

Town Council Special Session Minutes

Wednesday, March 13, 2024



Met immediately following the Deliberative Session in the All-Purpose Room of the James Mastricola Upper Elementary School

Chairman Finlay Rothhaus called the meeting to order at 8:55 PM.

Present at tonight's meeting were Vice Chair Nancy Harrington, Councilor Nancy Murphy, Councilor Andy Hunter, Councilor Tom Koenig, Councilor Mackenzie Murphy and Councilor Barbara Healey.

Chairman Rothhaus called for a vote for recommendation by the Council on the following Articles:

Article 1 is to elect Town officers for the ensuing year and, therefore, no recommendation from the Council is required.

Article 2

MOTION was made by Vice Chair Harrington and seconded by Councilor Healey to recommend Article 2 - Shall the Town of Merrimack approve the charter amendment reprinted below?

PROPOSED AMENDMENT to Charter Article VI, Section 6-1 (B): Conservation Commission. There shall be a Conservation Commission consisting of seven members. Six of these members shall be appointed by the Town Council for terms of three years, such terms to be staggered. One Town Council member shall be appointed annually to serve as an ex officio member [and one student representative would be recommended by the School Board and appointed by the Town Council, this individual is not a voting member, nor a member for quorum purposes.] There shall also be three alternate members appointed in the same manner as regular appointed members, except no more than one alternate appointed member's term shall expire in a single year. The Town Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by New Hampshire state law Effective April 1, 2024.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0 -0.

Article 3

MOTION was made by Vice Chair Harrington and seconded by Councilor Koenig to recommend Article 3 – To see if the Town will vote to raise and appropriate the sum of Two Hundred Sixty Six Thousand Three Hundred Thirty Eight Dollars (\$266,338)(gross budget) for the purpose of developing final design plans for the stormwater and infrastructure project for the Baboosic Lake (Pine Knoll Shores) Drainage Study, addressing roadway improvements, stormwater conveyance, treatment needs, and to include solutions that promote energy efficiency, water quality and flood resiliency in accordance with the 2017 or newer NH Small MS4 General Permit ("the Project"); and to authorize the issuance of not more than \$266,338 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33, as amended), and to authorize the Town Council to issue and negotiate such bonds or notes and to determine the rate of interest and other terms thereof; and further to authorize the Town Council to apply for, accept, and expend any federal, state, or private funds that may become available to be applied to the Project to reduce the amount that must be bonded or borrowed or to pay debt service on such bonds or notes; and further to authorize the Town Council to apply for, accept, and expend any funds or loan forgiveness through the Clean Water State Revolving Fund (CWSRF).

This Article is contingent upon approval of the loan application and the CWSRF program being able to provide 100% of the funding for the Project. It is anticipated that the Town will receive up to \$93,268 in loan forgiveness from the CWSRF program. (Recommended by the Town Council 7-0-0) (3/5 ballot vote required)

MOTION CARRIES 7-0-0.

Article 4

MOTION was made by Councilor M. Murphy and seconded by Councilor N. Murphy to recommend Article 4 – Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$39,778,556? Should this article be defeated, the default budget shall be \$38,484,241, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the Town Council may hold one (1) special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 5

MOTION was made by Councilor Healey and seconded by Councilor M. Murphy to recommend Article 5 – To see if the town will vote to raise and appropriate the sum of \$2,250,000 to be added to the following Capital Reserve/Expendable Trust Funds previously established for the purposes for which they were created and to apportion the sum among the several funds. These appropriations are not included in the total town operating budget warrant article 2.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 6

MOTION was made by Councilor Healey and seconded by Vice Chair Harrington to recommend Article 6 - To see if the town will vote to raise and appropriate the sum of \$550,000 to be added to the Sewer Infrastructure Capital Reserve Fund previously established with said amount to come from sewer fees and no amount to come from taxation.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 7

MOTION was made by Councilor M. Murphy and seconded by Councilor N. Murphy to recommend Article 7 - Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and the New England Police Benevolent Association (NEPBA), Local 12, which calls for the following increases in salaries and benefits at the current staffing levels and further to raise and appropriate the sum of \$293,873 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers the Police Officer, Sergeants and Detectives in the Police Department. Should this article fail to pass, the cost items approved by the 2020 Town Meeting for the New England Police Benevolent Association (NEPBA) Local 12 collective bargaining agreement for the term ending June 20, 2025 shall remain in place for fiscal year 2024-2025.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 8

MOTION was made by Councilor Healey and seconded by Councilor M. Murphy to recommend Article 8 - Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and New England Police Benevolent Association, Local 112, which calls for the following increases in salaries and benefits at the current staffing levels and further to raise and appropriate the sum of \$59,943 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? This collective bargaining agreement covers Dispatchers and Office Staff of the Police.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 9

MOTION was made by Councilor Koenig and seconded by Councilor Hunter to recommend Article 9 - Shall the Town of Merrimack vote to approve the cost items included in a collective bargaining agreement reached between the Merrimack Town Council and Teamsters, Local 633, which calls for the following increases in salaries and benefits at the current staffing levels and further to raise and appropriate the sum of \$84,762 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? \$44,556 towards the first year's payment to come from sewer fees from the Waste Water Enterprise Fund. This collective bargaining agreement covers supervisory and clerical employees of the Highway, Solid Waste Disposal, Wastewater Treatment, and Equipment Maintenance Divisions of the Public Works Department.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 10

MOTION was made by Councilor Koenig and seconded by Councilor Hunter to recommend Article 10 - To see if the Town will vote to adopt the Town of Merrimack Community Choice Aggregation Plan, prepared by the Merrimack Electric Aggregation Committee/Community Choice Aggregation Committee (CCAC), and to further authorize the Town Council to develop and implement Merrimack Community Power, and to take all action in furtherance of the Town of Merrimack Community Choice Aggregation Plan, pursuant to RSA 53-E.

(Recommended by the Town Council 7-0-0) (Majority vote required.)

MOTION CARRIES 7-0-0.

Article 11

MOTION was made by Vice Chair Harrington and seconded by Councilor N. Murphy to recommend Article 11 - Shall the Town raise and appropriate the sum of \$1,000,000 for the purpose of development of town owned land on Pearson Rd into a multiple use athletic field, for the use of Soccer, Football, Lacrosse, Baseball, Softball etc.? Reference: Tax Map 7C Lot 40-2

(by petition) (Recommended by the Town Council remains the same 2-5-0) (Majority vote required).

Article 12

Article 12 is a non-monetary item, therefore, a recommendation from the Town Council is not required.

MOTION was made by Vice Chair Harrington and seconded by Councilor N. Murphy to adjourn the special session. **MOTION CARRIES 7-0-0.**

The session adjourned at 9:00 PM

Respectfully submitted by Becky Thompson

DRAFT