



Town Council Meeting Minutes

Thursday September 8, 2016, at 7:00 PM, in the Matthew Thornton Room



Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Finlay Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Mahon, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Flood was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

The Town of Merrimack will be holding a commemorative candlelight ceremony to recognize the 15th anniversary of 9/11. The ceremony will be held at the Abbie Griffin Park on Sunday, September 11th at 7:00 p.m. The entire community is invited. This ceremony will be taped by Merrimack TV staff for repeat broadcast on the community channel.

Merrimack Rocks, an event to celebrate Merrimack and its citizens, will be held on Saturday, September 24th from 4:00 - 8:00 p.m. at Watson Park. Sponsors continue to be sought.

Residents should have received a voter mailer, which provides instruction on how to identify polling locations. Voters were cautioned not to assume their polling location has not changed.

Merrimack TV can now be viewed online by visiting Merrimacktv.com and clicking on Watch LIVE! Some browsers may require users to click “play” more than once. If experiencing difficulties ensure the operating system and browsers are up to date. If a meeting is cablecast live, viewers can also watch it online in real time.

Chairman Harrington spoke of the steel debris found in the river in the area of Watson Park, which has since been removed. She read, into the record, the following letter addressed to Thomas Cook from Kyle Fox, Director, Public Works Department (PWD):

“I wanted to extend my deep appreciation and sincere gratitude to you for your efforts in assisting Town staff in the removal of the steel debris from the Souhegan River near Watson Park on August 29th and 30th. The removal of the material allows for a safe swimming area for residents of Merrimack and surrounding towns. Your scuba diving skills enabled the Town to perform removal operations of the steel in a safe and efficient manner. The fact that you volunteered your time for the cause is a great example of what makes the Town of Merrimack so great. Thanks again for your time and assistance.”

Regular meetings of the Town Council will be conducted on Thursday September 22nd, October 13th, and October 27th at 7:00 p.m. in the Matthew Thornton Room.

As part of the Merrimack Fire Department’s observance of Fire Prevention Week, the annual Open House will be held on Wednesday, October 5th from 4:00 - 8:00 p.m. at the Merrimack Central Fire Station located at 432 Daniel Webster Highway. The Open House is the department’s way of showing

Approved: September 22, 2016

Posted: September 26, 2016

the citizens who they are and what they do, as well as demonstrating emergency capabilities, equipment, apparatus, stations, and personnel.

The Transfer Station extended hours end tonight. Transfer Station hours going forward are the normal Tuesday through Saturday, 8:00 a.m. - 4:00 p.m.

National Child Car Seat Check on Saturday, September 24th 9:00 a.m. - Noon at the Police Station.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington noted the matter would be discussed as part of the first item under New Business.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Full-time Years of Service of Town Employees

Submitted by Human Resources Coordinator Sharon Marunicz

The Town Council will present a recognition awards to the following individuals:

- Police; Dennis Foley (30-year clock)
- Fire; Jason Marsella (20-year plaque)
- Public Works/Wastewater; Gary MacGrath (20-year plaque)
- Highway; Jeff Strong (30-year clock)

Police Chief Mark Doyle stated Sergeant Foley started with the department in '86 after moving from MA to NH to join the department. Prior to his time in Merrimack, he was a part-time officer in the Hampton Police Department. He received his Associates Degree in Liberal Studies from Middlesex Community College, was promoted to Detective in '07, worked closely with a number of agencies, including the courts' juvenile services and the schools while the juvenile officer prosecuting cases in the District Court, and worked with several State youth service organizations for troubled youth.

In January of 2009 he was promoted to Sergeant, and currently works as an Assistant Squad Commander. He has also worked as a member of the Attorney General's Drug Task Force for several years working closely with members of the Drug Enforcement Administration, the FBI, HIDTA, State Police, and other municipal and city agencies to combat the drug problem in the State. He has also worked as a Field Training Officer, a Bicycle Patrol Officer, ATV Officer, and is currently responsible for maintaining much of the department's equipment including AEDs as well as radar units.

Sergeant Foley also served in several leadership capacities as a Union Officer in both the IBPO and the NEPBA. He is one of the department's representatives, throughout the country, when it comes time to attend those unfortunate circumstances where fellow officers are killed and struck down in the line of duty.

Sergeant Foley has been intimately involved in the department and the community. He volunteers regularly for Special Olympics and helps coordinate the union annual food basket delivery program.

Approved: September 22, 2016

Posted: September 26, 2016

Chief Doyle shared personal stories of the strength Sergeant Foley has provided the department in times of need, how he cares for his Wife and children and the members of his department family, and his commitment to the community.

Chairman Harrington noted Jason Marsella, Gary MacGrath, and Jeff Strong were unable to be in attendance, and spoke of the recognition awards that will be presented to each of them.

On behalf of the citizenry of Merrimack, Chairman Harrington thanked those recognized for their dedication and service to the community.

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

The PWD is pleased to announce the hiring of Greg Blecharczyk as the Roads and Bridges Foreman.

The Wastewater Treatment Facility is on record pace for compost sales this year. They have marketed over 12,000 cubic yards, and the busy fall season is still to come.

Consent Agenda - None

Old Business

There being no objection, the Council went out of the regular order of business to take up Item #2 under Old Business.

2. Dog Park Update

Submitted by Parks and Recreation Director Matt Casparius and Public Works Director Kyle Fox The Town Council to be presented with an update on the proposed dog park at Wasserman Park as well as consider the acceptance and expenditure of a donation in the amount of \$3,830.15, which is the difference from what was approved by the Council at their September 10, 2015, meeting and to consider the use and expenditure of the timber proceeds in the amount of \$14,727.12, pursuant to RSA 31:95-b and Charter Article 8-15.

Matt Casparius, Director, Parks and Recreation, spoke of the bidding process undertaken last spring, which resulted in higher than anticipated prices. Working with the Dog Park Committee and Director Fox, adjustments to the design were made, and the project put back out to bid. The result was an anticipated price closer to what was expected.

Town Manager Cabanel stated the adjustments were reducing the height of the fencing from 6' to 5' and a change in the type of groundcover.

Director Casparius stated the overall size and configuration of the park will remain the same and will feature both a large dog area and a small dog area, there will be erosion controls and a drainage system

Approved: September 22, 2016

Posted: September 26, 2016

to prevent anything from reaching the lake. The ground cover initially considered was stump grindings, which proved to be very costly. Instead, the top layer will be removed leaving the area with a soil surface. If the committee wishes to proceed with stump grindings in the future that can be considered.

Director Casparius noted, if the requested approvals are provided, the Contractor has stated work could begin on the construction of the park with completion anticipated this fall; prior to snowfall. If approved, the necessary paperwork for reimbursement can be submitted to Pet Safe.

When asked, Director Casparius stated fencing around dog parks is generally 5' or 6' in height. There was concern if the fencing were lowered to 4' dogs could jump out, and in doing so could damage the fencing, etc. When asked, he stated the requirement to identify rules of use has been met.

MOTION made by Councilor Mahon and seconded by Councilor Boyd to authorize the acceptance and expenditure of a donation in the amount of Three Thousand Eight Hundred Thirty Dollars and Fifteen Cents (\$3,830.15) for the Merrimack Dog Park pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to authorize the use and expenditure of the timber proceeds in the amount of Fourteen Thousand Seven Hundred Twenty Seven Dollars and Twelve Cents (\$14,727.12) for the Merrimack Dog Park, pursuant to RSA 31:95-b and Charter Article 8-15

ON THE QUESTION

Assistant Town Manager/Finance Director Micali remarked approximately 2 years ago the Council authorized a selective cut at Wasserman Park. One acre \pm of land (dog park) was clear cut, and the timber valued at approx. \$2,800. The remaining 12 \pm acres of land from Naticook Road on the right hand side of the Parks and Recreation Department's office down to Naticook Lake were selectively cut, with timber proceeds in the area of \$11,800.

Councilor Koenig stated his recollection of an effort to put in a Frisbee Park. Director Casparius stated that was planned; however, the group has run into unexpected roadblocks, and has not yet made a great deal of progress.

Councilor Koenig stated his understanding of the request to be that instead of allocating the revenue to Parks and Recreation in general, that the funds be specifically allocated to the dog park. Director Casparius stated that to be correct.

MOTION CARRIED 6-0-0

The Council returned to the regular order of business.

1. Proposed Change to Chapter 183, Vehicles and Traffic [Final Reading]

Submitted by Police Chief Mark E. Doyle

The Town Council to consider the proposed change to Chapter 183 – Vehicles and Traffic, of the Town Code, pursuant to Charter Article V, Section 5-4.

Approved: September 22, 2016

Posted: September 26, 2016

Chief Doyle provided handouts ([copy attached](#)). At the conclusion of the last discussion, questions remained regarding the boundary lines of the resident at the corner of Island Drive and D.W. Drive and the site line issue that was compounded by the bushes that encroach onto D.W. Drive.

The proposed change is an addition to §183-31.Schedule IV: Stop Intersections. The proposal is for the addition of a stop sign at the intersection of Island Drive and D.W. Drive (on Island Drive facing traffic coming from Island Drive onto D.W. Drive traveling westerly). That sign has been in place since the 1st or 2nd week of July.

Provided in the handout was a photo of the line of sight issue, which depicts the view sitting at the current location of the stop on Island Drive looking to the left (southerly) onto D.W. Drive. The photo also depicts the corner of the property that sits on the corner of D.W. Drive and Island Drive. The bushes in that area impinge upon the sight distance.

Dawn Tuomala, Deputy Director, PWD, researched back to 1948, and learned the portion of D.W. Drive that includes the bushes is entirely on Mr. Murray's property. Chief Doyle commented Director Fox has referred to a prescriptive easement, which he assumes indicates that somewhere along the line the Town has been granted some kind of right to use that as a public way of some sort. Those bushes are entirely on Mr. Murray's property, which restricts the Town in its ability to compel him to have them cut back and/or for the Town to remove them.

Councilor Koenig questioned if the prescriptive easement somehow restricts how far out the bushes can go, and stated a desire to understand what that easement allows with regard to controlling the ability to set up a line of sight along that intersection. Chief Doyle stated his belief Mr. Murray is amenable to having the bushes trimmed back to provide for improved sight distance. However, he does not want them removed as they provide a small buffer between his property and the D.W. Highway. The department will follow-up.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer that the Town Council adopt the change to Chapter 183 - Vehicles and Traffic, of the Town Code, pursuant to Charter Article V, Section 5-4. MOTION CARRIED 4-2-0

Councilors Koenig and Mahon voted in opposition.

There being no objection, the Council went out of the regular order of business to take up Item #2 under New Business.

2. Donation Acceptance for the Merrimack Police Department

Submitted by Police Chief Mark E. Doyle

Town Council to consider the acceptance and expenditure of a donation of \$289.42 raised by the campers at Wasserman Day Camp for the Merrimack Police Department's K-9 unit, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Peter Albert stated the campers at the Wasserman Day Camp ran a Penny Drive, and raised \$289.42. They chose to donate that to the department's K-9 unit. The request was for the acceptance and expenditure of the donation.

MOTION made by Councilor Koenig and seconded by Councilor Boyd to approve the acceptance and expenditure of a donation in the amount of Two Hundred Eighty Nine Dollars

Approved: September 22, 2016

Posted: September 26, 2016

and Forty Two Cents (\$289.42) raised by the campers at Wasserman Day Camp for the Merrimack Police Department's K-9 unit, pursuant to RSA 31:95-b and Charter Article 8-15.
MOTION CARRIED 6-0-0

The Council returned to the regular order of business.

New Business

1. Merrimack Water Contamination Petition Discussion

Submitted by James A. Bollengier

Petition to the Town Council for action in relation to public and private water contamination by Saint-Gobain Performance Plastics.

Mr. Bollengier was unable to be in attendance. Mr. Terry Anderson provided the presentation.

Chairman Harrington stated her belief there were five issues the petitioners wished to be addressed: 1) Saint-Gobain fund filtration systems for all Merrimack Village District (MVD) wells and private wells, 2) blood tests for all residents, 3) Saint-Gobain pay for all private filtration systems already installed by residents, 4) the Council seek support from the Governor and New Hampshire Legislators; and 5) hire an attorney to investigate the legitimacy of MVD's legal authority to operate, and if determined to be illegitimate, possible Town Manager assuming control and oversight under the supervision of the Town Council.

Mr. Anderson remarked water is life. It is essential to each individual and to the health of the community. That is the focus of the Merrimack Water Contamination Action Group (Group). He referred to the contamination issue as a crisis commenting it is a recognized problem, but one the Group believes requires an urgent resolution. The Group is looking to the Council to take a leadership role in addressing the issue.

Mr. Anderson stated in February of this year Saint-Gobain notified the New Hampshire Department of Environmental Services (NHDES) that they detected PFOAs at about 30 parts per trillion (ppt) inside their facility. They are served by the MVD water supply. On March 9th, NHDES collected samples from three operational wells (had 6 operational wells at that time; one was under maintenance and two others had construction activity). Wells # 2, 4, and 5 were tested resulting in a low of 17 ppt of PFOAs detected at well #2 and a high of 90 ppt at well #4. Well #5 fell somewhere in between. On May 26th, MVD issued a report entitled MVD PFC Progress Report; Next Steps, essentially making it public that PFC contamination did exist in the water system, and indirectly pointing to Saint-Gobain as the culprit. On June 8th, NHDES ordered MVD to lock out and tag out wells #4 and 5 (essentially taking them offline).

The MVD sent a letter to Saint-Gobain asking them to pay for a preliminary treatment design. On July 1st, Saint-Gobain responded denying responsibility for polluting wells #4 and 5, and in fact blaming it on the long-gone landfill. They cited their own consultants with that. On July 6th, NHDES requested copies of the information provided by Saint-Gobain's consultants as well as follow-up meetings. That is where the trail of communication stopped.

Approved: September 22, 2016

Posted: September 26, 2016

Mr. Anderson commented NHDES has been really good about testing. They have tested hundreds of wells. Most of the private wells have been tested; particularly those in the area of Saint-Gobain, many of which have tested above 400 ppt with some as high as 2,500 ppt. The EPA has set a guideline at 70 ppt or below.

The NHDES and Health & Human Services set a perimeter of 1.5 miles to provide bottled water, testing of wells, and blood tests for those residing within that perimeter.

Mr. Anderson noted wells #2, 3, 7, and 8 remain active. Wells #1 and 6 have been offline for some time for other reasons. In performing his own analysis, Mr. Anderson reviewed the results of recent reports (testing has been done about 3 times/month), took an average across wells #2, 3, 7, and 8, and came up with a number of what the average PFC contamination in those wells is. Based on those averages as compared to other Town supplies, Merrimack is 817% higher than the Pennichuck source serving Amherst, 439% higher than the Pennichuck source serving Litchfield, 511% higher than the Pennichuck source serving Nashua, 817% higher than the source serving Bedford (Bedford Water Company), and 511% higher than the Manchester Water Works, which serves Manchester and Londonderry.

Mr. Anderson stated PFCs have been linked to many health conditions. Studies are early, but do draw a high correlation between health conditions and exposure to PFCs. What we have seen from NHDES is minimizing those risks. In public forum they seem to tend to say it is not a health issue, and technically it is not.

Saint-Gobain has a facility in Hoosick Falls, NY. That community is about 2 years ahead of Merrimack in addressing this issue. There is a good deal of litigation going on, and those folks have actually been advised, after a long period of time, to not drink the water, bath in the water, brush their teeth with the water or cook with PFOA contaminated water. This week New York Senator Schumer asked that Hoosick Falls be declared a Superfund site, which would mean they would receive Federal funds to help with the cleanup and the Federal Government could go after whoever is the culprit.

Mr. Anderson stated because there are no conclusive tests, the blood tests are not covered by insurance. Residents outside of the 1.5 mile radius would have to absorb the cost of any blood tests. He spoke of Pease having a similar issue noting they have a Pease Community Assistance Panel that is working for the Agency for Toxic Substances and Disease Registration. That panel met this week to create a feasibility study to understand the impacts of health within that population; to really start to get a better handle on exposure to PFOAs.

Mr. Anderson remarked as a Town, we have to be concerned about sociological, economic, and political ramifications of this situation.

With wells #4 and 5 down and the absence of a plan to get those filtered, we may be without that water supply, which is critical to the Town. We are getting by on the ones we have, but at some point more water will be needed. Well #6 has been down since 1989 due to contamination from Merrimack metal industries. Councilor Mahon commented there had been plans to do something with well #6, but the Commissioners felt with the levels being detected it was too great a risk to put it back online. Their caution paid off as a different contaminant was found. Mr. Anderson stated it was VOCs versus PFOAs. Superfund did do the cleanup at that property.

Mr. Anderson commented it is not known if the worst of the contamination has been seen. He is not aware of core samples taken of the ground down to the water levels. Top soil samples have been taken. The Group's position is that the water should be filtered for all wells public and private. He spoke of efforts to put Litchfield on Pennichuck Water, and commented that might be a good suggestion in Merrimack as well.

Due to long-term ingestion of PFCs, the Group looks to ensure residents have access to blood tests. Limiting blood tests to those residing in the 1.5 mile area does not make sense given the water is distributed throughout the Town.

The Group recommends the Council take some action against Saint-Gobain. He would like the Council to appoint a Liaison to the community for this issue. He read through some of the comments that were included with the information provided the Board in the Petition. Mr. Anderson commented, this issue was not known 10, 20 years ago, and it has been in the water system that whole time.

Chairman Harrington read into the record information received from MVD dated September 7th and in response to Saint-Gobain's commitment letter:

"The MVD believes that the Saint-Gobain good faith offer to pay \$65,800 to complete the 30% engineering design for a treatment plant for MVD wells #4 and 5 along with Saint-Gobain's willingness to explore the possibility of providing MVD with an interim Granular Activated Carbon treatment system is a good step in the right direction to avoid any further delays to a permanent solution. However, we also need to reiterate that we believe that the temporary treatment of this well will be insufficient in the long term to adequately address the permanent treatment solution by the MVD to address the impairment of the quality associated with this contamination of the well sites. Please note that MVD does not consider your offer as a final settlement, and anticipates your continued cooperation with plans for a timely resolution."

Chairman Harrington read into the record a letter from Saint-Gobain dated August 18, 2016 and addressed to the Town Manager:

"We plan to connect to the municipal water system a total of 15 homes on Daniel Webster Highway, Back River Road, Bedford Road, Maple Street, and Woodhaven Circle. These homes currently use well water, which has been tested above the 70 ppt for PFOA. Construction began this Monday, August 15th, and is expected to be completed by September 30th."

Chairman Harrington stated the Department of Revenue Administration acknowledges that MVD is the legitimate authority. Therefore, the Town has no ability to question their legitimacy.

Legal counsel was asked if the Town Council has any legal standing to initiate a lawsuit. The opinion provided was:

"The answer is no, the MVD does unless the Town Hall or other Town buildings or Town owned land are using water from contaminated wells, then the Town has standing only on those, but cannot represent citizens."

Approved: September 22, 2016

Posted: September 26, 2016

Chairman Harrington stated the Town has no standing with regard to MVD, which is a separate entity. The Council has worked with MVD in the past, has expressed its opinions, encouraged increased transparency, etc., but has no ability to do more than that.

Mr. Anderson commented transparency is a big issue, and noted meetings of the MVD Board of Commissioners are conducted at 4:00 p.m., which is not conducive to public attendance.

Chairman Harrington stated MVD just approved the construction of a pumping station. They already have a hook-up at Pennichuck, but it would not supply the quantity that might be needed. The concern with regard to a limitation on the amount of water is being addressed in that manner.

Councilor Boyd questioned how the percentage differences between the water sources were derived noting his own quick calculations were much lower than what was stated. Mr. Anderson responded he took the average of the four wells during the month of July, used that as a starting point, and then did a comparison.

Councilor Boyd spoke of calling the State PFOA public inquiry line questioning whether Health & Human Services would consider random blood testing. He was informed they are trying to figure out how to make it work. They agree, in concept, with doing a random sampling to illustrate to ratepayers of MVD what people's blood levels are. They are willing to do a random sampling, but are still trying to figure out the logistical piece.

Councilor Boyd noted MVD testified at the School Board, and basically said if the ratepayers want to establish a lower ppt than 70, present a Warrant Article. If approved it would then be up to the Board of Commissioners to decide whether or not they will lower that ppt rate. He stated his belief it may be that they are considering 70 ppt might not be a good number.

Mr. Anderson stated the Group will be at the next meeting of the Commissioners to make that request. He is concerned MVD will regulate to what the EPA says, and they have established the limit at 70 ppt. He added 400 ppt was the standard set for short-term exposure. He is hopeful the MVD would subscribe to a much lower level. The State of Vermont has set a 20 ppt limit. They are being sued over that, but have drawn that line in the sand.

Councilor Boyd responded until they actually resolve their issues with Saint-Gobain and have the Granular Activated Carbon treatment system in place, they will rely on that 70 ppt as the standard.

Mr. Anderson commented Saint-Gobain is still expelling C6s. Someone decided C6s are better than C8s. They can't detect it in the soil. We know it is there. They just exchanged one for another. That might be something that we are looking at 2 years from now. When talking about filtration, we should be looking at higher standards than what the EPA is saying today because the science is not quite in on the health issues, and the fact there is a new contaminant that is now being distributed throughout the Town is something to be concerned with.

MOTION made by Councilor Harrington and seconded by Councilor Boyd that the Town Council approve a letter to be sent to the NHDES requesting a random sample study of 50 MVD customers to be tested for PFOA levels at no expense to the customers

ON THE QUESTION

Chairman Harrington stated NHDES would have to set the criteria for who would be tested, e.g., those who may have been exposed when wells #4 and 5 were active. She believes it reasonable to conduct a voluntary random sampling. If the results show great diversity that would provide answers as well. There will be other variables that will have to be measured, e.g., previous exposure, etc.

Councilor Dwyer commented the other variables will impact the test results, and he is uncertain what random sampling blood tests would reveal. He does not know the tests would reveal factual information that ties loose ends, and in fact he does not see it ever being tied into it.

Chairman Harrington used the example of 10 samples and the difference between results indicating 2 of the 10 have elevated PFOAs versus results that indicate all 10 have elevated PFOAs. The latter would identify a cluster that would simply indicate the need for further study to identify causation. If that is what was indicated by the results, the issue would fall to NHDES and Health & Human Services to address further.

Councilor Boyd commented Dr. Chan, New Hampshire State Epidemiologist, Department of Health & Human Services, has basically said that the half-life of PFOAs in a person's blood is 7 years depending on chemistry makeup, etc. It is not something that can be treated with antibiotics it is something that has to be worked out of the system. Random sampling would identify whether or not a cluster exists. The testimony provided back in March indicated PFOAs was an emerging contaminate; prior to 2013 they didn't know what they had. Councilor Boyd stated if you are accepting that it was an emerging contaminate in 2013 that means anyone that was drinking MVD water potentially could have been exposed from 2013 moving forward. He suggested encouraging residents that have lived in Town for at least 20-30 years participate in the test.

Councilor Dwyer commented the first thing that struck him from the testimony given in March was that it is in the blood of a polar bear. These contaminants are on the whole planet, and we are looking for the entity that has contaminated the water supply. The second thing that struck him is there are 70 contaminants, but they only test for say 30 of them. Based on the information he has read and gathered, he feels he would have the stronger argument that there isn't anything to fear.

Councilor Dwyer spoke of the statement in the Petition that reads: "We know PFOAs and PFOSs are found at high levels in all Town Wells (public and private)", and questioned the definition of high.

When asked, Mr. Anderson responded he would set his bar at 20. Councilor Dwyer questioned why 20, and if that was because Vermont chose that level, was the research done to identify why Vermont chose 20 as a number. Mr. Anderson responded he did conduct the research, and also listened to what has occurred at Pease. He recommended viewing the presentation that was done at Pease, which identifies the method used to determine what they do with the data, how they collect it, and ensure the data has some integrity. Part of the challenge and why it is listed as an emergent contaminate is that studies have been inconsistent. There is a high correlation, and Hoosick Falls is a good example. He stated this actually emerged out of DuPont finding high levels in their employees and reacting to it. They reacted to their employees to ensure they were taking care of them. They didn't consider contamination they were contributing to the local community until residents stated if it is

contaminating employees it is contaminating us. There is science on this. It is an emerging contaminate but what we don't know today doesn't mean it doesn't exist.

Councilor Dwyer responded he was not suggesting it doesn't exist he was questioning what the emergency is of what is being found in the data. He reiterated the Petition states the levels are high, and he would like to understand their definition of high. Mr. Anderson responded let's look at our surrounding communities and compare the differences there. He suggested people keep an eye on what is happening in Hoosick Falls and Pease; in less than a week the issue has been accelerated to Senator Schumer and through the Congress which is looking to the Governor of New York to explain what has occurred. He stated the Merrimack Water Contamination Action Group is not going away, and will address MVD.

Mr. Anderson remarked if Councilor Dwyer does not believe it to be an emergency, he appreciates his opinion, but does not share it. Councilor Dwyer stated that is all it is; his own personal opinion. He asked Mr. Anderson at what number he would feel comfortable drinking the water. Mr. Anderson responded zero. Councilor Dwyer stated zero cannot be accomplished if a polar bear has it in his blood. He wants to reach a system that is reasonable. Wells at MVD have been testing at 12, 17, and 30 ppt. He would like to understand what the community would identify as an acceptable number.

Mr. Anderson responded PFOAs in the water serve no purpose except to get in your body and stay in your body for 7 years. They serve a purpose for manufacturing products, but they serve no purpose in the water and should not be there. The fact is it can be filtered out to non-detect levels. Chairman Harrington stated the test that was previously used to measure PFOA only evaluated to 20 ppt, anything below that was considered non-detect. Now they use the modified, which goes down to 5 ppt.

Mr. Anderson stated we have the technology to filter it out. Saint-Gobain is contributing to this pollution, and should be asked to pay for it and not put the burden on the taxpayers of Merrimack. Councilor Dwyer noted the Town has asked, and they have cooperated in putting in a filtration system. That has been done. Councilor Dwyer commented if the desire is for the Council to push for some type of action then a number is really necessary. Mr. Anderson stated it is definitely possible to get to a lot lower rate than we are at. There are other groups that are pushing New Hampshire to set the levels lower. Those discussions are ongoing. Whatever that outcome is we will have to live with, but he believes the Town could accept a lower rate and push MVD to push it down to a lower rate.

Councilor Dwyer stated all MVD wells are much lower than 70 ppt to which Mr. Anderson replied recent data varies. Councilor Dwyer noted it always will. Councilor Boyd spoke of the consortium conducted several months ago during which a water analyst for Pennichuck spoke regarding the variation of the numbers indicating it could be 50 ppt one day and 70 ppt the next. If the levels are in the teens over a period of 3-6 months, he believes we are doing pretty well. If the numbers were jumping from 10 to 100 to 50 to 200 back down to 5 then there is something going on that should raise a red flag. The NHDES is responsible for enforcing 70 ppt. If we asked MVD to impose a limit and they agree, who will enforce that limit? Mr. Anderson responded he would expect, if MVD accepted that limit, they would enforce it themselves.

Chairman Harrington suggested the need for caution when using Hoosick Falls as an example as their water supply was between 250 and 600 ppt. Mr. Anderson stated there have been wells in Merrimack

Approved: September 22, 2016

Posted: September 26, 2016

that have tested higher than that. Chairman Harrington stated it is the municipal water supply in Hoosick Falls that was between 250 and 600 ppt. That cannot be compared to MVD's water supply that is under 20 ppt. She reiterated, in her opinion, Hoosick Falls cannot be used as a legitimate argument because those high levels of a municipal water supply probably has a direct correlation to those high blood tests they are receiving. We don't know what the levels were when wells #4 and 5 were active, but we can't say it is comparable to Hoosick Falls.

Mr. Anderson suggested another request should be for persistent monitoring. Chairman Harrington stated her opinion NHDES has been good about monitoring, and will continue to do so.

Councilor Boyd stated agreement noting two winters ago this community was slammed with a lot of snow resulting in runoff during a time when there weren't the type of water restrictions that exist today because of drought like conditions. The numbers right now are not what concerns him, he wants to look at the numbers in March and April to see what happens when the aquifers recharge to full capacity, and then start monitoring the wells to see what our baseline is for our numbers. It is at 10 ppt right now.

Vice Chairman Rothhaus remarked he understands and agrees with the remarks made by Councilor Dwyer with regard to the testing. You have to have controls, etc. He asked that the motion be repeated. Chairman Harrington stated the motion to be for the Council to approve a letter to be sent to NHDES requesting that a random sample study of 50 MVD customers be tested for PFOA levels at no expense to the customers. She added, what they do with the results, how they do it, what criteria is used, is up to NHDES.

Councilor Dwyer stated that to be the most important part of the equation. Chairman Harrington stated and Vice Chairman Rothhaus agreed the decision on how to perform the tests and compare the results is that of NHDES. Councilor Dwyer stated he would support the motion for the sake of argument, but he does not see where the value will come from. Vice Chairman Rothhaus remarked Councilor Boyd had heard from one gentleman that they appear to be having difficulty in coming up with the manner in which to do that.

Councilor Boyd stated he supports the motion. The community is asking the Council to lead, and he does not see the harm in asking NHDES to conduct a random sampling of blood tests. If it results in providing the community some level of peace of mind that the impact isn't as great as we once feared, it would be a win/win.

Councilor Koenig suggested the motion be amended to leave the number of tests to be conducted up to the discretion of NHDES.

AMENDED MOTION by Councilor Harrington and seconded by Councilor Boyd for the Town Council to approve a letter to be sent to the NHDES requesting a random sample study of MVD customers be tested for PFOA levels at no expense to the customers

Councilor Boyd moved the question.

MOTION CARRIED 6-0-0

Vice Chairman Rothhaus commented the discouraging thing for him from the informational meeting conducted back in March is that he believes the ball was dropped by NHDES. What he heard that evening was that in 2005 they took a model from Saint-Gobain of what they were going to be emitting into the air and they did not follow up with testing at all. That bothers him, as he does believe Saint-Gobain is a great corporate neighbor, he likes them in his Town, and is disappointed with this, but they were doing what they were told they could do. He has to believe the emissions were at acceptable levels because NHDES should have been doing their job. Right now they are in a predicament, we're in a predicament, and it is an unfortunate situation all around. That regulatory authority that answers to nobody, unaccounted/unelected bureaucrats, failed at their job. He is hopeful this will be resolved in a good and proper way.

Councilor Dwyer added Saint-Gobain is not the bad guy. "You have to remember, they at no time, did anything illegal or used materials that were illegal or banned." This is a good corporate neighbor who has been following the rules all along. Unintended consequences, yes, and we will be living it for a decade to come. He would not want people to have an unjustified bad impression of what Saint-Gobain has done; they are doing manufacturing work with known chemicals. The point was made they banned one chemical so the government approved the next one again falling under the heading of emerging contaminants.

Mr. Anderson acknowledged nothing illegal has occurred. He believes history will show, based on DuPont, the knowledge that they had going back decades on the potential here; that is not currently part of what we can even see.

Councilor Koenig remarked he agrees completely; we don't know what the future holds, if we look into the past at asbestos, MBTE, etc., there have been all kinds of things that have shown up as problems. We have dealt with them when we understood them, and we will deal with this as we understand it.

Councilor Koenig urged Mr. Anderson to tone down the inflammatory statements such as "Merrimack's water is loaded with PFCs." Merrimack's levels don't come in anywhere near loaded in comparison to Hoosick Falls or the neighbor next to Saint-Gobain that had 2,500 ppt. He cautioned it is statements like that that newspapers will pick up on, and that will have economic impact, etc.

Mr. Anderson stated his appreciation for the motion by the Council. The Council thanked him for his presentation.

3. LED Street Light Discussion [Tabled at the August 18, 2016, Town Council meeting]

Submitted by Finance Director Paul T. Micali

To update the Town Council on the status of the LED street light transition.

Assistant Town Manager/Finance Director Micali stated he has been replacing the Town's High Pressure Sodium street lights with a more efficient LED street lights since December of 2015. At the June 10, 2016 Town Council Retreat, the Town Council authorized the Finance Department to work with Eversource to begin replacing the High Sodium street lights. On Friday, July 29th, the Town had a mandatory pre-bid meeting with vendors for the LED project. Bids were open on August 15th. Eight bids from six different bidders ranged from \$151,132 to \$260,040. Seven of the bids were within \$30,000 of one another. The winning bidder came in with a bid of \$190,000, which includes a \$15,000

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Posted: September 26, 2016

contingency and \$15,000 for a review of all parking lot lights (possible rebate; lights are currently metered). Replacement should begin sometime in September.

The Town has 633 High Pressure Sodium street lights at a yearly cost of approx. \$100,000. Eversource offers a rebate for switching to LED. Eversource has suggested replacing approx. 140 lights this year (their fiscal year ends November 1st), and the remaining 500 beginning in January. Doing so would allow the Town to realize approx. \$64,000 in rebates from Eversource. LED technology has become increasingly more affordable over the last five years, and has a useful life of 20 years. Anticipated cost savings is \$17,000 - \$23,000/year. The estimated payback period is 7-10 years.

Currently when a High Pressure Sodium street light requires replacement, Eversource replaces it and covers the cost of the bulb and labor. When LED street lights need to be replaced the Town will be required to purchase the light for Eversource to install. As part of the project, the Town will receive a street light layer for the GIS system; lights are currently being mapped with GPS coordinates/pole #.

It was noted the Town is only replacing the ones that it pays for. The Town has two sections of the D.W. Highway; Common Man to Nashua and from Walgreens to Bedford that is owned by and paid for by the State. The State has not yet started the process of changing over their street lights.

Minutes

Approve the minutes from the Town Council meetings of July 21, 2016 and August 18, 2016.

July 21, 2016

The following amendments were offered:

Page 2, Line 18; replace “well #s 4 and 5” with “wells #4 and 5”

Page 2, Line 43; replace “Clarke” with “Clark”

Replace “Freise” with “Frieze” in each instance it appears

Page 3, Line 26; replace “aids” with “aides”

MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept the meeting minutes of the July 21, 2016 Town Council meeting as amended. MOTION CARRIED 4-0-2
Councilors Mahon and Koenig Abstained

August 18, 2016

MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept the meeting minutes of the August 18, 2016 Town Council meeting as presented. MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Approved: September 22, 2016

Posted: September 26, 2016

Councilor Koenig spoke of the Planning Board meeting conducted on September 6th. The old D.R. Power building across from the Flatley Company will be occupied by an automotive sales and service.

Adjourn

MOTION made by Councilor Boyd and seconded by Councilor Koenig to adjourn the meeting.
MOTION CARRIED 6-0-0

The September 8, 2016 meeting of the Town Council was adjourned at 9:10 p.m.

Submitted by Dawn MacMillan