



# Town Council Meeting Minutes



Thursday, February 10, 2022, at 7:00 PM, in the Matthew Thornton Room

## **Call to Order**

Chairman Koenig called the meeting to order at 7:02 pm. Present at the meeting were Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali.

## **Pledge of Allegiance**

Chairman Koenig led the Pledge of Allegiance.

## **Announcements**

The Merrimack Town Council would like to extend our deepest sympathies to the family and friends of Chief Joseph R. Devine, who passed away on February 7<sup>th</sup> at the age of 88. Chief Devine served in the US Army during the Korean War and started his police career as a Military Police Officer when he then moved on and began his law enforcement career for the Johnston, RI Police Department, retiring as the Deputy Chief after 17 years of service. Joe served as Police Chief in St. Johnsbury, VT; Claremont, NH and starting in 1981, proudly served the Town of Merrimack as our Chief of Police for over 21 years, retiring in September 2002. In 1992, Chief Devine was recognized for outstanding service to the Merrimack community by VFW Post #8641, when he was chosen as the "Police Officer of the Year". In 1990, he also received a special commendation from the Town Manager for police service as well as received recognition for Level I Accreditation Certification in 1999.

## **Upcoming Town Council Meetings:**

- Thursday, February 24, 2022, 7:00 PM Regular meeting
- Thursday, March 10, 2022, 7:00 PM Regular meeting

## **Important Dates to Remember:**

- Wednesday, February 23, 2022 thru Friday, March 4, 2022 at 5:00 PM; Filing period for Town Offices to be elected at Town Meeting on April 12, 2022
- Wednesday, March 9, 2022, 7:00 PM, in the All-Purpose Room at James Masticola Upper Elementary School located at 26 Baboosic Lake Road; Deliberative Session

The Library will host AARP Tax-Aide volunteers on Mondays from 9 am – 11 am now through April 11. This assistance is by appointment only, with multiple slots available at 9 am, 10 am and 11 am. Please call the Library at 603-424-5021 to make an appointment or for more information.

A Vaccination Clinic is scheduled for **Wednesday, 2/16/22 from 1:00 pm to 5:00 pm** at the John O'Leary Adult Community Center located at 4 Church Street. This Vaccination Site will be administrated by the NH Department of Public Health and their partners and the Town of Merrimack. Moderna and Johnson & Johnson Vaccines are available for all shots for 18 years old and up. Pfizer Vaccine is available for all shots for 5 years old and up as approved by the Center for Disease Control (CDC). Please call 603-420-1440 or email [welfare@merrimacknh.gov](mailto:welfare@merrimacknh.gov) to schedule an appointment time.

Stowell Road will be closed at Baboosic Brook between February 15 and April 1. The bridge is being repaired following damage that occurred from an over-size load trying to go through the bridge. Message boards have been placed in Merrimack and Bedford to alert motorists of the upcoming closure.

1 **Comments from the Press and Public**

2 None.

3  
4 **Recognitions, Resignations and Retirements**

5 None.

6  
7 **Appointments**

8 None.

9  
10 *Without any objections, Chairman Koenig moved Item #1 under New Business to be heard before the Public*  
11 *Hearings*

12  
13 **1. Memorial Bench Donation to Twin Bridge Park**

14 *Submitted by Maureen Quinn Greene*

15 The Town Council to consider the donation of a memorial park bench to be installed along the trail  
16 system at Twin Bridge Park in honor of Terry Quinn who passed away last year.

17  
18 Maureen Quinn Greene was present to discuss her father, Terry Quinn. Mr. Quinn moved to Belmont Dr. in  
19 Merrimack in 1978, and coached many MYA teams, such as basketball, soccer, and softball, as well as the  
20 Merrimack Cardinals football team. Additionally, he was a teacher at Memorial High School in Manchester  
21 for 37 years. Mr. Quinn also ran a project called Project Brightside through the Merrimack DPW, which  
22 included improvement projects such as town cemeteries, Wasserman Park, athletic field maintenance, and  
23 trail building at Twin Bridges Park. Ms. Quinn Greene would like to put a park bench at Twin Bridge Park in  
24 honor of her father since he spent so much time there. She would like to place the bench overlooking the first  
25 bridge over the river. The bench will be a 5 foot bench made of recycled plastic with permanent post legs in  
26 concrete and will be ordered through the Roundbush Company. Upon approval of the bench, the family  
27 would like to install the bench in June when all the grandchildren are home from college to help out.  
28 Councilor Harrington shared that this is such a great idea and shows his legacy in Merrimack. Councilor  
29 Murphy agreed, stating this is a wonderful tribute to Mr. Quinn and all he did for Merrimack, and gives back  
30 to the town.

31  
32 **MOTION made by Vice Chair Rothhaus and seconded by Councilor Woods to accept the donation of**  
33 **a memorial park bench to be installed along the trail system at Twin Bridge Park in honor of Terry**  
34 **Quinn who passed away last year.**

35 **MOTION CARRIES 7-0-0**

36  
37  
38 **Public Hearing**

39 **1. Public Hearing – Proposed Municipal 2022-23 Operating Budget & Warrant Articles**

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

41 The Town Council will hold a public hearing to discuss the following:

- 42 • 2022/23 Proposed Municipal Operating Budget
- 43 • Collective Bargaining Agreement(s), if any
- 44 • Capital Reserve Deposits General Fund
- 45 • Capital Reserve Deposits Wastewater
- 46 • Proposed Issuance of Debt, as follows:
  - 47 ○ Ladder Fire Truck
  - 48 ○ Wastewater Treatment Facility Phase V Upgrade
- 49 • Town Charter Amendment, Article 6-2 (A), Trustees of Trust Funds
  - 50 ○ Trustees of Trust Funds - Alternate Members

- 1 • Petitioned Bonds
  - 2 ○ Drainage / Road Improvements Woodland Drive Area
  - 3 ○ Additional Petitioned bonds, if any
- 4 • Other Petitioned Warrant Articles, if any

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

7  
8 **2022/23 Proposed Municipal Operating Budget**

9 Town Manager Paul Micali began by stating that this budget will pass to the Town Council after the public  
10 hearing tonight, and then it will go to a Deliberative Session and then finally to the voters. He then briefly  
11 went over the estimated 2022 tax rate summary, highlighting the following:

- 12 • The operating budget is broken out into several components, such as the general fund, capital  
13 reserve fund, other capital, roads resurfacing/sidewalks expansion, SAFER grant, phase 5 bond  
14 for Wastewater, bond for the ladder truck, and self-supporting funds (Wastewater treatment-  
15 enterprise fund, Media fund- cable franchise fee, outside detail for police and fire, library trustees  
16 funds)
- 17 • The total appropriations would be \$50,245,877
- 18 • The revenues would be \$31,265,492
- 19 • Overlay for abatements (veteran’s credits) would be \$500
- 20 • \$4,000 for 100% disabled veterans
- 21 • To be raised by taxes would be \$20,172,465
- 22 • Town-wide property valuation is projected to be over \$5 billion
- 23 • Total rate would be \$4.01 (19 cent increase)
- 24 • Inflation is running about 7%, so the total rate is in line with this
- 25 • General fund difference is \$1,824,677
- 26 • Self-supporting funds have a decrease of \$176,000, but this offsets the decrease in revenue of  
27 \$176,000

28 **Appropriations:**

- 29 • Computer supplies- \$21,000
- 30 • Sand & salt- \$61,000
- 31 • General insurance- \$30,200
- 32 • Library materials- \$11,500
- 33 • Patrol vehicles- \$21,000
- 34 • Solid waste tipping fees- \$38,000
  - 35 ○ Recycling- down \$19,500
  - 36 ○ Disposal- \$ 57,500
- 37 • Operating supplies- \$26,800
- 38 • Postage- \$8,600
- 39 • Utilities (gas/electric/water/sewer)- \$17,850
- 40 • Maintenance office equipment- \$52,450
- 41 • Communication equipment- \$827,000
  - 42 ○ Police/Fire- \$762,800
  - 43 ○ Fire radios- \$36,200
  - 44 ○ Highway- \$28,000
- 45 • Vehicle fuel- \$29,400
- 46 • Maintenance of vehicles- \$20,300
- 47 • MYA maintenance- \$20,250
- 48 • Legal- \$30,000

- 1 • Elections- \$18,575
- 2 • Outside services- \$22,875
- 3 • Miscellaneous- \$21,802
- 4

5 Budget overview- Staffing Increase (Decrease)

- 6 • Compensated absences- \$21,600
- 7 • Union wages (including steps)- increasing to \$230,700
- 8 • 53<sup>rd</sup> week of payroll- \$278,150
- 9 • Education- increasing to \$10,800
- 10 • Uniforms- increasing to \$13,000

11 Staffing:

- 12 • 4 Additional firefighters (SAFER Grant)- \$395,750 (100% reimbursed, but have to gross appropriate)
- 13 • Highway (Equipment Operator 1)- \$79,600
- 14 • Dispatcher- \$79,200
- 15 • Overtime Fire- \$28,600
- 16 • PT Cleaning Highway- \$10,850
- 17 • PT Code Enforcement- \$11,150
- 18 • PT to FT Town Clerk/Tax Collector- \$40,400

19 Further budget highlights:

- 20 • Capital Reserve Fund Deposits: increase of \$67,500
- 21 • Health insurance decrease- \$34,625
- 22 • Infrastructure decrease - \$80,000
- 23 • Streetlights decrease- \$8,000
- 24 • Net Savings- \$122,625
- 25 • Total General Fund increase = \$1,824,677

26

27 Revenues:

- 28 • Increases
  - 29 ○ Planning Board- \$10,800
  - 30 ○ Current use- \$75,000
  - 31 ○ Building permits- \$35,000
  - 32 ○ Restaurant licenses- \$12,000
  - 33 ○ Ambulance- \$65,000
  - 34
- 35 • Decreases
  - 36 ○ Franchise fees- \$250,000
  - 37 ○ Interest- \$75,900
  - 38 ○ Tax bill interest- \$20,850
  - 39 ○ Admin charges- \$13,000
  - 40 ○ Solid Waste- \$10,330
  - 41 ○ Miscellaneous- \$4,279
  - 42 ○ Net revenue decrease = \$176,559
  - 43
- 44 • Use of Fund Balance
  - 45 ○ Total to Reduce Taxes- \$984,500
  - 46 ○ Offset Capital Projects
    - 47 ▪ Paving- \$160,000
    - 48 ▪ CRF Deposit (Road infrastructure) - \$145,000
    - 49 ▪ DPW base radio unit- \$28,000

- 1                   ▪ Wasserman Park roof repair- \$32,500
- 2           ○ Total Capital Projects = \$365,500
- 3           ○ Total Reduction to Fund Unreserved Balance = \$1,350,000
- 4                   ▪ Variance of \$300,000

5  
6 The public hearing was opened at 7:29 pm and closed at 7:30 pm.

7  
8 Mr. Micali then shared that this budget does not include wage increases for non-union employees. He then  
9 stated that he is proposing a 2.5% increase for non-union employees, which is roughly \$119,000  
10 appropriation add to the budget. However, he reviewed the health insurance numbers and he believes with  
11 the current census, they can garner about \$102,000 worth of savings in health insurance. For general fund,  
12 the non-union wage increase would be \$114,443 and health insurance savings would be \$98,500 for a net  
13 increase to the appropriations of \$15,943. In Wastewater, non-union raises would equate to \$4,842 with a  
14 health insurance decrease of \$1,000. For Media, the non-union raises would equate to \$4,928 with a health  
15 insurance decrease of \$1,500. This would make the total appropriations to be voted on in the operating  
16 budget warrant \$36,218,840, and this would not affect the tax rate. Councilor Healey asked how Mr. Micali  
17 determined the 2.5% raise, in which he stated that many other unions received a 2% increase, but since non-  
18 union does not get the extra benefits of being in the union (education, uniforms, longevity stipends) he  
19 decided to give them an extra .5% in wage increases.

20  
21 **MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the non-union**  
22 **pay raise of 2.5%.**

23 **MOTION CARRIES 7-0-0**

24  
25 **MOTION made by Vice Chair Rothhaus and seconded by Councilor Hunter to accept the reduction of**  
26 **health insurance by \$102,000.**

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

28  
29 **MOTION made by Councilor Harrington and seconded by Councilor Murphy to move \$36,218,840 to**  
30 **the Warrant.**

31 **MOTION CARRIES 7-0-0**

32  
33 **Collective Bargaining Agreements**

34  
35 Mr. Micali then presented the collective bargaining agreements, highlighting the following:

- 36     • There is one bargaining agreement that will be on the ballot this year, Teamsters Local 633 contract
  - 37       ○ This is a 2-year contract, from July 1,2022- June 30, 2024
  - 38       ○ Article XIV Group Insurance, Section 2, Life Insurance
    - 39           ▪ Life insurance benefit for spouse increased from \$1,000 to \$10,000 and children
    - 40           benefit from \$500 and \$100 to \$5,000
  - 41       ○ Article XV Wages
    - 42           ▪ Fiscal Year 2022-2023- 2.5% increase
    - 43           ▪ Fiscal Year 2023- 2024- 3% increase
    - 44           ▪ In addition, \$0.48 shall be added to the base hourly rate of each employee effective on
    - 45           the first full pay period of the first year of this agreement
    - 46           ▪ Wage raises for employees hired before July 1, 2018 shall be permitted to exceed the
    - 47           top of the wage scale in Appendix A for the duration of the agreement. This provision
    - 48           shall expire on June 30, 2024

- Employees shall be paid an extra 2 hours at 1.0 times their base hourly rate for each observed holiday (24-hour period) under Article VII- Holidays that the employee is required to be on-call
- Article XVI Boot/Clothing/Uniforms
  - The Town to provide an allowance up to \$125.00 for approved prescription safety glasses once every 3 years beginning July 2022 (*ie July 2022, July 2025, July 2028, etc*). The Clerk Typist II/Dispatcher, Secretary, Secretary/Scale Operator excluded from allowance.
  - In addition, during a fiscal year that the prescription safety glasses allowance is available, those employees eligible for the prescription safety glasses allowance shall first purchase at least one pair of safety footwear, and then may use the balance of that fiscal year boot allowance toward the purchase of prescription safety glasses.
- Year 1 cost = \$49,754, roughly 1 cent on the tax rate
- Year 2 cost = \$35,555, less than 1 cent on the tax rate

The public hearing was opened at 7:46 pm and closed at 7:47 pm.

Vice Chair Rothhaus asked Mr. Micali to clarify the \$500 and \$100 child benefits, in which Mr. Micali stated \$500 is for a child 6 months and older, whereas \$100 is for a child less than 6 months old.

**Capital Reserve Deposits General Fund**

Mr. Micali began by stating that this is no longer in the operating budget, then shared the following highlights for CRF purchases in 2022-2023:

- Computer equipment; purchasing Microsoft 360- \$46,000
- Communications recorder- \$25,000
- Library; elevator upgrade and HVAC- \$100,000 each
- Highway projects; bridge replacement on US 3, storm water, Woodland Dr. improvements (\$375,000), Depot St. Boat Ramp repairs (\$150,000), Souhegan River Trail- \$ 1,023,034
- Highway Equipment; new message board, brine trailer, athletic field groomer, pickup truck, tractor, two 6-wheel dump trucks- \$565,000
- DW Highway projects- \$200,000
- Solid Waste; pickup truck with plow- \$40,000
- Total General Fund expenditures = \$2,104,000

**Sewer Fund**

- Pump stations, crane truck (\$125,000)- \$620,000
- Projecting \$2.7 million out of the CRF

**Budget Highlights- CRF Deposits**

- Ambulance- increasing \$15,000
- Highway equipment increased from \$400,000 to \$425,000
- Property Revaluations increasing \$2,250
- Solid Waste disposal decreasing \$20,000
- Infrastructure increasing \$50,000

The public hearing was opened at 7:55 pm and closed at 7:56 pm.

**MOTION made by Vice Chair Rothhaus and seconded by Councilor Woods to move \$1,947,250 General Fund Capital Reserve Fund to the Warrant.**

1 **MOTION CARRIES 7-0-0**

2  
3 **Capital Reserve Deposits Wastewater**

4 Mr. Micali began by stating that this is for the sewer improvements, and they have been putting \$500,000 in  
5 each year. He then explained that this is broken out differently because it is an enterprise fund, specifically a  
6 sewer user fee that is not on the tax rate and only affects residents who use the sewer system. Chairman  
7 Koenig asked that since they've been voting on bonds to upgrade the sewer system if this is part of the sewer  
8 infrastructure improvements, in which Mr. Micali stated that it is but they are funded separately. Councilor  
9 Healey asked if since DOT is widening the highway, which affects the sewer lines interceptor, why isn't  
10 DOT paying for this, in which DPW Director Kyle Fox shared that this is because the sewer lines are a utility  
11 to the DOT and are in their right-of-way, meaning that the town is responsible for paying for the sewer lines.

12  
13 The public hearing was opened at 8:02 pm and closed at 8:03 pm.

14 **MOTION made by Vice Chair Rothhaus and seconded by Councilor Healey to move \$500,000 from**  
15 **the Wastewater Treatment Facility Capital Reserve Fund to the Warrant.**

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

17  
18 **Proposed Issuance of Debt, as follows:**

- 19 • Ladder Fire Truck
- 20 • Wastewater Treatment Facility Phase V Upgrade

21  
22 Mr. Micali stated that the reason the Ladder Fire Truck and Wastewater Treatment Facility Phase V Upgrade  
23 have two separate warrant articles is because when the town goes out to bond, there is a bond legal counsel  
24 they have to go through to make sure that it was properly noticed and all the rules and laws of bonding were  
25 followed, and legal advised to keep these separate.

26  
27 Mr. Micali reviewed the dates and locations for the Town and School's Deliberative Sessions as well as the  
28 date of the Town Election day. He also reviewed the snow dates for the sessions.

29  
30 **Town Charter Amendment, Article 6-2 (A), Trustees of Trust Funds**

- 31 • Trustees of Trust Funds - Alternate Members

32  
33 Mr. Micali shared the following:

34 "There shall be a board of three (3) Trustees of Trust Funds whose powers and duties are provided by New  
35 Hampshire State Law. Trustees of Trust Funds shall be elected at the regular Town elections for terms of  
36 three (3) years, one (1) Trustee each year. Vacancies shall be filled by appointments by the Town Council for  
37 unexpired term; **"further, the Town Council may appoint up to two (2) Alternate Members for a one-**  
38 **year term."**

39  
40 He then clarified that this means that the Trustees of Trust Funds are appointed by the public, but the  
41 modification states that alternates would be appointed by the Town Council for a one-year term only and will  
42 have to be reappointed for every one-year term.

43  
44 The public hearing was opened at 8:09 pm and closed at 8:10 pm.

45  
46 Mr. Micali then shared that he discussed the modification with the attorney general and how the appointing  
47 process works, and the attorney general was pleased with this process but wanted to add "further, the board  
48 may recommend to the Town Council, and the Town Council may appoint up to two Alternate Members for  
49 one-year terms." Councilor Healey asked if this binds the Council in any way to have to accept the

1 recommendations of the board, in which Mr. Micali stated that it does not, the Council has final say on the  
2 appointments for any board.  
3

4 **MOTION made by Councilor Healey and seconded by Councilor Murphy to amend the Charter**  
5 **Article 6-2 (A) to say, “further, the board may recommend to the Town Council and the Town Council**  
6 **may appoint up to two Alternate Members for one-year terms.”**  
7 **MOTION CARRIES 6-0-0 with Councilor Woods voting Present**

8  
9 *Without any objections, Chairman Koenig moved Item #4 under Public Hearing to be heard next.*

10  
11 **4. Public Hearing – Petitioned Bond for Drainage and Road Repairs to Woodland Drive Area**  
12 *Submitted by Harvey and Elaine Bloom*

13 The Town Council to be presented with the details of a Petitioned bond received, for drainage and  
14 road repairs to Woodland Drive area (Shady Lane, Evergreen Drive, Glenwood Lane, Deerwood  
15 Drive, Birchwood Road, Pinetree Lane, Fernwood Drive, Forest Drive, Hartwood Drive and Timber  
16 Lane) and to authorize the issuance of not more than \$3,000,000.  
17

18 Mr. Micali began by stating that this was reviewed with the town attorney, and while this is a petition bond  
19 the attorney is of the belief that this article is advisory in nature to the Town Council, as most petitions are.  
20 He then shared that this presentation is informational and is automatically on the warrant and will be  
21 discussed at the deliberative session. Mr. Bloom then shared some background information, such as that for  
22 many decades, the streets have not been repaved and there are holes and cracks throughout the area. Any  
23 repairs done have only been temporary solutions, and the drainage is poor with many puddles forming over  
24 the years, which causes safety issues as residents are walking in the roads to avoid the puddles. Mr. Bloom  
25 then provided picture examples of the puddles and poor road conditions to show the Council. He then  
26 showed the Council the signed petition, which received 40 signatures in support of the petitioned bond of  
27 \$3,000,000 for drainage and road repairs.  
28

29 Councilor Healey asked that if this is voted on and approved and moves on to bidding, what will happen if  
30 everything costs more than \$3,000,000, in which Mr. Micali stated that the town will do as many  
31 improvements as possible for \$3,000,000. Councilor Murphy asked where the \$3,000,000 came from, in  
32 which Mr. Bloom said it was discussed with Mr. Micali and it was deemed a reasonable amount for the area  
33 and required work. Mr. Micali then shared that there are several issues with this area, such as where to put  
34 the water as there isn't a closed drainage system, so they will have to do volume studies to see if the pipe that  
35 was put in can handle this project. Councilor Woods asked what will happen if unforeseen problems occur  
36 during the project and who will be responsible for resolving issues and disputes, in which Mr. Micali stated  
37 they will have to create a priority list, with the biggest issues laid out and given to residents. Mr. Bloom  
38 added that this could be an opportunity for Merrimack to look into funding or grants from the state to help  
39 with this project, in which Mr. Micali agreed and stated that they are also keeping their eye on the Build  
40 Back America infrastructure bill, as well as the ARPA money. Mr. Fox shared a bit about how funding  
41 works, stating that DOT distributes money on a program basis, not as a check for the town to distribute so  
42 the money amounts will depend on the projects being done (such as bridge repairs, highway projects, etc.).  
43 Mr. Fox then discussed the 375 project, which was a drainage bond project that allowed for many areas to  
44 get drainage repairs and improvements. Mr. Fox then shared that for this project, they will first need to  
45 perform an analysis to see if there is capacity in the pipe to see if they can add additional stormwater  
46 chambers in the existing easement, and if not, they will have to figure out another option for where to put the  
47 water and fund the project.  
48

49 The public hearing was opened at 8:43 pm and closed at 8:44 pm.  
50



1 Chairman Koenig announced that Item #3 under Public Hearing would be heard next.

### 3. Public Hearing – Ladder Fire Truck

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

5 The Town Council will hold a public hearing to receive public input on a proposed issuance of debt  
6 of \$1,500,000 for a New Fire Ladder Truck, and expenses related to the issuance of municipal bonds.

7  
8 Fire Chief DiFronzo was present with Mr. Micali to discuss the ladder fire truck, summarizing the following  
9 from previous presentations:

- 10 • The Town has had a ladder truck since 1972
- 11 • The ladder truck helps provide for firefighter safety, victim removal from exterior buildings, it carries  
12 large volumes of water if needed, it assists in certain rescue operations, and it carries a full  
13 complement of ground ladders
- 14 • The annual cost of repairs on the current ladder truck is \$15,019, with \$75,097 worth of repairs from  
15 Jan 1, 2017 to Nov 30, 2021
- 16 • The equipment maintenance division conducted an evaluation and found several costly issues with  
17 the ladder truck
- 18 • The ladder truck was purchased in 2002 and cost \$746,748, which amounts to \$1,153,736 in today's  
19 dollars
- 20 • The new ladder truck will cost \$1,473,994, but there are some cash discounts for paying for the truck  
21 up front
- 22 • For a 10-year bond with interest rates the cost would be \$15,000 the first year, then \$178,000, and  
23 then \$175,000 with the cost going down each year. The cost over the 10-year period would be  
24 \$1,665,000, with \$165,000
- 25 • There would not be an increase in the tax rate because there is a current bond dropping off this year  
26 that is the same amount as the 10-year bond
- 27 • Mr. Micali then compared ARPA funding vs Bonding, highlighting the following:
  - 28 ○ Pros:
    - 29 ▪ No bond debt (pay 100% cash)
    - 30 ▪ Permitted use for funds
    - 31 ▪ Can get delivery of ladder truck sooner
    - 32 ▪ Taxpayers will not see a tax increase
  - 33 ○ Cons:
    - 34 ▪ Sewer projects will be pushed off or cost an additional \$3.4 million
    - 35 ▪ If the remainder of ARPA money was used to help offset sewer, the additional cost  
36 would be \$1.7 million

37  
38 Vice Chair Rothhaus asked if there was any rate impact, in which Mr. Micali stated they're at 12% rate this  
39 year, 12% next year, and then 5% the following year, with the 5% increasing because of this. Councilor  
40 Hunter asked what the cash discount would be, in which Chief DiFronzo stated it would be almost \$41,000  
41 taken off the price tag of the truck. Mr. Fox and Ms. Croce then spoke about the sewer projects that would be  
42 deferred if the Council decides to go with ARPA funding, stating that with most of the equipment and  
43 building being over 50 years old, they are concerned about the projects getting further delayed. Ms. Croce  
44 then elaborated, stating that there are four return-activated sludge pumps that recycles water with microbes  
45 that are full of rust and may not survive. If these pumps go, water will not be able to be cleaned and the  
46 entire plant will be at a halt. Additionally, this project would go from costing \$1.3 million to upwards of \$3-  
47 \$4 million. Councilor Woods then spoke, sharing that he is in agreement with the ladder truck purchase.  
48 Councilor Healey shared that if the town were to lose the wastewater facility, the EPA would come and take  
49 over Merrimack until the facility is up and functional again. She would rather prevent EPA coming as  
50 opposed to purchasing the new truck with the ARPA funding.

1  
2 The public hearing was opened at 9:14 pm and closed at 9:15 pm.  
3

4 The Council further discussed their options, stating that both the ladder truck and the WWTF projects are  
5 both equally important. The Council was in agreement of moving forward with the ARPA funding to  
6 purchase the ladder truck with cash, and then increasing the bonding for the WWTF project. Ms. Croce  
7 wanted to clarify that requesting more money for the WWTF is not an easy solution, as money has already  
8 been allocated to them from the state. She stated that she can call to see if the amount can be adjusted, but  
9 every other wastewater facility in NH is going through upgrades. Further, if the project gets delayed, they  
10 still have to pay project fees, and this will further push the completion date out. Mr. Micali then broke down  
11 some cost options, mainly the chlorination building and sawdust shed, stating that there are ways to get these  
12 paid for with the leftover ARPA funding (about \$1.2 million) and additional funds. Ms. Croce then further  
13 discussed the issues with the return-activated sludge pumps, stating that the electrical and communications  
14 (SCADA) parts of the project are going to be the most expensive.  
15

16 **MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to move \$1.5 million**  
17 **bond for the Ladder Fire Truck to the Warrant.**

18 **MOTION FAILS 1-6-0 with Councilor Woods in favor**  
19

20 Chairman Koenig requests that this be brought back to the Council as an option to use ARPA funds to  
21 purchase the ladder truck. This will be added to either the February 24<sup>th</sup> or March 10<sup>th</sup> agenda.  
22

## 23 **2. Public Hearing – Waste Water Treatment Facility Phase V**

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

25 The Town Council will hold a public hearing to receive public input on a proposed issuance of debt  
26 of \$10,102,750 for Waste Water Treatment upgrades to the Wash Water Piping, Compost Facility,  
27 Headworks Building and New Screening Building as well as ADA improvements and other  
28 miscellaneous upgrades to the main plant.  
29

30 Mr. Micali began by giving a condensed version of this bond, presenting the following:

- 31 • The cost of the project is \$10,102,750
    - 32 ○ Screenings Building- \$3,200,000
    - 33 ○ Wash water Piping- \$585,000
    - 34 ○ Compost Facility- \$2,600,000
    - 35 ○ Headworks Building- \$2,400,000
    - 36 ○ Construction total cost- \$8,785,000
    - 37 ○ Contingency 5%- \$439,250
    - 38 ○ Engineering 10%- \$878,500
  - 39 • NHDES announced the availability of the ARPA (American Rescue Plan Act) Grant application for  
40 all Clean Water ARPA grant offers
  - 41 • Town submitted an SRF pre-application to qualify for the ARPA grant
  - 42 • The Town of Merrimack has been preapproved for 20% ARPA grant, up to \$2,000,000
    - 43 ○ With this grant, the total loan amount would be \$8,102,750
  - 44 • The 20-year bond repayment at 2.5% would be about \$2 million worth of interest, bringing the total  
45 bond to \$10,229,721.88
    - 46 ○ This would not affect the proposed tax rates
- 47

48 Councilor Harrington asked if there will be enough time between now and the deliberative session to ask to  
49 increase the bond up to \$12,102,750, in which Mr. Micali stated that this would leave some options open and  
50 is a possibility. Councilor Hunter agreed, stating that keeping this on a bond will help keep this user-funded.

1 Ms. Croce then spoke, stating that this will have to be voted on, then they will need quotes, which will  
2 further delay the project from being completed by next September. She then stated that by increasing the  
3 project by a year, the additional \$2 million may not be enough at that point in time because of the costs  
4 associated with the contracting staff and their equipment being on site every month. By getting the money  
5 sooner, the contractor would not have to extend their project time. The Council and Mr. Micali further  
6 debated the pros and cons of using the ARPA money vs bonding, with the Council ultimately deciding that  
7 the chlorine building project will get done with ARPA money, and the rest of the funds will come from  
8 either the CRF or contingencies. Mr. Fox volunteered to come back to the Council at a future date to propose  
9 ideas on funding since the Council will have to approve this anyways.

10  
11 The public hearing was opened at 9:59 pm and closed at 10:00 pm.

12  
13 **MOTION made by Councilor Healey and seconded by Councilor Woods to extend the meeting past 10**  
14 **pm.**

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

16  
17 **MOTION made by Councilor Hunter and seconded by Councilor Murphy to move the \$10,102,750**  
18 **Wastewater Treatment Facility Phase V upgrade bond to the Warrant.**

19 **MOTION CARRIES 7-0-0**

20  
21 **Legislative Updates from State Representatives**

22 **Legislative Update for February 10, 2022**

23 **By: Rep. Maureen Mooney**

24  
25 Greetings:

26  
27 **1.** One year ago, we were preparing for the House Hearing on [HB 478](#) (An Act relative to treatment of  
28 PFAS contaminants in the drinking water of the Merrimack Village Water District). The Town Council  
29 wrote and signed the attached letter in support of the bill. See letter attached dated February 11, 2021. HB  
30 478 has now **passed through the full House** and we are awaiting the Senate Hearing. The Senate Hearing  
31 has not been scheduled yet. I would respectfully ask that you adopt, sign, and submit a letter similar to the  
32 one attached. Please address the letter to the members of the Senate Energy and Natural Resources  
33 [Committee](#) (Senators Avard, Giuda, Gray, Watters and Perkins Kwoka, as well as Committee Assistant  
34 Frenette).

35  
36 **2.** [HB 1547](#) (An Act setting maximum contaminant levels for perfluorochemicals in the soil) **received an**  
37 **Ought to Pass with Amendment** recommendation from its House Committee. We hope this bill as amended  
38 passes through the full House next week and goes on to the Senate. The bill idea came from a brainstorming  
39 meeting last summer of Merrimack community activists and legislators. The [bill amendment](#) came  
40 from exceptional collaboration among community activists, legislators, and the NH Department of  
41 Environmental Services. The bill as amended will:

42 A.) allow the commissioner of NH DES to initiate rules for soil remediation standards for  
43 perfluorochemicals by November 1, 2023 because the United States Geological Survey (“USGS”) is  
44 performing a study in New Hampshire of its soil due by the fall of 2022;

45 B.) amend the Groundwater Protection Act rulemaking section ([RSA 485-C:4, VIII](#)) to add soil, and that a  
46 “*person*” liable for such contamination provide safe alternate water to an impacted well owner. (NOTE: The  
47 term “*person*” includes companies and public or private corporations per [RSA 485-C:2, XI](#)).

48  
49 Respectfully submitted,  
50 Rep. Maureen Mooney

1  
2 Legislative Update- February 10, 2022  
3

4 Dear Town Councilors,  
5

6 I want to update you on my bill, HB1185, which among its co-sponsors includes Merrimack representatives,  
7 Maureen Mooney, Bill Boyd and Bob Healey. As amended, the bill would allow municipalities to regulate  
8 the amount of PFAS in commercial and industrial discharges entering their wastewater treatment facilities  
9 (WWTF). Municipalities are also empowered to issue and collect fines for those in violation with the  
10 collected fines remaining with the municipality. The amendment distinguishes clearly that residential septage  
11 is not held to the same requirements but allows the WWTF to test it in order to assess PFAS entering the  
12 plant from this source.  
13

14 Not only will this bill provide local control to WWTF, but it serves as a strong incentive to commercial and  
15 industrial users of PFAS to reduce the levels in their waste water stream, and likely, this may reduce their  
16 overall use of PFAS in their operations.  
17

18 The bill as amended had unanimous bipartisan support for an Ought to Pass recommendation and will appear  
19 on the NH House Consent Calendar. I will keep you updated as it proceeds to the Senate.  
20

21 My deepest gratitude goes to Ms. Sarita Croce for her excellent contributions to the crafting of this bill and  
22 for testifying before the House committee. We are extremely fortunate to have her serving the Town of  
23 Merrimack.  
24

25 Rosemarie Rung  
26 NH State Representative  
27 Merrimack (Hillsborough 21)  
28 603.424.6664  
29

### 30 **Town Manager's Report**

31 Due to the time the Town Manager decided to forgo reading his report.  
32

### 33 **Consent Agenda**

34 None.  
35

### 36 **Old Business**

37 None.  
38

### 39 **New Business**

#### 40 41 **2. Fire Station Capital Reserve Fund Withdrawal Request**

42 *Submitted by Fire Chief Mark DiFronzo*

43 The Town Council to consider the Fire and Rescue Department's request to withdrawal \$30,000 from  
44 the Fire Station Capital Reserve Fund for the purpose of hiring a consulting firm to review and  
45 provide recommendations as it relates to a Fire Station Location Study.  
46

47 Fire Chief DiFronzo was present with a PowerPoint to discuss the request to withdraw from the Fire Station  
48 CRF in regard to a Fire Station Location Study. He then presented a brief history of the fire stations as well  
49 as the following highlights:

- 50 • The current Central station was built in 1959, expanded in 1975 and 1998

- Station 2, South Merrimack Station, was originally on old Rte. 101A, which is now Craftsman Ln. It was built in 1972 and expanded in 1987
- Reeds Ferry was built in 1972
- In 2000, the town purchased land for a possible 4<sup>th</sup> station, but this has not come to fruition
- The study is performed by professionals with experience in all aspects of government: fire service, community development, finance, and city administration
- The objective is to define the current level of service being provided, and identify geographic areas not receiving the desired level of service
- Additionally, some other goals of this project are to project the impact of future development and growth and identify deployment alternative for facilities, personnel, and apparatus
- Current and desired performance will be based against national standards such as ISO, NFPA, 1710/1720, and others
- Analysis must be conducted that extensively utilizes a community's GIS data, which will include computer-aided dispatch info, fire department incident records, and community centerlines and layout

After the presentation, Councilor Hunter asked if this study is including a safety complex and if it would take Police into account, or if this is strictly related to Fire, in which Mr. Micali stated that this assessment is looking at multiple factors, and this does ultimately include where to place a safety complex. Councilor Harrington asked if this study would consider alternatives, in which Mr. Micali stated the study will determine the best places to put a station in the town, and the Council then decides where the station will go. Vice Chair Rothhaus stated he is wondering what is available for properties and how tight the budget is, and he thinks Bishop Field might be the best option for a station. Chairman Koenig asked if this study takes mutual aid or surrounding communities into account when they do this review, in which Chief DiFronzo stated that mutual aid is taken into account, but the study will determine what the town can do on their own for the first several minutes. Councilor Murphy asked to clarify if Chief DiFronzo wants the National Regional Planning Commission selected for the study, in which he stated that they did not have many records of the town and he wants a fully functioning outside agency to conduct this study.

**MOTION made by Councilor Healey and seconded by Councilor Harrington to approve the Fire and Rescue Department's request to withdrawal \$30,000 from the Fire Station Capital Reserve Fund for the purpose of hiring a consulting firm to review and provide recommendations as it relates to a Fire Station Location Study.**

**MOTION CARRIES 7-0-0**

**3. Review of the 2022-2023 Default Budget**

*Submitted by Town Manager Paul T. Micali*

The Town Council will review the 2022-2023 Default Budget.

Mr. Micali presented the Default Budget calculation, stating that this is listed in the warrant and is listed in the budget article. He then shared that this is calculated by taking last year's approved budget, which was voted on \$34,539,495, and this gets adjusted depending on agreements or contractual benefits voted on that increase the operating from last year, plus subtraction of debt service, which in this case is the removal of the previous wastewater bond that dropped off. This default budget compares 2021-2022 for what it should be in 2022-2023. The total default budget for 2022-2023 would be \$34,355,572. Mr. Micali then estimates what the tax rate would be from this number. Mr. Micali also shared that there are estimated revenues and overlay invest credits, which comes to a net property tax of \$17,730,618, which then gets divided by the property valuation, bringing the tax rate to \$3.52.

1 **MOTION** made by Vice Chair Rothhaus and seconded by Councilor Hunter to move the default  
2 budget of \$34,355,572 to the Warrant.

3 **MOTION CARRIES 7-0-0**

4  
5 **4. Review of the 2022 Town Warrant**

6 *Submitted by Town Manager Paul T. Micali*

7 The Town Council to review and make recommendations on each article of the 2022 Town Warrant.

- 8  
9
  - Article 2: Wastewater Treatment Bond for \$10,102,750

10  
11 **MOTION** made by Councilor Woods and seconded by Councilor Harrington to recommend Article 2  
12 as written.

13 **MOTION CARRIES 7-0-0**

14  
15 **MOTION** made by Vice Chair Rothhaus and seconded by Councilor Hunter to move Article 2 to the  
16 Deliberative Session.

17 **MOTION CARRIES 7-0-0**

- 18  
19
  - Article 4: Operating budget of \$36,218,840, with the Default Budget of \$34,355,572

20  
21 **MOTION** made by Councilor Healey and seconded by Councilor Murphy to recommend Article 4 as  
22 written.

23 **MOTION CARRIES 7-0-0**

24  
25 **MOTION** made by Vice Chair Rothhaus and seconded by Councilor Murphy to move Article 4 to the  
26 Deliberative Session.

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

- 28  
29
  - Article 5: Raise an appropriate sum of \$1,947,250 to be added to the CRF expendable trust funds  
30 previously established as listed

31  
32 **MOTION** made by Councilor Harrington and seconded by Vice Chair Rothhaus to recommend  
33 Article 5 as written.

34 **MOTION CARRIES 7-0-0**

35  
36 **MOTION** made by Councilor Hunter and seconded by Councilor Healey to move Article 5 to the  
37 Deliberative Session.

38 **MOTION CARRIES 7-0-0**

- 39  
40
  - Article 6: Raise an appropriate sum of \$500,000 to add to the sewer infrastructure CRF

41  
42 **MOTION** made by Councilor Hunter and seconded by Councilor Murphy to recommend Article 6 as  
43 written.

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

45  
46 **MOTION** made by Councilor Healey and seconded by Councilor Harrington to move Article 6 to the  
47 Deliberative Session.

48 **MOTION CARRIES 7-0-0**

- 1 • Article 7: The Town to vote on the collective bargaining agreement with Local 633

2  
3 **MOTION made by Councilor Healey and seconded by Councilor Woods to recommend Article 7 as**  
4 **written.**

5 **MOTION CARRIES 7-0-0**

6  
7 **MOTION made by Councilor Woods and seconded by Vice Chair Rothhaus to move Article 7 to the**  
8 **Deliberative Session.**

9 **MOTION CARRIES 7-0-0**

- 10  
11 • Article 8: Charter Amendment to reflect that the board may recommend to the Town Council, and the  
12 Town Council may appoint up to two Alternate Members for a one-year term.

13  
14 **MOTION made by Councilor Harrington and seconded by Councilor Hunter to move Article 8 to the**  
15 **Deliberative Session.**

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

17  
18 **Minutes**

19 Approve the minutes from the following Town Council meetings:

- 20 ♦ January 19, 2022  
21 ♦ January 26, 2022  
22 ♦ January 27, 2022

23  
24 **MOTION made by Councilor Harrington and seconded by Councilor Healey to table the minutes for**  
25 **the next meeting.**

26 **MOTION CARRIES 6-1-0 with Chairman Koenig in Opposition**

27  
28 **Comments from the Press**

29 None.

30  
31 **Comments from the Public**

32 None.

33  
34 **Comments from the Council**

35 Councilor Healey shared that there is a student at Merrimack High School, Alexis Poisson, who has been  
36 named as the finalist for the Military Child of the Year awards program sponsored by Operation Homefront.  
37 She is representing the Air Force and is the only finalist from NH. Her nomination letters describe her  
38 participation in projects to highlight the effect learning disabilities have on children, and how remediation  
39 programs can help children overcome these disabilities. At Merrimack High, she is a member of the Art  
40 Honors society and also participates in Tae Kwon Do, Operation Flags for Veterans, Battalion Buddies, and  
41 Dyslexia Awareness. Councilor Healey wanted to congratulate her on being one of the five finalists in this  
42 national competition and for representing NH and Merrimack.

43  
44 Councilor Murphy wanted to remind the public and Council that tomorrow morning at 9:00 am there is a  
45 HB737 PFAS commission virtual meeting. The public is welcome to attend, and anybody interested can  
46 email [Amy.E.Rousseau@DES.nh.gov](mailto:Amy.E.Rousseau@DES.nh.gov) or call her at (603) 848-1372 to join. Email will be monitored  
47 throughout the meeting and can be used for public comment. Additionally, they will be discussing the recent  
48 ATSDR and DHHS meetings that were held, as well as review a draft letter about expanding the Saint  
49 Gobain consent decree area.

1 Vice Chair Rothhaus stated he watched the Zoning Board meeting that talked about dealing with property on  
2 Twin Bridge Road and he believes they created a wholesale zoning change as a five-member board, but it  
3 wasn't a variance. Instead, they allowed an additional 20 units to be approved for construction. He would  
4 like to be educated on what the Zoning Board's proper role is as they allowed this to happen.

5  
6 **Adjourn**

7  
8 **MOTION made by Councilor Hunter and seconded by Councilor Healey to adjourn the meeting.**  
9 **MOTION CARRIES 7-0-0**

10  
11 The meeting adjourned at 11:00 pm.  
12

DRAFT





# TOWN OF MERRIMACK, NH

6 BABOOSIC LAKE ROAD • MERRIMACK, NH 03054 • WWW.MERRIMACKNH.GOV

February 11, 2021

Edward Gordon (Committee Chair)  
PO Box 112  
Bristol, NH 03222-0112  
Ned.Gordon@leg.state.nh.us

Mark McLean (Vice Chair)  
43 Forest hill way  
Manchester, NH 03109-5145  
mark.mclean@leg.state.us

**Re: HB 478 Comment Letter**

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

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

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

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

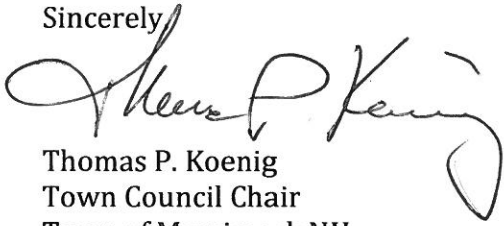
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Assessing P: 603-424-5136 F: 603-424-0461	Community Development P: 603-424-3531 F: 603-424-1408	Finance P: 603-424-7075 F: 603-424-0516	Human Resources P: 603-424-2331 F: 603-424-0461	Media Services P: 603-423-8561 F: 603-424-0461
Public Assistance P: 603-423-8535 F: 603-424-0516	Public Works Administration P: 603-424-5137 F: 603-424-1408	Town Council P: 603-424-2331 F: 603-424-0461	Town Manager P: 603-424-2331 F: 603-424-0461	

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

Sincerely

A handwritten signature in cursive script, appearing to read "Thomas P. Koenig". The signature is written in black ink and is positioned above the printed name.

Thomas P. Koenig  
Town Council Chair  
Town of Merrimack NH

CC: Maureen Mooney(maureen.mooney@leg.state.nh.us)  
Jeanine M. Notter (jeanine.notter@leg.state.nh.us)  
Robert Healey (rvhealey@aol.com)  
Rosemarie Rung (rosemarie.rung@leg.state.nh.us)  
Mary Mayville (mary.maybille@leg.state.nh.us)  
Lindsay Tausch (lindayeliza@gmail.com)  
Gary Daniels(gary.daniels@leg.state.nh.us)