



Town Council Meeting Minutes



Thursday, April 22, 2021, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order at 7:08 pm. Present at the meeting were Chairman Koenig, Vice Chair Boyd, Councilor Harrington, Councilor Rothhaus, Councilor Healey, Councilor Murphy, Councilor Woods, and Town Manager Eileen Cabanel. Assistant Town Manager/Finance Director Paul Micali was excused.

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

Announcements

Chairman Koenig made the following announcements:

- Welcome Councilor Murphy to the Council.
- On behalf of the Merrimack Town Council, Chairman Koenig would like to offer our sincere condolences to the family and friends of Alastair Millns, who passed away on Friday, April 16th. Alastair dedicated over 16 years as a member of the Merrimack Planning Board, most recently serving in the capacity of Vice Chairman. His commitment and steadfastness to the Planning Board has had a valuable effect on our community and is truly appreciated.

Upcoming Town Council Meetings:

- Thursday, May 13, 2021, 7:00 PM Regular meeting
- Thursday, May 27, 2021, 7:00 PM Regular meeting

Town Manager Eileen Cabanel made the following announcements:

- As part of the Town's 275th Anniversary Celebration; the Parks & Recreation Department is holding a family friendly 2.75 Mile Run/Walk in celebration of Merrimack's birthday on Saturday, May 15th. For complete details or to register, visit the Parks & Recreation Department website at www.merrimackparksandrec.org.

Comments from the Press and Public

The Rotary Club extends best wishes to Chairman Koenig on his nomination for Excellence in the Workplace award. Town Council Chairman Koenig is a dedicated leader within the Merrimack community who continually exemplifies a commitment to excellence throughout the multiple forms of service he has rendered with the public sector. His prior experience in local government has included service with the Merrimack School District Planning and Building Committee for 8 years, the Merrimack Planning Board and Town Budget Committee for 5 years, with 2 of those years as its Chairman. Being a local resident for the past 30 years and having professionally worked as a Design Verification Engineer for Texas Instruments starting in 1991, Chairman Koenig has also been a prominent member of the St John Newman Church and Knights of Columbus, participated in local scouting, involved with area youth soccer, and has an active interest in the First Robotics program. For all these important reasons, Chairman Koenig's consistent and outstanding leadership is most worthy of recognition by the Rotary Club of Merrimack in 2021.

The Rotary Club would also like to recognize Public Works Director Kyle Fox on his nomination for Excellence in the Workplace award. Mr. Fox has dedicated his life to the pursuit of public service. Being a Registered Civil Engineer in New Hampshire and Massachusetts, he worked previously for the

New Hampshire Department of Transportation and for 15 years has worked for the Town of Merrimack, where he is currently the Director of Public Works. In addition, he serves as Social Media Coordinator and Troop Secretary for the Boy Scout Troup 22 of Amherst, NH. Mr. Fox always exhibits the personal traits of being energetic, vibrant, and skillful. He is always ready to render valuable aid to citizens needing the assistance of this key organ of local government. Mr. Fox exercises superior management over the department and frequently and successfully interacts with the Rotary Club of Merrimack, with various projects such as Kid's Cove, road clean up, and the new Merrimack Police flagpole and Club signage program. Mr. Fox is an individual most worthy of this high recognition.

Recognitions, Resignations and Retirements

1. Recognition of Peter Albert for Service to the Town of Merrimack

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

The Town Council presented a plaque to Peter Albert for his service on the Town Council.

2. Recognition of Eileen Cabanel for Service to the Town of Merrimack

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

The Town Council recognized Eileen Cabanel for her service as the Town Manager.

Reorganization of the Town Council

• **Pursuant to Charter Article IV, 4-2, Organizational Meeting**

Chairman Koenig started the conversation on determining the yearly reorganization of the Council and began discussion on electing Chairman and Vice Chairman for the upcoming year. Vice Chair Boyd asked the Council to be excluded from deliberations for either Chair or Vice Chair. Vice Chair Boyd nominated Councilor Woods for Chairman, with which Councilor Woods respectfully declined. Councilor Harrington nominated Chairman Koenig as Chair, supported by Councilor Rothhaus. Councilor Woods nominated Councilor Rothhaus as Vice Chair for Council, which Councilor Rothhaus accepted.

MOTION was made by Councilor Harrington to Reappoint Chairman Koenig as Chair.

MOTION CARRIES 6-0-1. *Chairman Koenig abstained*

MOTION was made by Councilor Woods to Appoint Councilor Rothhaus as Vice Chair of the

Town Council. **MOTION CARRIES 6-0-1.** *Councilor Rothhaus abstained*

Appointments

1. Trustees of Trust Funds Update / Review

Submitted by Trustees of Trust Funds Chairman Chris Christensen

Town Council to be presented with the details of the Performance Update of the Trustees of Trust Funds.

Chairman Chris Christensen along with Co-Trustee Bill Wilks and Co-Trustee Jack Balcom were present to share a performance update. Chairman Christensen stated that these are elected positions they hold, and that they manage money for the Town that comes to them through bequests or town meetings. Additionally, they fulfill the same function for both Merrimack Village District and the School District. They also have assistance from Tom Boland and professional investment advisors from Cambridge Trust Company. Because they operate under the RSAs, they are prohibited from holding any other positions of power in the town, such as Town Council member, Selectman, School Board member, or treasure of any bodies. They have a total portfolio of \$19 million, in

which \$11 million is Capital Reserve funds and the remaining \$8 million is Permanent funds. The Capital Reserve Funds are divided into sections: \$5 million for the Town, \$5 million for Merrimack Village District, and just under \$1 million for the School District. Chairman Christensen then shared that Capital Reserve funds are protected, and because of this they can only invest in government guaranteed FDIC guaranteed vehicles. The Permanent funds mainly relate to cemetery perpetual care, with most of the money being tied up in Last Rest cemetery. Other types include the library and the Shed Harris Fund, which is fire protection for the village of Reeds Ferry. The Council was given spreadsheets showing the Reserve funds and Permanent funds, and Chairman Christensen was available to answer any questions the Council had.

Councilor Woods asked what the difference is between ending balance and ending fair market balance. Chairman Christensen stated that the ending balance relates to the cost of whatever it was they bought, such as buying stock. For example, if a stock was purchased for \$20, the ending balance is based on the \$20 and not the fact that it may be worth \$25, which is the fair market value, if they were to sell it.

Councilor Boyd asked when fiduciaries were switched. Chairman Christensen stated this occurred about 8 years ago for the Capital Reserve funds. The funds were previously under Merrill Lynch, which is a part of Bank of America, but the bank decided they did not want to deal with municipal monies anymore. Permanent funds were previously with Ameriprise Bank, but their representative who did not charge any fees retired and the new representative was going to start selling mutual funds. Ultimately, Cambridge Trust came up with the best deal for cost and service, so they switched over to them.

Councilor Boyd then asked if there was any resolution to the dedication to the Shed Harris fund. Chairman Christensen stated that nobody has asked for money, so they just hold it and it grows. The intention of the fund is for fire protection in the Reeds Ferry area, but there is a discrepancy as to deciding what counts as “fire protection”. Town Manager Eileen Cabanel stated that the town has been doing a lot of research regarding the discrepancy between MVD and the town over the meaning of “fire protection” and it has been determined that the money is not for Merrimack Village District to access, it is money for the town and the Town Council can determine its use based on fire protection for the Reeds Ferry area.

Chairman Christensen ended by stating that the Trustees try every quarter to review the funds to determine cash needs and plan maturity dates or cash holdings to keep up with town needs. Ultimately, the money moves based on town meeting votes, so some years may have more or less money put into Capital Reserve funds based on voting.

Public Hearing

None

Legislative Updates from State Representatives

Chairman Koenig shared that Representative Maureen Mooney sent the following Proclamation to the Council:

Proclamation Celebrating 275th Anniversary of Merrimack, NH

WHEREAS, during the 1600's, the Pennacook Tribe occupied the Merrimack River Valley;

WHEREAS, in 1655, the first European colonists settled the area;

WHEREAS, Merrimack was originally part of the 1673 Dunstable grant and

Massachusetts granted the town organization as Naticook, which was made up of

Litchfield and part of Merrimack;
WHEREAS, the boundary line dispute between Massachusetts and New Hampshire was settled adding additional lands to New Hampshire, in 1741;
WHEREAS, King George 11 granted the town's first charter to Governor Benning Wentworth on April 2, 1746 which incorporated the Town of Merrimack and included the land from Pennechuck Brook to the Souhegan River;
WHEREAS, four villages joined together to make up the Town of Merrimack; these are Thornton's Ferry, Reed's Ferry, South Merrimack, and Merrimack Village (formally known as Souhegan Village);
WHEREAS, Merrimack has grown into a large suburban community and the home of such notable citizens as Matthew Thornton, signer of the Declaration of Independence, Navy Admiral Forrest Sherman, who served as Chief of Naval Operations; and Walter Kittredge, a musician during the Civil War;
NOW THEREFORE, BE IT RESOLVED that the New Hampshire House of Representatives recognizes April 2, 2021 and all of 2021 as the 275th Anniversary of the Town of Merrimack.

Proclaimed this ninth day of April, 2021 by the New Hampshire House of Representatives Merrimack Delegation.

Legislative Updates from State Representatives

Chairman Koenig read the following update from Representative Maureen Mooney:

Greetings, Town Councilors:

1.) Happy 275th Anniversary, Merrimack! Attached is a proclamation dated April 9, 2021 and signed by the Merrimack State Reps who were present at a recent House session in Bedford. If possible, please read it aloud at the Town Council meeting.

2.) The following bills ***passed*** through the full House this month and are headed to the Senate for hearings (date/time to be determined):

[HB 236](#) (An ACT creating a statute of limitations on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances);

[HB 271](#) (An ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater);

[HB 135](#) (An ACT requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution).

3.) The following bills ***did not*** pass through the full House this month:

[CACR 9](#) (RELATING TO: relating to municipal taxes);

[HB 111](#) (AN ACT establishing a cause of action against the state to protect individual rights);

[HB 439](#) (AN ACT relative to the powers of city councils).

Thank you for all you do.

Respectfully submitted,

Rep. Maureen Mooney (R-Merrimack)

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Councilor Boyd shared that House Bill 98 passed the House and is on its way to the Senate. This Bill will move primaries from September to the 4th Tuesday in June. He further shared that the Governor is not in favor of it, but it is important to think about how elections are managed. Depending on what happens, he would ask the Council to consider the stress that this close proximity schedule puts on volunteers who administer elections.

Councilor Harrington provided an update on House Bill 737 statutory commission on PFAS. In March, NHDES determined that they had deficiencies in their required PFAS testing program for residences within 500 feet of a contaminated well. As a result, NHDES has begun testing additional properties in Merrimack, and five other towns, for PFAS. This morning, we received test results from NHDES showing seven (7) properties with levels of PFOA above the Ambient Groundwater Quality Standard (AGQS). Levels of PFOS, PFHxS and PFNA were all below AGQS or non-detect.

Merrimack residents have previously been sent letters asking permission to access private wells to test for PFAS. Because many residents have not responded to this request, she recommended to the Commission and DES that the town could assist with that and send a letter encouraging residents to allow access for testing. She received a draft letter from DES and was asked to review it at the Town Council meeting to see if any changes need to be made before they send out to residents. DES needs permission from the town asking to use the letter, in which the Council agreed to.

Councilor Harrington further stated that there had previously been blood samples taken of 217 residents as part of the Merrimack Village District Community Exposure assessment. The Commission is now requesting blood samples be retained so in the future if there are some things they want tested, they will have a baseline of samples. Legally, they have to send out re-consent letters as the first sample was based on one measurement and there was an expiration date on the samples. She would like to propose the Council encourage the re-consent and make it publicly known that anyone who participated will receive a letter requesting new consent to have blood samples be held for future use/research. She would also like it put on the website and have it made an issue on the Merrimack TV cable channels to be able to have a notification. She wants the Council to be active and encouraging to this. Councilor Boyd agreed and stated that the community was concerned and wants to be involved in this testing, and that these samples can be invaluable to studying future public health issues past PFAS. Councilor Murphy said that DHHS agreed to hold samples for 5 years starting February 2021, with the determination of testing being unknown to keep the samples open ended.

Councilor Healey then provided a clarification on House Bill 111. Per Representative Healey, the Bill was to maintain qualified immunity for police and all state employees. Chairman Koenig then stated that this Bill did not pass.

Town Manager's Report

Town Manager Eileen Cabanel shared that there is only one item to discuss. As previously mentioned, NH DES has initiated new well testing because they determined that there were deficiencies in their previously required PFAS testing for residences within 500 feet of a contaminated well. She further stated that St. Gobain has gotten all of their permits for installing the Regenerative Thermal Oxidizer on their plant, which is a pollution control device. This week there was a conference call with the building inspector, fire department, code department, and Assistant Public Works Director Sarita Croce in which St. Gobain requested a waiver from fire protection to be able to install the RTO without the fire protection that was needed. Town Manager Eileen Cabanel then asserted that this is not going to happen. She went on to state that St. Gobain eluded that although they do not want to include lawyers, they are not opposed to going to court to demand that the town give them a waiver. Town Manager Eileen Cabanel then restated that the Town will not put fire employees or residents in harms way due to St. Gobain's actions over the past five years.

Councilor Harrington asked if this is why St. Gobain mentioned that it would be the town's fault if they could not get the RTO completed by the July due date, to which Town Manager Eileen Cabanel said that this is not true because they already have their permit and if St. Gobain cannot meet their requirements, it is on them and not the Town's fault.

Consent Agenda

None.

Old Business

1. Building Resilient Infrastructure and Communities (BRIC) Funds Application Discussion [Tabled from the March 25, 2021 Town Council meeting]

Submitted by Public Works Director Kyle Fox

The Town Council to consider a request to expend up to \$60,000 from the Highway Infrastructure Capital Reserve Fund to support a FEMA Benefit Cost Analysis submittal with respect to the replacement of the US 3 bridge over Baboosic Brook.

Public Works Director Kyle Fox shared via PowerPoint Presentation that the US 3 bridge (often referred to as DW Highway) was added to the State Aid Bridge project in 2013 to improve pedestrian access in the area. The estimated cost back in 2013 was \$2.52 million. However, a few years later after NHDOT inspections, the bridge had deteriorated a bit more and was consequently included on the NHDOT Red List in 2015. This basically means that the bridge is structurally okay, it will just receive yearly inspections instead of the standard every other year inspections most bridges get due to its deteriorated state. Currently, the project is in the 10-year plan for construction in the 2024-2025 fiscal year with a \$3.6 million budget. The Feasibility Study, which looks at preliminary engineering and initial surveying to determine what the bridge might look like, was completed in October 2020. After the public hearing process that was completed last summer, commentary was incorporated into the Feasibility Study, resulting in a "Preferred Alternative" that was presented to DOT back in October 2020. The cost of this Preferred Alternative, which is about a 90-to-100-foot steel beam bridge with a two-lane temporary bridge to accommodate traffic during construction, is about \$5.7 million. Because the NHDOT does not have this funding increase programmed into the 10-year plan, the town cannot move forward with the project without full funding. The consultant for this project has suggested utilizing the FEMA Building Resilient Infrastructure and Communities (BRIC) Program grant as a possible source of funding. This is a grant through FEMA that is a 75% Federal/ 25% State program for hazard mitigation projects that reduce the risks from disasters and natural hazards. Because of the current state of the bridge, this project does qualify for the BRIC Program, so the next step is to apply for the program. The biggest factor in moving the project along is the benefit-cost analysis. The consultant would review the FEMA flood maps to determine the predicted 100-year storms to see if properties would be impacted by storms in the next 100 years. The map reviewed showed that the Everett Turnpike is mostly under water, which would factor into the cost-benefit ratio. One of the biggest factors is detour length, meaning that if the Everett Turnpike is under water, there is really no detour for this area. Additionally, several other areas and bridges would be impacted by this, such as the McGaw bridge and the Bedford Road bridge. The proposal for this project is to first hire Quantum Construction consultants to help develop the benefit-cost analysis. The tentative timeline for BRIC funding is as follows:

- Notice regarding funding opportunities: 8/2021
- Completed applications due: 11/2021
- Submission to FEMA: 01/2022
- FEMA selects projects to receive funding: 06/2022
- Projects will not receive funding until 2023 at the earliest- this fits in with the current 10-year Plan schedule (FY24)

Regarding risk vs reward, regardless of whether more funding comes in from Federal Highway or not, the town is going to pay 20% of the full cost of the project. If the town is able to use funding from the BRIC Program, then we will only be paying 20% of the 25%, which is about an \$800,000 savings. Without funding, this project is on hold indefinitely.

Councilor Healey asked if the \$5.9 million quote is from 2013 or if more money needs to be added on due to cost increases, in which Public Works Director Kyle Fox answered that this is the most current quote from the 10-year plan along with inflation being built into the plan.

Councilor Healey then asked where the NHDOT will get additional funding if the BRIC Program comes through. Public Works Director Kyle Fox clarified that if the town is able to receive funding from the BRIC Program, then the bridge is no longer under the State Bridge Aid program and NHDOT. If approved for the BRIC Program, the NHDOT can apply the \$3.6 million that they will not be spending towards other projects.

Councilor Healey asked if further bridge deterioration would close the bridge at some point. Public Works Director Kyle Fox said that a couple different things could happen: the bridge could get down posted, or the likely scenario would be that money would have to be put into “limping it along”, but the money is never recovered. The hope is to have the replacement done before this could happen.

Councilor Woods asked if the town would be putting \$60,000 “at risk” if we do not get the BRIC program grant, in which Public Works Director Kyle Fox stated that this is correct. Vice Chair Rothhaus stated that he believes that this risk is worthwhile, and he is willing to take the risk based on the FEMA flood maps and presentation from Public Works Director Kyle Fox. Town Manager Eileen Cabanel shared that she is supportive of this proposal and stated that receiving \$4.7 million from NHDOT at any time in the near future is unlikely, whereas the town could easily get \$1.4 million from them if we are able to get funding from the BRIC Program. She believes that this project is too important to not move forward with any options that the town might have, particularly one that has a chance of passing.

Chairman Koenig asked if the state could weigh in at all to help with the application as this is beneficial not only to the town, but to the state as well. Public Works Director Kyle Fox shared that he does plan on asking them for help. Further, he shared that the NH Homeland Security and Emergency Management departments are very supportive of this. Chairman Koenig then stated that although \$60,000 is not shortchange, it is a wise investment to take this opportunity to be able to assist both the town and the state to move forward on a bridge that is very important to the town. Town Manager Eileen Cabanel agreed and shared that there are plenty of opportunities to use some of the money on other infrastructure projects in the town, such as the Wastewater Treatment Facility, and that the \$60,000 would be a good investment. Councilor Harrington agreed with the previous statements and stated that this is a calculated but reasonable risk in the right direction to take care of the bridge.

MOTION made by Councilor Harrington and seconded by Councilor Boyd to approve the expenditure of up to \$60,000 from the Highway Infrastructure Capital Reserve Fund to support a FEMA Benefit Cost Analysis submittal with respect to the replacement of the US 3 bridge over Baboosic Brook. MOTION CARRIES 7-0-0

2. Wastewater Treatment Facility (WWTF) Phase 3 Bond Update – Continuation of Discussion

Submitted by Deputy Public Works Director / Wastewater Sarita Croce

Town Council to receive a Phase 3 Upgrade proposed path forward presentation.

Assistant Public Works Director Sarita Croce presented a PowerPoint on the Phase 3 Upgrade for the Wastewater Treatment Facility (WWTF). She opened the presentation with pictures of various structures, such as the main pump station, sludge holding tanks, emergency generators, and various hoses that are being held together with duct tape, all of which are the main focus of the upgrade. The total funding approved by the Town for this project is \$22.62 million. Wright-Pierce concluded a design estimate value at \$23.8 million. As mentioned at the last meeting, only one contractor submitted a bid, Methuen Construction, with a total bid price of \$30.2 million. There are two options Assistant Public Works Director Sarita Croce is proposing:

- 1) Scale back the project (recommended) or
- 2) Rebid smaller components of the project (not recommended)

For option 1, Assistant Public Works Director Sarita Croce proposes focusing on upgrading the Main Plant, the Souhegan Pump Station and Thornton's Ferry Pump Station and not upgrading the Screenings Building, the Compost Facility, the Chlorination Building, and the Wash Water Piping System. This proposal reduces the budget down to \$22.3 million, leaving \$309,000 remaining in the budget. Additionally, Congress and the President have already passed the American Resource Plan Act, meaning that we have the potential to receive \$2.2 million as part of the allocation from this Bill. There is also the Proposed Infrastructure Bill, which means that additional funds may become available if the town is approved for funding.

For option 2, Assistant Public Works Director Sarita Croce proposes dividing the project into different categories so contractors would be able to bid on the project. It would be divided as follows:

- Pump Stations- Main, Souhegan, and Thornton's Ferry.
- Remaining Plant Upgrade- Emergency Generators, Clarifiers, Sludge Holding tanks, Chlorine Buildings, Wash Water Piping.
- New Screenings Building.
- Compost Facility.

Because the plant is only getting older, equipment issues are getting worse and the plant is in danger of failing. Although there fortunately haven't been many problems with the plant, there is only so long that the facility can hold out with the equipment they have. They are competing with a lot of other facilities that also need to be upgraded, and some contractors have reached their bonding limit or have staffing issues and are unable to handle a project of this size. There is also no guarantee that Methuen Construction or any other contractor would respond to a rebid. Further, the cost will likely increase if the facility bid multiple smaller projects. Based on these options, Ms. Croce would like to respectfully request permission to move forward on the reduced scope option, obtain additional funds from the stimulus package, and reallocate unused contingency to complete additional project work. Town Manager Eileen Cabanel stated that the only option is to proceed forward and get this project done before something disastrous happens.

Vice Chair Rothhaus asked if the town will be bonding to finish up the project within a year or two if we do not receive any stimulus money. Ms. Croce replied yes. Vice Chair Rothhaus then asked if the Council should make this issue better known to the public, in which Chairman Koenig stated that he is unsure if a PR push is a good idea at the moment, but rather we should use the resources we have and go with the flow. Councilor Harrington agreed, but stated that in perhaps a year when we re-bond we should start educating people of the issue.

Assistant Public Works Director Sarita Croce shared that they are currently doing a rate study, and the draft rate study shows that Merrimack is the 5th lowest in the state. Most communities and cities have noticed that as a nation, we are not putting enough money aside to put towards infrastructure issues. She then suggested that rather than going for another bond, the town might consider paying for it out of the fund to save money in terms of interest. Councilor Healey stated that she thinks it would be better to wait a year before speaking of possible bonding in the future because a lot could happen between now and then, with the example of various costs going up at the moment. She thinks it would be good to maybe come back and update the Council on a quarterly basis and have this subject keep appearing on the agenda to stay on the Council's radar. Councilor Woods finds it unfortunate that this issue is so complicated. In his opinion, this needs to go forward immediately, and the rates study can wait a while. He is confident in the competency of employees at the WWTF and town, and he is in favor of putting this proposal forward today.

MOTION made by Councilor Woods and seconded by Councilor Healey to proceed with proposal one as presented by Assistant Public Works Director Sarita Croce. MOTION CARRIES 7-0-0

Chairman Koenig asked Assistant Public Works Director Sarita Croce what the time frame for this will look like. Ms. Croce stated that they will award the entire bid to Methuen Construction and issue a change order to take out the project components they won't be doing. Before this occurs, she stated they will do a detailed evaluation. Once the evaluation is done and they know exactly what they will be doing, she will come back and present to Council, ideally within a month. It is anticipated that construction will start later this year and this will ultimately be a minimum two year project.

New Business

1. Public Works Week Proclamation

Submitted by Public Works Director Kyle Fox

The Town Council to proclaim May 16-23, 2021 as National Public Works Week.

Chairman Koenig read the following proclamation into record:

**National Public Works Week Proclamation
May 16 – 23, 2021
“Stronger Together”**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Merrimack, NH; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, Merrimack Public Works employees worked in-person throughout the pandemic to maintain the essential services that the citizens of Merrimack rely on; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Merrimack, NH to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, WE, THE MERRIMACK TOWN COUNCIL, do hereby designate the week May 16 – 22, 2021 as National Public Works Week; We urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, we have hereunto set the Seal of the Town of Merrimack to be affixed, on this 22nd day of April, 2021.

MOTION made by Councilor Boyd and seconded by Councilor Healey to proclaim May 16-23, 2021 as National Public Works Week. MOTION CARRIES 7-0-0

2. Town Council Retreat / Goal Session

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

Town Council to decide when and where their Retreat / Goal Session will be held.

In terms of topics, Councilor Harrington suggested providing the index of all topics that were discussed last year to use as a jumping off point, with the goal of crossing off old topics, adding new topics, and prioritizing as necessary. She proposed returning to the same place as last year (Buckley's) due to social distancing practices. Chairman Koenig suggested late May/early June for a timeframe, with a Monday or Friday date being preferred. The Council agrees to Mondays and will begin looking at possible dates. Councilor Harrington asked to set a deadline for a response and asked if the index list can be sent out by the end of the week. She also asked to have suggestions or changes made by May 7th.

Town Manager Eileen Cabanel asked if she can give one final update on the St. Gobain issue. She just received an attachment from Chief Duke with a copy of a letter from McLane Middleton that is representing St. Gobain; it appears that they are appealing to the Merrimack Zoning Board regarding the RTO waiver mentioned earlier in the meeting. Councilor Healey wanted to clarify what St. Gobain is planning and asking when they want to put the fire suppression in. Town Manager Eileen Cabanel stated they did not indicate when, they will get around to it when they get around to it.

3. Town Council Committee Assignments

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

The Town Council will determine committee assignments for the current year.

As part of the yearly reorganization, the Council has to determine committee assignments and discuss volunteer opportunities to be a council representative on various boards. The following appointments were made:

- Chairman Koenig remains Chairman.
- Councilor Rothhaus has been appointed Vice Chair.
- Councilor Harrington has been the Adult Community Center Representative and she would like to continue with this. All are in agreement.
- Vice Chair Rothhaus has been on the Agriculture Commission, he has not been working on this committee and is willing to pass this along to someone else. No one is able to do this, so it will be left blank for the moment.

- Paul Micali has been volunteered for Authorized Sewer Representative, Cemetery Trustee, and Chamber of Commerce. All are in agreement.
- Conservation Commission was Councilor Albert; Councilor Murphy is interested in this. All are in agreement.
- Councilor Healey has been on the Heritage Commission, she would like to continue with this. All are in agreement.
- Vice Chair Rothhaus has been on the Highway Safety Committee and would like to continue with this. All are in agreement.
- Merrimack Safeguard has been unfilled; the Council believes it is defunct and asked for its removal from the list.
- Councilor Boyd has been on the Nashua Regional Planning Commission, he has asked if he can continue on this. Councilor Woods would also like to be on this. Chairman Koenig asked Councilor Boyd if he can be a citizen representative, in which Councilor Boyd says he will have to apply. All are in agreement.
- NH Rail Transit Authority is currently inactive, but it is possible this could change.
- Councilor Woods has been on the Parks and Rec Committee, he would like to remain on this. All are in agreement.
- Councilor Boyd was the Planning Board voting member, Councilor Healey is interested in this. Chairman Koenig volunteers to be her alternate if she is unable to attend a meeting. All are in agreement.
- Technology Committee has been undecided; this will be added to the next agenda. For now, Councilor Healey will serve as a representative.
- Vice Chair Rothhaus has been on the Town Center Committee and would like to continue with this. All are in agreement.
- Councilor Harrington would like the Merrimack Youth Association (MYA) to be listed as not required status, but she does meet with them every month.
- Councilor Harrington has been the Town Council Representative for HB 737 Statutory Commission along with Councilor Murphy. She believes that Councilor Murphy should be the Town Council Representative in her place as she is presently the community representative and has been on this committee since the beginning. She would like to propose this change to the Council. All are in agreement.
- Councilor Healey asked if the Council should add the 275th Committee to the list since it will be over by the end of the year. Councilor Harrington says no because it is time limited. The Council agrees that it should remain on the list because it is taking a resource.

Minutes

Approve the minutes from the following Town Council meetings:

◆ March 25, 2021

Amendments:

- Councilor Boyd: Page 7 line 1- clarify who made the Motion and who seconded it.
- Councilor Healey: Page 1 under Announcements, line 15- she asked why there are stars and asterisks. Chairman Koenig stated that this means that this symbolizes that there is something important noted.
- Chairman Koenig: Page 3, lines 5 and 6- he wants to clarify the dates of the RTO being online July 30th not 31st.
- Chairman Koenig: Line 39 and 40- addresses putting the technology committee on the agenda, which was missed.
- Chairman Koenig: Page 6 line 38- regarding the Motion, Councilor Boyd wanted to vote present, but he is listed as abstaining. It should say 5/0/0/1.

MOTION made by Councilor Boyd and seconded by Vice Chair Rothhaus to approve the Town Council meeting minutes for March 25, 2021 as amended. MOTION CARRIES 5-0-2
Councilor Harrington and Councilor Murphy abstained

◆ April 8, 2021

Amendments:

- Boyd: Page 7, line 26- Rothhaus misspelled, please add second “h”.
- Councilor Healey: Page 2, line 15- Should say beginning at 9:30am, not 9am.
- Councilor Healey: Page 4, line 45 and 46- should be Ms. Tuomala, not “Dawn”.
- Councilor Healey: Page 7, line 1- Stated that the day the bids opened, missing the verb “were”.
- Councilor Healey: Page 9 under number 7- regarding donation from the Scouts: was a card sent to them?
- Chairman Koenig: Page 1, lines 31 through 33- suggests editing the wording on the transfer station notification.
- Page 2, Line 15- the public is more than welcome seems like an overstatement, delete “more than”.
- Page 3, Line 22- employees achieving ranking at UNH T squared vs T2; the name of the program needs to be consistent, verify correct wording.
- Motions listed incorrectly: Page 5 line 33- should say Motion to move or accept the relocation, not Motion to consider.
- Page 8, Page 9- Regarding the motions, remove “to consider” and change to “approve” the activity as opposed to consider.
- Page 6 line 10: Should say “Engineering firm Wright-Pierce”.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to approve the Town Council meeting minutes for April 8, 2021 as amended. MOTION CARRIES 5-0-2
Councilor Woods and Councilor Murphy abstained

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Boyd shared his utmost respect for Town Manager Eileen Cabanel and thanked her for her service to the Town over the years. He then shared that he has thoroughly enjoyed working on the Council with everyone over the past 10 years and thanks everyone for the privilege of serving on the Council. He thanked the residents for voting in the election as well as the other candidates on the ballot. He thanked his wife, Michelle, and daughter, Jade, for supporting him on his journey. He thanked the 8 candidates that put their names on the ballot for the School Board: David Sydow, Michelle Bronchuk, Ken Martin, Chandra Miller, Scott Sabens, Jen McCormack, Rachel Paepke, and Jaimie Von Schoen. He personally thanked each individual council member. He thanked Merrimack employees for their dedication to the Town. He will be resigning from his position on the Council effective April 30th.

Chairman Koenig stated that they will have 21 days from Councilor Boyd's resignation to fill his position. If anyone is interested, they are encouraged to fill out an application and send it along with a resume and letter of interest to the Town Manager's office: Attention Becky. He suggested accepting applications until May 3rd or the 7th. Councilor Woods asked if this will be posted on the website, Chairman Koenig stated this will be online, on the bulletin board, and in the newspaper. The Council agrees to the letters being submitted by May 3rd to ensure the May 13th meeting can review and make a decision.

Adjourn

The meeting adjourned at 10:43pm

MOTION made by Councilor Boyd and seconded by Councilor Healey to adjourn the meeting.

MOTION CARRIES 7-0-0

Respectfully submitted by Jenifer Steagald