed to discuss this amongst themselves so that the Council could
13 go ahead and do its business. She remarked they are hurting and that can be seen. She stated the
14 information relayed was that a proposal to request an increase would be made.

15
16 Jim Tupper, 76 Baboosic Lake Road

17
18 Stated he is 100% disabled, and has resided in Merrimack since 1969. When he heard this was going
19 to take place he viewed it as a gift the Town would give for their service to the community. Having an
20 associated tax would be wrong. He commented, just like the Town spoke of with the toll situation with
21 the State, it should be a gift with no strings attached.

22
23 He questioned where each member of the Council stood on the issue, and was informed the Council
24 was about to go through the proper procedures, which he believed would provide that answer.

25 **MOTION CARRIED 7-0-0**

26
27 Chairman Koenig stated the Council's vote is unanimous to move the item forward. It will move
28 through the process.

29 30 **3. Solar Exemption Discussion**

31 Submitted by Councilor Peter Albert

32 The Town Council to discuss and consider the adoption of a solar exemption.

33
34 Councilor Albert commented the subject was brought up by many citizens several months ago, and
35 again at the Council's Retreat. Those who came forward made a compelling argument. If going to do
36 something that results in clean energy use, etc. he does not think there should be a penalty. Some of
37 the things that resonated with him were that there are other forms of energy savings that aren't
38 included in assessments. He stated his support of creating tax relief with a cap understanding the
39 impact on the tax base.

40
41 Councilor Rothhaus remarked he was not present at the meeting when the Town's Assessor appeared
42 before the Council, but what he found is that solar panels are being assessed when there really is no
43 history, no proven sales of homes with solar that a like home without is going for any more or less. He
44 had believed there had to be some statistical information showing that there is an increase. He has
45 always been opposed to it; if it is a value then it is a value, but he does not want to be assessing a home
46 with solar for a value that has not been proven to be there.

47
48 Chairman Koenig remarked he tried to read through the material provided, and it looked as though the
49 State requires that the Town assess solar if it is on the house. If there is a requirement that we make an

1 assessment then we have to come back afterwards and either make a rebate or some kind of an
2 acknowledgement of that. Many towns in the State have already done that, and gone with rebates or
3 reductions in the assessment of up to 100% of the assessed value, some with and some without caps.
4 He believes the Town got stuck in the fact that we have to include them in the assessment much like
5 you have to include a fireplace in the assessment even though he is not sure that adds to the value of a
6 house by the amount added to the assessment. He agrees 99% that there is value there.

7
8 He thinks it does increase the value because there is a money savings of some sort in the amount you
9 pay for your electricity. You may not be able to sell it back to the power company for any real value
10 because you don't get to get back the portion that they charge for delivery, but if you are not buying
11 electricity you are not paying for the delivery either. Where you do get savings from solar you are
12 receiving that benefit. But having heard the assessment is at \$600/panel but depreciated after five
13 years when they do another revaluation, it seems a little high to him and a little unfair because he
14 knows that all panels aren't created equal.

15
16 He stated he would like to see the Council implement some kind of a rebate program or reduction for
17 solar, and suggested it be done through Ordinance.

18
19 Councilor Harrington stated a desire to understand the tax implications.

20
21 Chairman Koenig noted the proposed solar exemption ordinance included with the agenda packet.
22 Should the Council choose to, that could be moved to a first reading.

23
24 Councilor Harrington noted the proposal states "the exemption shall equal 100% of the total fixed cost
25 per panel in the solar energy system up to a maximum of \$25,000." There are other sections that
26 define solar energy, etc. "The exemption will be given if it follows the prescribed definition of solar
27 energy system...."

28
29 Chairman Koenig recommended the third line be modified by replacing "fixed cost per panel" with
30 "assessed value", which is what was suggested by the Assessor, and would keep the language
31 consistent throughout.

32
33 Vice Chairman Boyd noted back in 2017 the Council initially approved an exemption to go to the
34 Ballot (50% abatement capped at \$5,000). There was a motion to reconsider, which passed, and the
35 subsequent vote failed. There was a discussion regarding that particular issue. That is a number he is
36 perfectly comfortable with as a starting point. What he struggles reconciling is that in 2017, in a
37 community that has over close to 10,000 pieces of property that are assessed, there were only 95 that
38 had solar. In 2019, there are 112. He struggles with the concept of the Town Council enacting a
39 benefit for a very small amount of property owners in the community. He would rather do what he
40 wanted to back in 2017, and give the voters a say on the issue. He added, if on the Ballot, he will vote
41 for it.

42
43 Councilor Albert stated his opinion the voters elect members into their positions to make certain
44 decisions. He believes this to be a decision that could be made by the Council. Depending on the tax
45 impact, he would like to see it addressed as a Council. He questioned the tax impact of the ordinance,
46 as drafted (\$25,000 maximum).

47
48 Councilor Rothhaus questioned if his recollection was correct that when the Town Assessor was before
49 the Council there were no comps. For him, the real issue has become an accurate assessment within a

1 particular percentage of the value. If we're assessing these for an additional \$25,000 of value that is
2 not there, it is wrong. He is generally in support of moving something like this to the ballot, but is out
3 of that mindset now as he feels the assessment is appearing not fair and accurate.

4
5 Vice Chairman Boyd spoke of having raised the issue regarding the comp. process because it is very
6 difficult for people to be able to get a fair abatement because,. Assessing is not a science, it is an art
7 form given what has to be done to come up with 5 comparable properties in the community to make a
8 determination as to whether someone qualifies for an abatement or not. The fact that there are only
9 112 properties in Town that have solar is indicative of the struggle the Assessor has in terms of being
10 able to make that determination. She did also say that in the process of every five years those solar
11 apparatuses generally depreciate and the assessments that she does reflect the depreciation of the
12 particular model of solar panels.

13
14 Councilor Rothhaus remarked we should not have been assessing them in the first place. Show it, but
15 we don't know the value because we don't have comps. Apparently the reality is appearing that there
16 is in fact rate value added to it.

17
18 Chairman Koenig stated agreement for the most part. He noted whenever a home is listed for sale if it
19 has solar panels they make that an extremely well documented and highlighted feature and point it out
20 to try and suggest to people that you are going to save on your electric bill if you buy this house.
21 Typically, you will find that when those kind of features are highlighted that they are in fact raising the
22 value of the house. How much is a very good question. He has a hard time believing there is no value
23 in it.

24
25 Councilor Rothhaus commented if we had the proof he wouldn't be voting for this.

26
27 Councilor Harrington stated her recollection the Assessor stated there to be standards or other sources
28 to determine value.

29
30 Assistant Town Manager/Finance Director Micali stated there is \$1,855,700 in value of solar
31 throughout the Town. Multiplying that amount by the current tax rate of \$24.12, the tax impact, were
32 the proposed exemption to be approved, would be roughly \$45,000 or barely over 1 1/3 cent per
33 thousand dollars of assessed value.

34
35 Councilor Harrington spoke of being a firm believer in anything substantially fiscally transferable
36 should be voted on by the Town. She has since done a little transformation. She believes there to be a
37 certain amount of value in supporting those who are trying to do the right thing for the environment.
38 She stated her support of an ordinance.

39
40 Councilor Healey stated agreement with the premise that is why the voters elected officials. She stated
41 she would have placed solar panels on her home, but did not because of the tax implications. She
42 believes there to be many who feel the same. She stated her support for the ordinance noting if there is
43 a lot of pushback from the community, it could be reconsidered.

44
45 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey that Article VIII,**
46 **Solar Exemption, Section 177-8, Solar Exemption, be moved to a first reading, as amended by**
47 **replacing "fixed cost per panel..." with "total assessed value". MOTION CARRIED 7-0-0**
48

1 Town Manager Cabanel stated, as is the case for the Veterans exemption, for this, there will be a first
2 reading on October 23rd. The Public Hearing would be conducted on November 7th, and a third
3 reading/final action would take place on November 21st.

4
5 Vice Chairman Boyd stated, having listened to his colleagues and prior testimony, he believes when it
6 comes to the comps related to assessments, it gets to the question of what is fair and equitable, and if
7 we can't allow these people to legally apply for an abatement, go through the process, and be treated
8 fairly and equitably it is unfair. That is ultimately where he circled back on his thought process.

9 10 **4. Wage Scale Adjustment for Part-time Ambulance Attendants**

11 Submitted by Fire Chief Michael Currier

12 The Town Council to consider the request of wage reclassification of the Part-time Emergency
13 Medical Service Attendants based on the level of training and certifications, as previously
14 discussed during the 2019-2020 budget review.

15
16 Michael Currier, Fire Chief, stated currently basic EMTs, advanced EMTs, and Paramedics are paid at
17 the same rate of pay. The desire is to change the pay scale to reflect the certifications they have. The
18 intent is to leave the basic EMT in Grade 1 and move the advanced EMT and Paramedic to Grade 6 to
19 meet the requirements of the pay scale discussed during the budget process.

20
21 Councilor Albert commented on what is required to achieve the certifications. He stated his support of
22 the request.

23
24 Vice Chairman Boyd noted the chart included with the communication provided, which showed pay
25 rates for neighboring communities. He stated his belief, by making this change, we will be
26 competitive when it comes to gaining qualified individuals to fill those spots.

27
28 Chief Currier stated the object to be instead of bringing people in, training them, and having them
29 leave to go to the other services, we will offer a competitive wage so that when we bring them in and
30 train them, they will stay. Part-time EMTs making \$15/hour in Merrimack and \$21 hour with AMR
31 will call out of a shift in Merrimack to take one with AMR. That is what they are trying to stop from
32 happening

33
34 Currently, 1/3 of the shifts are open for an EMS attendant. When they don't show up that puts a
35 burden on the rest of the crew because now we have to shift people based on the call.

36
37 Vice Chairman Boyd remarked the Chief previously provided data that shows we are basically a basic
38 life support/advanced life support department with about 65-70% of our calls being those particular
39 types of incidents. He questioned if that remains the case. Chief Currier responded that is still roughly
40 where we are. For a lot of the basic life support calls we have to send an advance life support response
41 because of the size of the victims, hoarding situations and for individuals who are on multiple floors (4
42 and 5 story buildings). There may be someone who has an asthma issue, which is a basic life support
43 call, but he has to send 5 people just to get them from their home to the ambulance.

44
45 Vice Chairman Boyd questioned, if the change in wage classification is approved, would it be
46 immediate, and was informed it is already in the budget. It would be immediate.

47
48 **MOTION made by Councilor Harrington and seconded by Vice Chairman Boyd to modify the**
49 **Town of Merrimack classification plan for 2019-2020 to add Part-time Call Emergency Medical**

1 **Service Attendant under Grade 1 and under Grade 6, add Part-Time Call Emergency Medical**
2 **Service Attendant AEMT or Paramedic**

3
4 ON THE QUESTION

5
6 Councilor Harrington commented we were prepared for this, and it is simply a matter of finalizing
7 what has already been discussed.

8 Vice Chairman Boyd commented it is very important that the Chief be entrusted to hire the best people
9 possible because 70% of their calls are either basic life support or advance life support calls. It is
10 critical that as he builds his team he has the best and brightest. **MOTION CARRIED 7-0-0**

11
12 Minutes

13
14 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to take from the**
15 **table the meeting minutes of the Town Council meeting of September 12, 2019. MOTION**
16 **CARRIED 7-0-0**

17
18 September 12, 2019

19
20 Page 1, Line 4; insert “Councilor Woods”

21 Page 6, Line 29; replace “5-0-1” with “5-1-0”

22
23 **MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to approve the**
24 **meeting minutes of the Town Council meeting of September 12, 2019, as amended. MOTION**
25 **CARRIED 6-0-1**

26 *Councilor Healey Abstained*

27
28 September 26, 2019

29
30 *The following amendments were offered:*

31
32 Page 10, Line 40; remove the period following “Route 3” and replace the “t” in “that” should be lower
33 case.

34 Page 12, Line 44; replace “turn it into” with “forward it to”

35 Page 15, Line 1; delete “if”

36 Page 17, Line 26; replace “drip” with “dip”

37 Page 23, Line 37; replace “insurance” with “interest”

38 Page 23, Line 47; replace “unimagining of softening that” with “not previously imagining which
39 would soften the”

40
41 **MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to approve the**
42 **meeting minutes of the Town Council meeting of September 26, 2019, as amended. MOTION**
43 **CARRIED 7-0-0**

44
45 **Comments from the Press** - None

46
47 **Comments from the Public**

48
49 Representative Rosemarie Rung, 21 Ministerial Drive

1
2 Stated the budget that was approved provides municipal aid to Merrimack at \$438,936. For the school
3 it would be \$683,766. The total is \$1,122,702.

4
5 When testifying at the Ten-Year Transportation Plan meeting held in Nashua, she mentioned if open
6 road tolling goes in north of exit 8 she would expect all exit ramp tolls in Merrimack would go down.
7 Another advantage to pressing for inclusion in the Ten-Year Plan is that it goes into effect in 2021.
8 We would get that three years ahead. Chairman Koenig noted just because it is in the Ten-Year Plan
9 does not mean it implements in year 1.

10
11 Representative Rung stated her belief open road tolling was mentioned at the highway widening
12 presentation made at the high school. She believes it is what they will do.

13
14 Natalia Bairamova, 26 Crosswoods Path

15
16 Stated Councilor Healey is correct in her impression there are residents of Merrimack not having solar
17 panels due to the tax implications.

18
19 She agrees with comments suggesting it was not properly assessed initially. Since other communities
20 have had this in place for some time, she questioned if they could be looked to in regard to how they
21 determined their assessments.

22
23 With regard to the comments around it being a personal issue, it is a personal issue, but she still pays
24 Solar City for her solar. It is not free.

25
26 When the panels are leased, there is the option of taking them with you if you move, which means the
27 value would move as well. She believes an ordinance to be the right way to address the issue.

28
29 Vice Chairman Boyd spoke of the variety of databases being used in the assessment noting there is a
30 movement trying to get a standardized system.

31
32 Robert Link, 1 Crestview Circle

33
34 Thanked the Council for moving ahead with the matters of the solar and Veteran exemptions.

35
36 If looking at surrounding cities and towns, they all have exemptions. This Town is competing for
37 residents and residents that care about the community. Those are the type of people we should be
38 trying to attract to this Town.

39
40 Regarding benefiting a small amount of people, one of the things to keep in mind with solar is it
41 reduces the total amount of electricity being used in the State. Everyone benefits from it. The more
42 people that get it the lower electric rates will be because the lower the demand will be.

43
44 He noted his assessment for the solar panels is more than he paid for the system brand new. The
45 assessment is not done correctly, and cannot be done correctly with the amount of data available.

46
47 Rudy Bazelmans, 174 Naticook Road

1 Stated his system is being assessed at \$9,600. They save less than \$2,000/year. He is being taxed on
2 the full value instead of the real value of \$2,000. No one will buy the house because it is worth
3 \$9,600, they will buy it because it saves almost \$2,000/year.
4 He is fortunate as he was grandfathered in. The utility is considered a battery. You produce the
5 energy during the day when it is sunny, it goes off to the energy company, and then comes back. He
6 gets full credit for everything that comes back; distribution back and energy back. If you put in solar
7 right now you have to pay the distribution, so you literally lose 50% of that value. If you are renting
8 you are only getting a fraction of what is produced. He has a friend who is a long-time resident of
9 Merrimack whose solar system is not very efficient. He actually pays more in tax than he is saving in
10 energy, and he has the old grandfathered one and is getting full value.

11

12 **Comments from the Council**

13

14 Councilor Harrington noted Carol Depiro and Mary Beth Raven have written letters of support of the
15 solar exemption.

16

17 She spoke of having attended the first meeting of the commission for PFOA. There was a small report
18 from DES and DHHS. She did a 50 words or less representation of what the Council had. The next
19 meeting is scheduled for November 1st. Sub-committees have been set up. She volunteered for two;
20 health impacts and local town government.

21

22 **Adjourn**

23

24 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to adjourn the**
25 **meeting.**

26

27 **MOTION CARRIED**

28

28 **7-0-0**

29

30 *The October 9, 2019 meeting of the Town Council was adjourned at 10:00 p.m.*

31

32

33

34

Submitted by Dawn MacMillan