



# Town Council Meeting Minutes



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

## **Call to Order**

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

## **Pledge of Allegiance**

Chairman Koenig led the Pledge of Allegiance

## **Announcements**

Chairman Koenig made the following announcements:

### **To View the Meeting LIVE:**

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

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

- 1-929 205 6099 US (New York)
- 1-301 715 8592 US (Washington DC)

**Meeting ID:** 959 9712 6496

### **If you wish to speak during the public hearing:**

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

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

Upcoming Town Council meetings:

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

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

Town Manager Eileen Cabanel made the following announcements:

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

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

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

7 None  
8

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

10 None  
11

### 12 **Appointments**

#### 13 **1. Saint-Gobain Air Permit Status Update**

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

15 The Town Council received an update on the Saint-Gobain Thermal Oxidizer. Sarita Croce informed the  
16 Town Council that the air pollution device that is required by law to be installed by midnight tonight has not  
17 been installed. She explained that the Saint-Gobain pollution has contaminated the ground water in the  
18 Town of Merrimack. She outlined the history of the Saint-Gobain pollution situation that began in February  
19 2016. She stated that the PFOA's are so toxic that they are measured in parts per trillion. Sarita Croce stated  
20 the highest detection of PFOA's was in March 2019 at 69,500 parts per trillion. She explained that the  
21 primary source of PFAS contamination to Merrimack's land water and air came from Saint-Gobain  
22 emissions from its process stacks. She reiterated that because of this pollution the State of NH DES required  
23 Saint-Gobain to comply with state law and obtain a permit mandating the installation of air pollution controls  
24 within one year. Sarita Croce stated that in June 2020 Saint-Gobain requested an extension of the deadline  
25 but in October 2020 the State of NH DES denied their request. She stated that the fire department received  
26 an application from Saint-Gobain in November 2020 to install a concrete pad for the regenerative thermal  
27 oxidizer (RTO). She informed the Town Council that the application did not comply with basic building  
28 codes and it was not signed by a professional engineer as required. Sarita Croce stressed the need for a  
29 complete plan review for compliance with building and fire codes to ensure the town is protected, as well as  
30 the first responders and abutting property owners as required by applicable ordinances and laws.  
31

32 Sarita Croce advised the Town Council that last month Saint-Gobain informed the Town that the RTO would  
33 not be installed by the deadline of February 11, 2021. She recently requested an update from the State of NH  
34 DES on the non-compliance. Sarita Croce advised the Town Council that the DES does not comment on  
35 potential or pending enforcement actions/investigations. She stated that for the last 5 years Saint-Gobain has  
36 been allowed to discharge chemicals from their stacks that continues to contaminate the towns drinking  
37 water. Saint-Gobain has not installed any ground or surface water remediation or treatment systems. Sarita  
38 Croce explained that the Merrimack Village District (MVD) was required to install a treatment system to  
39 remove PFAS from the ground water wells at a cost of \$5.1 million dollars and Saint-Gobain only  
40 contributed \$3.4 million dollars. She stated that the MVD water users will pay the balance. She stated that  
41 Saint-Gobain is not willing to pay for the ongoing operation and maintenance cost associated with the  
42 treatment system.  
43

44 Chairman Koenig clarified that none of the public statements from Saint-Gobain addressed the RTO  
45 schedule. Vice Chair Boyd voiced his disappointment with the lack of communication and sincerity by Saint-  
46 Gobain. Councilor Albert expressed his frustration with the behavior of Saint-Gobain. Councilor Harrington  
47 stated that the bottom line is that the DES denied Saint-Gobain's request for a variance because it would  
48 create a danger to public health.  
49

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

8  
9 Attorney Joanna Tourangeau outlined the options the Town has. She stated that the Town could wait to see  
10 what action the DES takes. She stated that the Town and the MVD could file a temporary restraining order  
11 and permanent injunction. She stated that a citizen's suit could be filed under the Clean Air Act in federal  
12 court against Saint-Gobain and DES. Councilor Healey stated that the DES has known since November of  
13 2020 that Saint-Gobain would not meet the deadline. She stressed that the DES should be ready to take  
14 immediate enforcement actions.

15  
16 Chairman Koenig read the following statement:

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

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

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

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

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

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

1 **Public Hearing**

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

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

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

5 2021/22 Proposed Municipal Operating Budget

6 Including Capital Reserve Fund Expenditures

7 - Collective Bargaining Agreements

8 - Capital Reserve Deposits General Fund

9 - Capital Reserve Deposits Wastewater

10 - Proposed Issuance of Debt, as follows:

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

12 - Petitioned Bonds, if any

13 - Other Petitioned Warrant Articles, if any

14  
15 These hearings are being held pursuant to the requirements of NH RSA 33:8-a (I), NH RSA 32:5, I, NH RSA  
16 21:35, NH RSA 40:13 II-b and Town of Merrimack Charter Article 8-3.

17  
18 Assistant Town Manager Paul Micali reviewed the 2021/22 Proposed Municipal Operating Budget  
19 and estimated tax rate summary.

20  
21 The Town Council deliberated and finalized the Operating Budget. Assistant Town Manager Paul Micali  
22 informed the Town Council that the General Fund increased approximately \$1.5 million, capital reserve  
23 increased \$65,000, other capital reserve decreased \$163,000 and roads/sidewalks decreased \$150,000. He  
24 explained that the difference to the General Fund is \$1.3 million.

25  
26 Assistant Town Manager Paul Micali reviewed revenues. He stated that the general fund non tax revenue  
27 decreased by \$238,000, the use of fund balance of \$100,000 brings the decrease to \$138,000. The total  
28 increase to be raised by taxes is \$1,440,760 (8.2%). Assistant Town Manager Paul Micali stated that the  
29 value of the Town increased by \$58,000,000 for new construction.

30  
31 Assistant Town Manager Paul Micali reviewed the increases to the budget: health insurance \$32,599,  
32 workers compensation \$25,714, general insurance \$13,089, library materials \$10,550, traffic signals/street  
33 lights \$15,000, solid waste tipping fees trash \$30,375, recycling \$54,000 and special handling \$16,000,  
34 totaling \$197,327. Assistant Town Manager Paul Micali reviewed the budget staffing/wage changes  
35 compensated absences (\$ 43,767), union contracts (6) \$ 272,488, non-union pay increase \$ 82,427, Library  
36 staffing changes (\$ 20,969), General Government part time position \$ 38,101, NHRS increase rates  
37 \$ 498,300, 53rd week of payroll \$ 278,150, 4 Firefighter/Paramedics wages \$ 460,371, fire overtime  
38 (\$ 109,200), Police Officers 1- 1/2 Year \$ 53,500 and MS-4 Positions 1/2 Year \$ 45,300.  
39 Total increases \$ 1,752,028. Assistant Town Manager Paul Micali reviewed the savings in the budget that  
40 totaled \$201,309 bringing the General Fund Operating to \$1,550,719. He stated that Capital Reserve Fund  
41 deposits increased \$65,000 (GIS and Fire equipment). He reviewed the areas that were reduced totaling  
42 \$163,700. Assistant Town Manager Paul Micali advised the Town Council total expenditures is \$1,302,019.

43  
44 Assistant Town Manager Paul Micali stressed that \$942,800 of the fund balance is being used to reduce  
45 taxes. He stated that capital projects total \$407,200. Total reduction to unreserved fund balance is  
46 \$1,650,000.

1 Chairman Koenig opened the public hearing at 8:09 pm

2  
3 Nelson Disco Chairman of the Town Center Committee joined the meeting via telephone. He expressed his  
4 disappointment with the removal of funds for the sidewalk plan. Chairman Koenig explained the decision  
5 was not easy for the Town Council. He stated that there is money in the current budget for sidewalks. He  
6 spoke about the uncertainty of the economy and the substantial increases the Town faces relative to the  
7 increase in retirement costs and health insurance costs. He understands the need for a sidewalk but given the  
8 current financial challenges he needed take a step back.

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

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

12 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
13 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

14 **0 Nay**

15  
16 **MOTION CARRIES 7-0-0**

17  
18 *Discussion on the motion*

19  
20 Chairman Koenig asked if the Town Council had any interest in adding \$10,000 for sidewalks as a place  
21 holder. Councilor Albert stated that he believes that the sidewalk project remains an interest for the Town  
22 Council but not this year. Councilor Rothhaus stated that he supports sidewalk projects but has concerns  
23 about how quickly the unreserved fund balance is being spent. Councilor Healey does not support adding  
24 money at this point. She reiterated that the Town Council's continued interest in sidewalk projects.

25  
26 Assistant Town Manager Paul Micali reviewed the Capital Reserve Fund Expenditures totaling \$1,545,020.  
27 He explained that is the Department of Revenue (DRA) position that since the Town Council is the agent to  
28 expend capital reserve expenditures should no longer be included in the budget.

29  
30 Assistant Town Manager Paul Micali advised the Town Council that there are no Collective Bargaining  
31 Agreements as the Town is still in contract with all six unions.

32  
33 Assistant Town Manager Paul Micali reviewed the Capital Reserve deposits General Fund. He stated that  
34 CRF deposits have increased by \$65,000. He stated that this money will be raised by taxes.

35  
36 No one from the public addressed the Capital Reserve Fund expenditures or Capital Reserve Deposits.

37  
38 **MOTION made by Councilor Harrington and seconded by Vice Chair Boyd to move \$1,880,000 for**  
39 **Capital Reserve deposits General Fund to the warrant.**

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

41 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
42 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

43 **0 Nay**

44 **MOTION CARRIES 7-0-0**

45  
46 Assistant Town Manager Paul Micali reviewed the Capital Reserve Deposits for Wastewater in the amount  
47 of \$500,000. He explained that this money is raised by sewer users not from taxes. He explained that there a  
48 several projects planned in the next few years.

1  
2 **MOTION made by Councilor Harrington and seconded by Councilor Rothhaus to move \$500,000 for**  
3 **Capital Reserve deposits Wastewater to the warrant.**

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

5 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
6 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

7 **0 Nay**

8 **MOTION CARRIES 7-0-0**

9 Assistant Town Manager Paul Micali explained that Pine Knoll Shores – Roadway and Drainage  
10 Improvements Engineering Study and Recommendations money is 100% reimbursed by the State up to  
11 \$75,000 and because the money is coming from the State Revolving Fund (SRF) the Town must place this  
12 item on the warrant as a bond. He stressed that this item has no tax impact.

13  
14 **MOTION made by Councilor Harrington and seconded by Councilor Rothhaus to move \$75,000 for**  
15 **Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study to the warrant.**

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

17 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
18 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

19 **0 Nay**

20 **MOTION CARRIES 7-0-0**

21  
22 Petitioned Bonds - None

23 Other Petitioned Warrant Articles - None

24  
25 **Legislative Updates from State Representatives**

26 State Representative Maureen Mooney provided updates on four items

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

36  
37 Senator Gary Daniels advised the Town Council that he is the Chair of the Senate Finance Committee and he  
38 sits on the Ways and Means Committee and the Capital Budget Committee. He recapped the various Senate  
39 bills that affect the Town of Merrimack. Senator Daniels advised the Town Council that he is a co-sponsor  
40 of SB135 Educational Aid for cities and towns to reduce the local cost of education. He stated that  
41 Merrimack's share is \$16,605,473 (increase of \$685,900). He stated that SB95 would allow virtual meetings  
42 to be a permanent option for municipalities. Senator Daniels spoke about an initiative that he would like to  
43 focus on which is educational alignment for students to be better prepared for college. Senator Daniels  
44 advised the Town Council that SB117 Removal of tollbooth at exit 10 has a hearing scheduled for February  
45 16, 2021 at 2pm. He is exploring the possibility of privatizing the toll administration buildings that were left  
46 at exit 12. He stated that he requested to be a member of the commission on the environmental and public  
47 health impacts of PFAS to help find a solution.

1  
2 State Representative Bob Healey outlined the hearing schedule for February 16<sup>th</sup> starting at 9:00 am.  
3 HB135 Parties found responsible for private well contamination  
4 HB236 Statute of limitations for civil actions  
5 HB368 Medical monitoring  
6

7 State Representative Bob Healey advised the Town Council that a House Bill sponsored by State  
8 Representative Rung was defeated that pertained to the tolls in Merrimack. Councilor Rothhaus encouraged  
9 the legislature to find better ways to fund the highway system that is more fair. Councilor Albert encouraged  
10 the Merrimack delegation to find ways to protect Merrimack neighborhoods. He encouraged them to remain  
11 involved in the issues facing Merrimack. Vice Chair Boyd encouraged the delegation to continue to be  
12 diligent with the Department of Transportation (DOT) as it relates to decisions that negatively affects  
13 Merrimack. Councilor Healey would like to see a future Legislative Service Requested submitted that says  
14 the DOT must including funding for sound barriers on future highway expansions.  
15

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

17 Assistant Town Manager/Finance Director Paul T. Micali announced that the Merrimack Police Department  
18 is participating in a Special Olympic fundraising event. For a donation to Special Olympics male officers are  
19 allowed to grow a beard and female officers are allowed to have red streaks in their hair.  
20

### 21 **Consent Agenda**

22 None  
23

### 24 **Old Business**

25 None  
26

### 27 **New Business**

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

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

30 The Town Council considered supporting HB 478, (An ACT relative to treatment of PFAS contaminants in  
31 the drinking water of the Merrimack Village District). This bill requires Saint-Gobain Performance Plastics  
32 to pay for the remediation of water in certain wells in Merrimack that it contaminated. Chairman Koenig  
33 read the HB 478 Comment Letter into the record.  
34

35 Dear Representatives Gordon, McLean, and members of the Judiciary Committee:  
36

37 Thank you for the opportunity to provide comments on HB 478, which seeks to require Saint-Gobain  
38 Performance Plastics (SGPP) to pay for the remediation of specific contaminated well water in  
39 Merrimack.  
40

41 The Town of Merrimack (Town) is deeply concerned about the perfluorooctanoic acid (PFOA) and  
42 perfluorooctane sulfonate (PFOS) contamination in our environment. I'm sure that you and your  
43 committee members are quite familiar with the extensive contamination issues that have been  
44 experienced in Merrimack, Litchfield, Bedford, Amherst, and the Pease Tradeport areas. The Town  
45 remains vigilant and focused upon the safety of our citizens, and continues to make every effort to  
46 keep abreast of the myriad complex issues related to this extensive contamination problem. Sound  
47 science, research and data analysis has been and should continue to be the guiding criteria for  
48 regulations and remediation.  
49

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

9  
10 Please feel free to contact me at (603) 424-2331, if you have any questions or comments on the  
11 information provided in this letter.

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

13  
14 **MOTION was made by Vice Chair Boyd and seconded by Councilor Healey to send a letter of support  
15 for House Bill 478.**

16  
17 *A Roll Call vote was taken, which resulted as follows:*

18 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,  
19 Councilor Harrington, Councilor Healey, Vice Chairman Boyd  
20 0 Nay**

21  
22 **MOTION CARRIES 7-0-0**

23  
24 **2. Capital Reserve Fund Withdrawal Request for the Purchase of Replacement Vacuum Truck**

25 *Submitted by Assistant Public Works/Wastewater Director Sarita Croce*

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

30  
31 **MOTION made by Councilor Woods and seconded by Vice Chair Boyd to withdraw \$377,129 from  
32 the Capital Reserve Fund for the purchase of a planned replacement of Wastewater Treatment Plant  
33 sewer vacuum truck.**

34  
35 *A Roll Call vote was taken, which resulted as follows:*

36 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,  
37 Councilor Harrington, Councilor Healey, Vice Chairman Boyd  
38 0 Nay**

39  
40 **MOTION CARRIES 7-0-0**

41  
42 **3. Capital Reserve Fund Withdrawal Request for a Replacement Grinder for Main Pump Station**

43 *Submitted by Assistant Public Works/Wastewater Director Sarita Croce*

44 The Town Council considered the withdrawal request of \$63,000 from the Capital Reserve Fund for the  
45 purchase of a replacement grinder for the main pump station to cut up wipes and rags. Sarita Croce advised  
46 the Town Council that the current grinder is well beyond its useful life. She stated that the grinder is  
47 corroded and service calls are required monthly.



1  
2 **MOTION** made Councilor Healey and seconded by Vice Chair Boyd to withdraw \$63,000 from the  
3 Capital Reserve Fund for the purchase of a replacement grinder for the main pump station to cut up  
4 wipes and rags.

5  
6 *A Roll Call vote was taken, which resulted as follows:*

7 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
8 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**  
9 **0 Nay**

10  
11 **MOTION CARRIES 7-0-0**

12  
13 **4. Review of the 2021-2022 Default Budget**

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

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

19  
20 **MOTION** was made by Vice Chair Boyd and seconded by Councilor Healey to move the 2021-2022  
21 Default Budget to the warrant.

22  
23 *A Roll Call vote was taken, which resulted as follows:*

24 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
25 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**  
26 **0 Nay**

27 **MOTION CARRIES 7-0-0**

28  
29 **5. Review of the 2021 Town Warrant**

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

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

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

36  
37 **MOTION** made by Councilor Rothhaus and seconded by Councilor Albert to recommend article II.

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

39 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
40 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**  
41 **0 Nay**

42 **MOTION CARRIES 7-0-0**

43  
44 Article III Capital Reserve Deposits General Fund \$1,880,000

45  
46 **MOTION** made by Councilor Harrington and seconded by Councilor Healey to recommend article  
47 III.

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

49 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
50 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

1 **0 Nay**

2 **MOTION CARRIES 7-0-0**

3  
4 Article IV Capital Reserve Deposits Wastewater \$500,000

5  
6 **MOTION** made by Councilor Albert and seconded by Councilor Woods to recommend article III.

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

8 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
9 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

10 **0 Nay**

11  
12 **MOTION CARRIES 7-0-0**

13  
14 Article V: Pine Knoll Shores – Roadway and Drainage Improvements Engineering Study \$75,000

15  
16 **MOTION** made by Councilor Albert and seconded by Councilor Woods to recommend article V.

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

18 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
19 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

20 **0 Nay**

21  
22 **MOTION CARRIES 7-0-0**

23  
24 **Minutes**

25 Approve the minutes from the following Town Council meetings:

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

27  
28 **MOTION** made by Vice Chair Boyd and seconded by Councilor Healey to approve the January 13,  
29 **2021 Town Council meeting minutes as amended.**

30 Page 1 line 46 Strike boys insert Boyd

31 Page 3 line 11 capitalize Council

32 Page 4 line 20 strike Library Board of Trustees

33 Page 4 line 42 lower case socially distanced

34 Page 5 line 7 insert the number of visitors

35 Page 5 line 19 insert line of sight

36 Page 5 line 44 should read in decent shape

37 Page 6 line 22 should read prolong the life

38 Page 9 line 22 strike so insert do

39  
40 *A Roll Call vote was taken, which resulted as follows:*

41 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
42 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

43 **0 Nay**

44  
45 **MOTION CARRIES 7-0-0**

46  
47 **MOTION** made by Vice Chair Boyd and seconded by Councilor Harrington to approve the January  
48 **14, 2021 Town Council meeting minutes as amended.**

49 Page 2 line 12 should be Rothhaus

50 Page 4 line 45 strike boys insert Boyd

1 Page 4 line 46 add apostrophe to read Chair's  
2 Page 3 line 7 strike waring insert wearing  
3 Page 3 line 13 insert years after several  
4 Page 4 line 6 strike recorded insert recording  
5 Page 9 line 42 insert \$ before 50,000  
6 Page 9 line 47 strike links insert leaks

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

8 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
9 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

10 **0 Nay**

11  
12 **MOTION CARRIES 7-0-0**

13  
14 **MOTION made by Vice Chair Boyd and seconded by Councilor Harrington to approve the January**  
15 **20, 2021 Town Council meeting minutes as amended.**

16 Page 5 line 45 strike boys insert Boyd

17 Page 6 line 8 strike fun insert fund

18 Page 5 line 6 insert \$ before 19,000

19 Page 5 line 7 insert \$ before 31,000

20 Page 5 line 16 capitalize Road

21 Page 8 line 13 strike (Kyle Fox

22 Page 10 line 33 lower case segued

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

24 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
25 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

26 **0 Nay**

27 **MOTION CARRIES 7-0-0**

28  
29 **MOTION made by Vice Chair Boyd and seconded by Councilor Albert to approve the January 21,**  
30 **2021 Town Council meeting minutes as presented.**

31  
32 *A Roll Call vote was taken, which resulted as follows:*

33 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**  
34 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

35 **0 Nay**

36 **MOTION CARRIES 7-0-0**

37  
38 **Comments from the Press**

39 None

40  
41 **Comments from the Public**

42 *Laurene Allen* submitted the following letter: Thank you for placing discussion of a support letter for HB  
43 478 on the Town Council agenda for this week. I am sure you are aware that the bill has been moved to the  
44 House Judiciary Committee and is awaiting scheduling. I look forward to your discussion and anticipate  
45 approval to submit your prepared commentary on behalf of our community.

46  
47 I wanted to additionally call your attention to 3 additional bills that were just announced today as included on  
48 the Judiciary Committee's schedule for Tuesday 2/16/21. As I am unable to attend the meeting, I would  
49 request that this statement be included in received correspondence.

1  
2  
3 2/16/21 PFAS bills hearing schedule:

4 9 am HB 135 ( cosponsor Rep Notter) Pertains to Parties who have found to be responsible for private well  
5 drinking water contamination being financially responsible for a timely connection to a municipal water  
6 supply, immediate provision of bottled water and of a connection cannot be made within 6 months, shall  
7 install a whole house system. Water bills shall also be reimbursed for 5 years. This will be retroactive to  
8 discoveries after 1/1/16.  
9

10 10 am HB 236 (cosponsors Reps Mooney and Healey) Pertains to establishing a 6 year statute of limitations  
11 relative to damages by PFAS which will allow for individuals and entities to bring forth civil action for  
12 harm, injury or damages. This is a very important bill to the town and the MVD in addition to our residents  
13 as you know the process of assigning responsibility and a work plan commitment has been lengthy and  
14 legal recourse may be necessary.  
15

16 11 am HB 368 ( cosponsor Rep Rung) Pertains to medical monitoring and allows a claim for medical  
17 monitoring to be made if specific conditions are met, including assignment of responsibility by the state of a  
18 party has been found to have caused exposure to a designated hazardous or toxic substance which increases  
19 risk of illness/disease.  
20

21 The link to remote hearings which includes an option to sign in support of a bill, sign up to give testimony  
22 and/or write to the committee can be found at the [Gencourt.state.nh.us](http://Gencourt.state.nh.us) page. We are fortunate to live in a  
23 state where public participation is welcomed and in a town where our elected officials and residents have  
24 worked together to further the needs of Merrimack  
25

26 Thank you for your time, Laurene Allen Merrimack Citizens for Clean Water  
27

### 28 **Comments from the Council**

29 Councilor Albert thanked the media department for assisting him and making his participation possible.  
30

31 Councilor Healey urged Merrimack residents to submit recipes and pictures for the 275<sup>th</sup> anniversary recipe  
32 book. Recipes can be submitted to [275Recipe@merrimacknh.gov](mailto:275Recipe@merrimacknh.gov).  
33

34 Councilor Rothhaus spoke about the importance of remembering the history of the Town. He explained that  
35 Fern Jones recently passed away. Fern Jones was very involved in the community for many years.  
36

37 Chairman Koenig stressed the importance of remaining vigilant, wearing masks and social distancing. He  
38 hopes everyone stays safe.  
39

### 40 **Adjourn**

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

42 ***Roll Call vote was taken, which resulted as follows:***

43 **7 Yea: Councilor Woods, Chairman Koenig, Councilor Rothhaus, Councilor Albert,**

44 **Councilor Harrington, Councilor Healey, Vice Chairman Boyd**

45 **0 Nay**  
46

### 47 **MOTION CARRIES 7-0-0**

48  
49 The meeting adjourned at 10:08 pm  
50