

Approved: May 9, 2019

Posted: May 15, 2019



## **Town Council Meeting Minutes**

Thursday April 25, 2019 at 7:00 PM, in the Matthew Thornton Room

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

### **Pledge of Allegiance**

Vice Chairman Koenig led in the Pledge of Allegiance.

### **Announcements**

Regular meetings of the Town Council will be conducted on Thursday May 9<sup>th</sup> and 23<sup>rd</sup> at 7:00 p.m. in the Matthew Thornton Room.

The DEA National Prescription Drug Take Back Day is Saturday, April 27<sup>th</sup> from 10:00 a.m. - 2:00 p.m. Bring your unused or expired prescription drugs to the police station for disposal. No liquids or needles please. If you cannot make this time, there is a drug box in the lobby where you can dispose of prescription drugs 24/7.

Late night hours at the Transfer Station will begin on Thursday, May 9<sup>th</sup>. The Transfer Station will be open 8:00 a.m. - 7:00 p.m. on Thursdays through September 12<sup>th</sup>.

The Town Clerk's office would like to remind dog owners that dogs must be licensed by April 30<sup>th</sup>. Failure to do so will result in late fees and possible fines.

The Town Clerk/Tax Collector's office is pleased to announce that beginning on Tuesday, May 7<sup>th</sup>; the office will begin offering extended hours. The office will remain open until 7:00 p.m. on the first Tuesday of each month. All regular business with the office can be transacted during this time.

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

Julie Tomchak, (formerly Baxter)

Has lived in the area off and on over the course of the past 19-20 years. She is homeless due in large part to actions within the Merrimack community. She has reached out to resources in the area, and is learning there are few available that can help; particularly given she has three dogs. Her situation is one that has repeated; she has formulated plans, gone to school, and has been unable to gain employment as a result of a problem with the police department under her name. She has been arrested for driving down the street, lost her job, lost the apartment. She has made phone calls on airplanes to her children, on the advice of her attorney, only to be arrested and incur a cost of \$5,000. Every time she turns around it is something, and it is stemming from Merrimack.

She believes the wealthier communities are pushing their problems to the inner cities. There isn't a place to park in Merrimack. If you run out of gas your vehicle is towed and you lose everything you

**Approved: May 9, 2019**

**Posted: May 15, 2019**

own. She requested from the Council a permit to park at a public park overnight. She stated there to be people in the community who are not a threat; elderly people waiting for public housing and on a wait list that are stuck in campgrounds and other places. Merrimack has campsites that they could put a porta-a-potty in, provide transportation to a gym where showers are available, etc.

She requested the Council consider placing the item on a future agenda for discussion.

Dr. Anne Tarry, 20 Trowbridge Drive

Spoke of being disturbed to learn her street is a place of interest relating to the PFAS contamination. She spoke with the New Hampshire Department of Environmental Services (NHDES), and was informed it is because of southeast winds; blow contamination to her street, which is 8 miles away from Saint-Gobain. She requested clarification of research being done into this issue. Online material seems to be funded by Saint-Gobain. She does not feel they will look for the worst-case scenario or even what will happen to the average person.

She spoke of having read there is research being conducted so that if an individual is diagnosed with Cancer the mutation will be able to be examined to identify which chemical caused it.

Councilor Harrington questioned if she was concerned with the water in her home. Dr. Tarry responded she has always used reverse osmosis and purchased water. The concern she has is that it came in the air. She spoke of a house on the hill that collects PFAS (wellhead rates of 90-120). The State is paying to filter their water.

There is the need to have the information, which she believes has been hidden in the past two years.

Julie Tomchak, (formerly Baxter)

Stated her condition began as a thyroid condition. There is a good possibility it was a PFOA contamination that caused her health problems.

**Recognitions, Resignations and Retirements** - None

### **Appointments**

Vice Chairman Koenig spoke of a Proclamation that was presented to the Town Council for the 50<sup>th</sup> Anniversary of Municipal Clerk's Week (May 5<sup>th</sup> through 11<sup>th</sup>). As the Council does not have another meeting prior to that time, he requested the agenda be amended to allow for the introduction of the Proclamation.

***There being no objection, the agenda was amended to allow for the introduction of a Proclamation.***

***Vice Chairman Koenig read the following into the record:***

WHEREAS The Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world, and

**Approved: May 9, 2019**

**Posted: May 15, 2019**

- WHEREAS The Office of the Municipal Clerk is the oldest among public servants, and
- WHEREAS The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and
- WHEREAS Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.
- WHEREAS The Municipal Clerk serves as the information center on functions of local government and community.
- WHEREAS Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their State, provincial, county and international professional organizations.
- WHEREAS It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, we the Merrimack Town Council do recognize the week of May 5<sup>th</sup> through May 11, 2019, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk and staff and to all Municipal Clerks for the vital services that they perform and their exemplary dedication to the communities they represent.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the Proclamation as read. MOTION CARRIED 5-0-0**

*Councilor Boyd was out of the room when the vote was taken.*

### **Reorganization of the Town Council**

*Councilor Boyd returned to the meeting.*

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

Vice Chairman Koenig called for nominations for the position of Chairman of the Merrimack Town Council for the 2019-2020 term.

**Councilor Harrington nominated Councilor Koenig**

Councilor Koenig stated a willingness to accept the nomination.

*No other nominations were offered.*

**Vote on election of Thomas Koenig to the position of Chairman of the Town Council  
5-0-1**

*Councilor Koenig Abstained*

Approved: May 9, 2019

Posted: May 15, 2019

***Thomas Koenig declared Chairman of the Town Council for the 2019-2020 term.***

*Chairman Koenig called for nominations for Vice Chairman of the Merrimack Town Council for the 2019-2020 term.*

**Councilor Woods nominated Councilor Harrington**

**Councilor Albert nominated Councilor Boyd**

Councilor Albert commented on the excellent job Councilor Harrington did as the former Chair of the Council. He spoke of Councilor Boyd, a tenured member, who he would like to see given the opportunity to fill that role.

Councilor Boyd stated he was honored and flattered to accept the nomination.

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

Bill Boyd:	Councilor Healey, Councilor Albert	2
Nancy Harrington:	Councilor Woods, Councilor Koenig	2

**MOTION FAILED**

*Councilors Boyd and Harrington Abstained*

***Chairman Koenig called for nominations for Vice Chairman of the Merrimack Town Council for the 2019-2020 term.***

**Councilor Woods nominated Councilor Harrington**

**Councilor Albert nominated Councilor Boyd**

Councilor Harrington spoke of her comfort level in the nomination of Councilor Boyd.

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

Bill Boyd:	Councilor Boyd, Councilor Albert, Councilor Healey, Councilor Koenig, Councilor Harrington, Councilor Woods	6
------------	--	---

***Bill Boyd declared Vice Chairman of the Merrimack Town Council for the 2019-2020 term.***

**Public Hearing** - None

**Legislative Updates from State Representatives**

Representative Kathryn Stack stated she spoke with Clark Freise, Assistant Commissioner, New Hampshire Department of Environmental Services (NHDES), earlier in the week, and was informed

**Approved: May 9, 2019**

**Posted: May 15, 2019**

the connection to the watermain in the area of Joppa Road, Ridgewood Drive, and Knollwood Drive would of begin May 9<sup>th</sup> with anticipated completion at the end of August.

Representative Stack stated Laurene Allen, asked that she read into the record a communication she sent to Councilor Boyd:

*“Hi Bill, I would like the following request made of the Town Council as discussed last evening: Would the Town Council support and be willing to request a meeting with Governor Sununu to include a representative from Merrimack Village District, myself, as an informed citizen advocate, and a representative from the Town Council for the purpose of a discussion regarding PFAS impacts and the cost to Merrimack residents? I see this as a good opportunity to update the Governor on what has been addressed, what we know will be addressed, and where we need further attention. One of the topics of discussion would be to explore the role of the Attorney General’s Office who may be able to assist in revisiting the inadequate Saint-Gobain agreement with MVD.*

*We would also like to discuss the impacts to private well owners in Merrimack that have been disputed by Saint-Gobain.*

*It is my belief that a conversation would personalize the struggles we are having and assist the Governor in understanding the disproportionate burden our community bears. I would be interested in hearing his thoughts.*

*Another option, if the Town Council feels it would be more beneficial, would be a Town Hall type meeting with Governor Sununu similar to the listening session on PFAS issues our community had with Congressman Pappas last Monday evening.*

*Thank you for your consideration on making this request. I look forward to hearing your thoughts from the Town Council.”*

Representative Stack stated the pile of dirt on the Flatley property that is not to be moved, is moving all over the place. She will be contacting NHDES to make them aware. She has taken photographs. Asked if the dirt is moving offsite or around the site, she stated uncertainty. She knows the pile that was stationary is much smaller and there is dirt all around.

Vice Chairman Boyd acknowledged Representative Nancy Murphy had emailed a similar suggestion relative to a Town Hall type meeting. He questioned the will of the Council relative to placing a discussion/action on the next agenda.

Councilor Harrington stated a preference to wait on the outcome of plans being made for a Town Hall type meeting with Governor Sununu.

Vice Chairman Boyd commented on the Joppa Road, Ridgewood Drive, and the Knollwood Drive area noting there is a reason why that neighborhood never got hooked up to public water. It is his understanding there is ledge in the area. He is hopeful a conversation will take place with NHDES and in consultation with the Town Manager and Public Works Department regarding the Town’s blasting ordinance. Blasting may be necessary on those particular roads.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

He stated concerns with that area being hooked up the Merrimack Village District (MVD). He has mentioned in a prior conversation with Assistant Commissioner Freise, it may behoove NHDES to look at point of source filtration with some kind of monitoring contract in place (date certain) so that the residents in that area can have an assurance of how the filtering system works and how to assume the responsibility when required.

Representative Stack stated the issue of ledge was discussed with Assistant Commissioner Freise. She and her neighbors have no issue with a reverse osmosis. She believes there to be options available; however, it is going on three years, and it needs to be addressed.

Representative Wendy Thomas wished to address a comment made at the previous Council meeting that she made a public comment that was a disservice to the community. She testified at the hearing for SB737, establishing a commission to look at the area towns affected by PFAS. Senators were alarmed by the testimony and saw the need for a commission to study this geographic area. A Senator asked if a veterinarian was included in Bill. It is not specifically for the small animal issue that was raised. She was approached by a Senator following the hearing who indicated a study is needed, but if we wait for 7 years for the report people will die. Clearly the committee saw the need to do something immediately.

Representative Thomas stated she has medical training; one of her degrees is in medical biology, and she has worked as a Clinical Microbiologist. She is good with disease symptomatology and diagnosis. A graduate course in epidemiology taught her to look at trends instead of individual statistics. It also taught her to look at the forest and not the trees.

Each of the Councilors was provided a copy of a chart from the New Hampshire Department of Health & Human Services (DHHS) identifying cancers in the Town from 2005-2014. At the end of each row, it states "not significantly different". She highlighted those that have increased, over what was expected to be seen, based on a general population. Some examples were Esophagus (10%), Colorectal (13%), Uterus (10%), and Prostate (13%). Every single cancer that increased in the Town of Merrimack is definitively associated with PFAS exposure. If you look at a single piece of data it does not appear to be a big deal, but when you see that every single cancer related to PFAS has increased in the Town of Merrimack, it becomes significant.

It is known that PFAS is found in the blood and is a hormone disrupter. The uterus is a blood rich organ dependent on hormones. We also know that PFAS passes the placental barrier. She stated her belief both of those cancers will be definitively associated with PFAS exposure.

What the report does not include is the non-cancer illnesses, e.g., kidney and thyroid disease, immune dysfunction, and tumors. There are 6 points here indicating a trend, and from an epidemiological point of view that is statistically significant. In her neighborhood, there are 3 cases of colon cancer and 1 of bladder cancer. Those are only the ones she knows about. To her that feels statistically significant.

This week she received her recent water testing results from Saint-Gobain. Her well is testing at 42.5 ppt for the combined PFOA and PFOS. That does not include PFAS chemicals in her water that are not included in the count.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

The ATSDR testing protocol report released in February outlines the protocol for studying the blood results of prepubescent children for PFAS impact. No one studies children without there being a good reason. They are talking about taking blood from children. In the United States, that is not something that is taken lightly; there has to be a reason for that to happen.

After speaking of two of her dogs dying from cancer, skin tumors and skin disease, quite a few people in Town have contacted her to say they have also had problems with pets. Tumors and cancers are the two reasons that pop up often. There are two adult cases of Rhabdomyosarcoma in Merrimack. It is a soft tissue tumor disease.

Representative Thomas stated 3 years ago she had a tumor removed from her hand. It was non-cancerous, but they said it was a weird tumor and not one they expected to see in her hand. Two years ago she had a tumor on her face removed. That tumor was cancerous, and again they said it was weird and not one they expected to see on her face. She currently has 7 tumors on her arms. She is waiting for more data points.

Tumor growth is documented with PFAS exposure. We need to take care of our children and small animals by giving them bottled and/or filtered water.

The Merrimack Citizens for Clean Water group is constantly conducting research and providing the most current information. There are 4 very strong women at the State House fighting for our community on a daily basis. Partly due to their efforts, other Representatives are talking about PFAS. Area Representatives are reaching out to be educated on what PFAS is and what they can do to protect their residents. Our Town voted to protect and filter our water. That is huge. Other towns are looking to Merrimack as the flagship town in how to handle this. Merrimack is the flagship town in southern New Hampshire and is leading the way for other towns, but we still have a lot of work to do. We need to protect private water, stop the continued contamination, and hold Saint-Gobain accountable to cover the cost of their contamination, continued biomonitoring, and medical costs.

Representative Thomas spoke of the things she has done for the Town regarding PFAS such as arranging to attend a condo meeting with residents of Webster Green having been shown photos of soot in the corners of walls, received complaints of smell, etc. She has invited Presidential candidates to Merrimack for PFAS community discussions, raised awareness locally and throughout the State, has had Senator Kirsten Gillibrand and Representatives Tulsi Gabbard and Chris Pappas, and received soft confirmation from all campaigns except Candidates President Trump and Governor Weld. John Delaney will be in Town on May 10th. She is working on an educational packet about PFAS. She will attend a 3-day PFAS conference in Boston specifically in the role of writer and instructional designer. She is working with Senator Jeanne Shaheen and the office of Representative Pappas to set up a PFAS summit in Washington, DC with Representatives and Senators on pertinent committees and from impacted states. They will be brainstorming ideas that might be used across the nation. She has asked State Senators to moderate a meeting between principle players and DES and DHHS to see if we can get answers to questions that remain unanswered.

She is setting up a task force of area Representatives who will work together to see what they can do going forward including legislation, education, and whether they can partner with local businesses. She and Representative Stack will be attending the Sustainability Fair in Wilton to answer questions and inform people. She has been involved in panel discussions for the movie "The Devil We Know"

in Brentwood, Merrimack, and Wilton. She is working on discovering how much Saint-Gobain pays in taxes to the Federal Government, which is in direct response to a resident asking if it was worth having Saint-Gobain in Town. She is attending water commission meetings at the State House, as an observer, on the recommendation of her committee Chair. She has testified at Senate Hearings. She has written letters to the Editor about PFAS in our Town. She is working with the New Hampshire Veterinarian Medical Society to see if a survey can be created for area Vets to quantify small animal impact. She is working with Senator Shaheen and Representative Pappas to see if there are any Federal funds available to give low-interest loans or grants to affected private well owners for filtration.

There appears to be a DOD connection to Saint-Gobain; they make the chemical fabric that covers radar domes. There may be a DOD contract in there. If that is true, there may be the ability to access DOD funds.

Representative Thomas indicated she has removed her personal information from the State website due to threats. She provided the Council with a copy of a cartoon that was associated with an article that was a credible threat against Representative Pappas. They constantly receive threats of violence, property damage, and death. The Council was provided with her contact information.

Councilor Harrington stated Representative Thomas' service to the community was never questioned. Her remarks did not negate all she has done for the community. Her passion, commitment and level of involvement is not in question.

Councilor Harrington stated her remarks were the result of being disturbed by the statement documented in a local newspaper that children and pets are dying in Merrimack. Had the statement been phrased such as "I am concerned that children and pets are dying in Merrimack," she would not have had an issue. That is not what she had stated. She stated "Children and pets are dying". She believes that statement scared a lot of people unnecessarily. She believes that statement did a great disservice to Merrimack.

Vice Chairman Boyd echoed the remarks made by Councilor Harrington in regard to the service Representative Thomas has provided the community as well as displeasure with the statement made.

He spoke of the level of participation the Representatives have had at Council meetings, and the tremendous value and service they provide the community. He had a horrible time with the language used in the statement. He has stated his opinion on that, and has moved on because he does not see it as a reflection of what Representative Thomas brings to the table day in and day out. He thanked her for her service.

Representative Nancy Murphy stated HB737 was submitted on behalf of the Town. It would establish a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield. It is vital to getting a handle on this. We want to have accountability, transparency, and really understand what needs to occur; which agencies need to take which actions. She encouraged residents to indicate their support of the bill. The DHHS added an opt-out clause, which she has asked be removed.



**Approved: May 9, 2019**

**Posted: May 15, 2019**

House Bill 736 would reestablish the commission to study environmentally-triggered chronic illness. It passed the House and the Senate on Consent.

Representative Murphy spoke with Congressman Pappas regarding inviting the Governor to come discuss the issue. A date is being worked. The intent is for him to hear what the public has to say.

Senator Jeb Bradley and Representative Thomas Bucu introduced SB254, which would appropriate funds to the DES for the purpose of funding eligible wastewater projects under the State aid grant program. That was heard the other day, and is a bill she supported.

Representative Rosemarie Rung spoke of the public hearing conducted on SB300 (Senator Shannon Chandley sponsored). The bill seeks to eliminate certain ramp tolls on the Everett turnpike in the town of Merrimack. The bill passed unanimously in the Senate and now must go through the House. A hearing was conducted before the Public Works and Highways Committee. Representatives Barry, Murphy, Thomas, and she spoke in favor of the bill. Chris Waszczuk, Deputy Commissioner, NHDOT spoke against the bill. NHDOT feels this is not a time to decrease revenue. That is being challenged based on the fact the primary bond (\$9.8 million) to construct exit 11 will be paid off in March.

There is \$400,000 that was included in a bond from 1994, which was landscaping and some improvement, but she would challenge DOT if they held us to that bond before removing the tolls. The committee is voting on the bill on Tuesday.

Representative Rung spoke of a meeting with the Deputy Commissioner and Director of Turnpikes, John Corcoran, Senator Chandley and Representative Thomas during which she brought up the issue of the Executive Park Drive traffic light. They indicated they would get back to her. Following that, she saw Director Corcoran who indicated they had given a permit of encroachment to the developer of the development that is going in off Executive Park Drive. The developer is going to take over the improvements to that light (remained owned by the State). The developer submitted a plan to DOT, and one of the hardware components of the light was rejected. They notified the developer and are waiting for an updated plan. The expectation is the improvements will occur by the end of the summer.

Also asked of her at the last Council meeting was to look into the plowing issue with the State for a section of roadway. Representative Rung stated her belief they see this as a little bit of a conflict between District 5 and the Turnpike where District 5 has responsibility for 101A and the Turnpike for the end of Continental Drive. They are having an all hands-on deck DOT meeting next week at which the issue would be raised. It was indicated they would be back in touch by the end of next week.

Representative Rung spoke of issues brought up some time ago regarding how capital reserve funds must now be presented to voters (individual warrant articles). She sent a message to DRA regarding that. They have responded. She and Assistant Town Manager/Finance Director Micali will meet to discuss that.

Councilor Albert thanked the Representatives for the level of communication. He spoke of the email he received regarding the widening of the F.E. Everett Turnpike. He recommended all residents look at the barriers and site barriers the State wants to put in place. There are 7 sites in Merrimack that will receive barriers. Councilor Albert spoke of the large number of neighborhoods that will not (Clay

Street, David Road area, etc.). The reasoning he read was that they are proposing the barriers will be berms (15-16' high and anywhere from 900-1,300' long), but the threshold to put the berms in these areas is too small. He remarked the time to be now to start lobbying to get the funding so that two years from now other forms of sight and sound barriers can be put in.

Representative Rung noted there are dozens of projects around the State that are deserving; meet the threshold for noise abatement, but there is no funding. She brought that up to the Deputy Commissioner who indicated the ones in Merrimack are funded through the Turnpike. Clay Street is going to get it. Initially they were denied, but there was an error in the way the decibel measurements were taken. Residents in that area challenged the DOT, and the area was measured again. David Road was challenged as well, but does not have the number of houses; DOT would have to change the formula. She is uncertain if that is by Statute or Rule Making. They would have to double the number of homes to meet the threshold (cost benefit analysis).

Representative Rung spoke of Councilor Albert's prior remarks regarding the need for bail reform. There are a few bills making their way through the House at this time. She indicated the need to conduct additional research, and indicated she would provide the information when understood.

Vice Chairman Boyd remarked there are 3 desirable outcomes when it comes to the light on Executive Park Drive; the State retains ownership and synchronize; the Town is provided ownership and will synchronize, or it is torn down. If they are determined to retain ownership, he questions why they are struggling to not synchronize the signalization. Representative Rung stated she indicated the three preferences in that order, and the response was the synchronization is all in the hands of the developer. The permit gives them authority to do that work. They cannot step in until the permit expires. She spoke with him about safety concerns and the urgency of a resolution. She recommended the authority be taken away. She stated the desire to set up a meeting with the Police Chief to gather data that can be presented. The State uses safety data to justify widening roads. She would like to provide the data for that area.

Vice Chairman Boyd stated his frustration with traffic backing up at 5:00 p.m. all the way back to D.W. Highway causing accidents and backing up traffic coming on and off the turnpike. If the DOT rejects a physical component of the plan they haven't given up ownership of that particular location. Why then are they unable to synchronize the lights?

Representative Rung noted she found documentation where the developer explained what needs to be done, e.g., specific upgrades to the light. She commented on being more assured that the developer could make the improvements than she is of DOT.

Vice Chairman Boyd suggested, if they wish to retain ownership and have the developer address the light, they should be able to address the synchronization as a stop gap measure while the work is being done by the developer. Representative Rung remarked she suggested that, and was informed they cannot do anything about it because they have permitted the encroachment. She suggested it may be worthwhile for the Planning Board to ask the developer for an update on that section.

Chairman Koenig stated he sat on the Planning Board when they voted on that, and does not understand what could be gone after. Representative Rung suggested, if improvements to the light

**Approved: May 9, 2019**

**Posted: May 15, 2019**

were part of the application to the Planning Board, it may be worthwhile for the Chairman of the Planning Board to reach out and request an update. Right now the ball is in their court.

Chairman Koenig stated he would bring the issue up with the Chairman of the Planning Board and the Director of Community Development to see if there is any type of communication that can occur. He believes once the Planning Board signs off on the plan it is no longer a Planning Board issue unless there is a change to the plan. He is aware of extension discussions that took place with the Planning Board regarding what they would do with the peer-to-peer program. Based on information presented by traffic engineers and others, it was much better than any possible synchronization could be. Part of the problem with synchronization, beyond the cost of trying to get it right, is if any piece breaks the whole thing breaks. He believes the developer has a good opportunity there and the State is excited to see what they are going to do. He is surprised they are hung up on a specific component and suspects that will be ironed out.

Councilor Harrington suggested the Council send a letter to the NH DOT responding to the information received regarding the lack of noise abatement for the neighborhoods.

**MOTION made by Councilor Harrington and seconded by Councilor Boyd that a letter be sent from the Council to the NH DOT relative to the lack of noise abatement for those Merrimack neighborhoods that will be affected by the F.E. Everett widening project**

#### **ON THE QUESTION**

Councilor Harrington stated the communication should be in response to the communication already received so that they are aware the Council is following the situation. The letter should indicate appreciation for the planned abatements for those neighborhoods that are identified to receive them.

*Councilors Harrington and Albert will assist with the language for the letter.*

**MOTION CARRIED 6-0-0**

Vice Chairman Boyd requested Representative Rung share with the Council the data she obtains from Police Chief Roy.

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

Town Manager Cabanel noted, as part of the budget, the Council approved funds for a Space Needs Study for the proposed Safety Complex on the Continental Boulevard property. The Town has entered into a contract with Sheerr McCrystal Palson Architecture. On Tuesday, April 30<sup>th</sup>, representatives from Northpoint Engineering will be at the Continental Boulevard property to walk and scout for wetlands as part of the Space Needs Study. The budgeted amount was \$50,000 and the contract amount \$25,000.

On May 7<sup>th</sup> we will have a kickoff meeting with the Town's Consultant, Sheerr McCrystal Palson Architecture, along with both Police and Fire to begin to determine the space needed for the Safety Complex.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Town Manager Cabanel spoke of having visited Station 3 (North Station) to look at the condition of the building. All apparatus, trailers, etc. were moved from the building. It appears to be a foundation with corrugated metal that weaves in and out. The critters are getting up through there. Currently the facility is not being used.

She questioned the will of the Council relative to a \$16,000 fix to fill in the spots where animals are gaining entry and eradicate the pests or if the desire is to get into a project that addresses doors, siding, windows, etc. She anticipates the cost of an expanded project to be in the area of \$75,000.

Chairman Koenig suggested the item be placed on a future agenda for discussion.

Councilor Albert questioned if the value of the property was researched as well whether it could be sold. Town Manager Cabanel responded the research was done, and the property cannot be sold.

Councilor Healey stated the proposal should include use of the grant funds.

**Consent Agenda** - None

## **Old Business**

### **1. Solar Panel Assessment Discussion**

Submitted by Town Manager Eileen Cabanel

The Town Council to be presented with information regarding how solar panels are assessed in the Town of Merrimack

Town Manager Cabanel remarked, at its last meeting, the Council expressed a desire to discuss whether to go through a method by which to offer a solar exemption. During the course of that discussion and given the questions from the public, the Council wished to understand how the Assessing Department goes about assessing the solar amenity/panels.

Loren Martin, Assessor, noted information previously provided to the Council was inaccurate. It was reported previously the value of solar panels on all properties in Town totaled \$2.6 million $\pm$ . The actual total is \$1,855,700. Prior information indicated it was strictly residential properties. There are four commercial properties that have solar panels (were not on original list). In the original submission, because those properties are valued via the income approach, the solar panels were valued at zero.

A spreadsheet was provided to the Council for review. Ms. Martin spoke of having appeared before the Council in the 2014-2015 timeframe understanding the Town would begin assessing solar in 2016 with the town-wide update. Some installations occurred in 2014-2015; however, the majority began in 2016. The State DOR has been to the Assessors Association and presented to the Assessing Standards Board about the need to assess solar statewide; it is a fixture to the property, has to be considered, and they are going through the process to ensure all communities are doing that. The Town was proactive, had been collecting data, and understood it had to be assessed. That is why she came to the Council early on to ascertain whether there was the desire to entertain an exemption.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

There are three methods of assessment; income, sales comparison, and cost. Solar installation is not an income producing entity. When the assessment was implemented in 2016, given the number of installations that were in late 2015 forward, there was no sales data. It is difficult to rely on a sales comparison approach lacking any sales. They went out to the market and gathered information on the average cost of solar panels. At that time, the average cost was approx. \$1,100/panel installed. They recognized participants in the market would not pay to put a solar installation on their property if having to pay the full amount. There are incentives through local electric companies and tax credits and incentives through the State and Federal Government. It is those credits/incentives that have made solar an option for many.

In the cost approach, they reduced the cost per panel to \$600. There is a depreciation model. The majority of the systems addressed in Merrimack are within the 1-5-year range and have no depreciation. During the next town-wide update, based on the age of the installations, they would start to see the depreciation. There were only 6 that pre-date 2011 and 5 were very old and largely panels for water systems.

Ms. Martin stated she compiled all sales on all properties that took place after the solar panel installation. Of the 112 properties, there were 5 that sold. Four of those sales, once you equalize the assessment, indicate the value they arrived at for the panels is supported by the sales. The first sale, 5 May Drive, sold in 2018 for \$255,000 and the equalized assessment was \$293,500. That property was only on the market for 3 days and sold for \$10,000 above asking price, which leads her to believe it was put on to try to elicit offers and move quickly.

Ms. Martin stated her understanding at the last meeting of the Council, input was received from a realtor indicating solar does not add value. She provided the MLS listing sheets, which depict the panels being marketed as a saleable feature. She spoke of the difference between owned versus leased panels. Leased panels will depend on terms of lease; most are transferable. The loop net listing was included in the material provided for the D.W. Highway property that sold. While there is nothing specifically in the listing that addressed the solar panel, it is a 121,000 sq. ft. building, and it is noted in there to be 100% air-conditioned.

Asked if the \$600/panel assessment is current or if the five-year revaluation is the point at which that can be adjusted noting prices have come down and rebates are dropping, Ms. Martin stated she has not investigated it recently and cannot determine if the cost has come down. When they value property it is determined as of a date specific. At this time, it was April 1, 2016. They would not necessarily make changes until the next town-wide update for items that would impact a large group globally.

Councilor Healey stated she conducted research and also found that according to the Department of Energy and the Appraisers Institute, solar panels do increase the value, especially on resale of the home. It may cause issue if the perspective buyers do not want to enter into or pick up a lease agreement. She questioned if there is a difference in the appraisal process when considering owned versus leased. Ms. Martin responded the fact that it is attached to the real estate is what makes it taxable. There is no difference in owned versus leased. She commented not every item that is assessed has a value add to everybody. She used swimming pools as an example.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Councilor Healey questioned how a home having Tesla shingles is appraised. Ms. Martin stated she is not aware of any in Town. They would be assessed as well as the new Tesla battery whole house systems that are being used to store energy and then use it much like a whole house generator.

Councilor Healey asked if the five-year timeframe for depreciation of solar panels is an industry standard. Ms. Martin remarked the issue is that they value as of a certain date. Your home also depreciates. They create a model, it is static as of that date, and only changes when the entire Town is changed. To only change the depreciation on solar panels and not everybody's home or shed, would cause a disproportionality. She commented she would not say it is only every five years; if the decision was made to update values this year, you would bring things to market value, as needed. By law you only have to do it once every five years. It could be sooner, but it should be based on everybody not just one specific item.

Councilor Albert noted Ms. Martin works for Avitar, and questioned the number of communities they represent. Ms. Martin stated they do assess in about 70 communities in the State and their software is in about 165. Asked how many of those communities have solar exemptions, she stated she could not provide that number off the top of her head; however, noted a lot have adopted solar. The State tracks that information as it is reported annually on the MS1. She stated she could look into that and provide an updated list from the State. She commented it is likely a 50/50 mix. Asked if exemptions are something new the communities are starting to do or if it has been ongoing for some time, Ms. Martin stated it to be a mix. Statutes date back to the '70s for wind, solar, and wood. There was a surge initially when that was out for local adoption back in the late '70s early '80s. With this latest surge they saw a lot of communities starting to look at that again. She has heard arguments for and against.

Councilor Harrington questioned if other towns also assess the panels at \$600/panel, and was informed they do. Asked if that is a standard assessment, Ms. Martin responded she does not want to say that is a fairly standard number. Other communities are assessing solar, but she is unaware of how they are assessing. They have all learned and gathered the same information, but she would not say they are all applying it the same. For all of the properties she assesses she utilizes the \$600/panel. It is tested locally through sales information.

Councilor Harrington commented the list of towns that provide exemptions is dramatically different than it was three years ago. Ms. Martin noted a lot of the initial adoptions of solar were based on cost. Some of those communities are now changing it to be based on the assessed value. The whole idea initially was to help defray the cost. Because the cost is down and they are achieving the benefits from incentives and rebates, etc., it didn't make sense, under today's structure, to exempt it based on cost.

Councilor Harrington commented part of the counter argument is, if leasing, the homeowner is not receiving any rebate. Ms. Martin noted the homeowner is gaining the benefit of the electric savings.

Vice Chairman Boyd questioned how up to date the expanded owner index is, and was informed it was updated in the a.m. Ms. Martin remarked there is one property that is not yet on the index as she has not yet entered the assessment.

Vice Chairman Boyd commented out of the 11,000± parcels in Town that are assessed, 113 have solar. He questioned if it would be problematic when an owner of solar makes an application for abatement because of not having the correct amount of comps available to do a fair analysis. Ms. Martin

**Approved: May 9, 2019**

**Posted: May 15, 2019**

responded they have only had two abatements; 1 in 2016 and 1 in 2017 neither of which mentioned solar as a concern/issue. When looking at that, she is never really looking at any one component of the assessment. If disputing the value of your property it is the total value of the property that is under appeal. When they look at sales and adjust for those differences, even if not solar, in an appreciating market like we have seen in Merrimack and looking at sales that do support what they have on there, she would consider all of the information in any abatement.

Vice Chairman Boyd commented one of the abatements was filed in 2016, but the installation date is 2019 for the solar. There is only 1 abatement that is applicable where solar was put in prior to the abatement year of 2017.

When asked for clarification on whether looking at depreciation on the solar system, Ms. Martin stated she is not looking at depreciation other than what is already being depreciated on the assessment and looking at the equalized assessment. Changes in the market have affected all properties.

Vice Chairman Boyd questioned when doing the revaluation at the five-year point, if a homeowner had a solar array on their property for 10 years, would she factor that condition in at 85%. Ms. Martin stated it would be a factor of 85 (reduced 15%). That is the model developed for the 2016 updated values. As more data is available, if that depreciation model is not working or the cost per panel is low or high, it would be looked at and evaluated every time they update values for the Town just like they do with the value of a garage, pool, etc.

Vice Chairman Boyd commented it is conceivable for a property owner to disagree with depreciation value and apply for an abatement based on how the Town is depreciating the solar. Ms. Martin remarked that is not the case as it is the total value of the property. It may be that one component is valued over and another valued under on the record card. As long as that total value equalized as market value, they would not be entitled to an abatement.

Chairman Koenig questioned how to help homeowners understand that. Ms. Martin remarked in order to determine if the value was truly disproportionately assessed, you would have to look at every component. That is why the courts have held that you have to look at the total market value. It is difficult because they are charged with putting one assessment on a property as of a given date, and more realistically if you put a property on the market what one person is willing to pay may be different from what another is willing to pay. There is more realistically a range of values that a property could bring in the market depending on the pool of buyers at the time, interest rates, etc. When they go to defend an assessment before the Board of Tax and Land Appeals, often times if the two opinions are within 10%, which is generally an industry standard, they are deemed complimentary.

Councilor Healey asked for clarification there is no difference between whether the solar array is on the property or on the home. Ms. Martin stated that to be correct. Councilor Healey spoke of the different sizes of the solar arrays and questioned the definition of a panel. Ms. Martin stated it is each of the individual sections/panels.

Chairman Koenig questioned if it would be output capacity that would be the measure rather than the size of the panel. Ms. Martin responded when visiting a property, the capacity is not known. As each panel generates a similar capacity and can be counted, it is easier to track data by the individual panel.

Chairman Koenig suggested the topic could be discussed at the Retreat.

## **New Business**

### **1. Condition of Old Blood Road**

Submitted by Stephan de Penasse

Resident of Old Blood Road to speak with Town Council about the condition of Old Blood Road.

Stephan de Penasse, 11 Old Blood Road, remarked Old Blood Road is a dirt road that has seriously deteriorated over the past few years. Since the summer of 2018, conditions have rapidly and continuously escalated to severe road conditions in terms of incremental rocks, dust, deep holes, slippery muddy condition. He provided photographs (taken early April).

Mr. de Penasse spoke of how cooperative the Public Works Department (PWD) has been. However, he believes the road has reached a point of no return. There are deep grooves on the side of the road causing the road to narrow.

The road is contingent to be paved once the last piece of real estate in the cluster development is sold. He requested the road be paved now. This road has become a safety hazard for residents and those who need to circulate as part of their jobs, e.g., mail and parcel delivery, emergency vehicles.

Scott Messina, 36 Old Blood Road

Spoke of the potholes and poor drainage around the road; cutting across and washing out. The grader comes and fills it back in; over and over again. He wished to note he has had rocks the size of baseballs left behind from the grading, and the vehicles are left to stamp them back down into the ground. Their vehicles are taking a beating. There is a financial aspect for the residents in addition to the safety concerns.

Kim Field, 33 Old Blood Road

Stated her daughter lives with an injury where her collar bone is not attached to her sternum. There are times when she wakes, is unable to move, and needs to be taken to the chiropractor. She has to drive half a mile down this road over the bumps, rocks, and grooves while watching her groan in pain over every one.

They purchased their home about five years ago, which was prior to the injury. The road was supposed to be paved in the near future. She spoke of her teenage children who are driving, and of instances where even she almost lost control of her car on the road during the winter months.

Tim Burns, 35 Old Blood Road

Commented, unfortunately, it is not a matter of if something happens on that road, it is a matter of when. He has young children that are not picked up by the bus as the buses won't travel down the road. His concern is not with his neighbors traveling down the road, as they are used to the conditions, it is with the unsuspecting driver that will come down that road at the wrong time, during the wrong season, and hurt someone.



He noted the significant capital outlay to pave any road, and his understanding of the Council's fiduciary responsibility to the citizenry. He spoke of the increased exposure if nothing is done and someone is hurt after the situation has been brought to light. From a Town standpoint, it makes sense to address this. He commented on discussion of creative solutions, e.g., instead of putting the onus on a developer to invest dollars before they build houses, perhaps the Town could do it and be reimbursed by the developer. He is of the belief that scenario would result in the likelihood more developers would develop in Town, which would result in increased tax revenues for the Town. He asked if there were any questions.

Chairman Koenig responded it is understood very well. The problem is fiduciary. At what point and where does the Town identify the funds to pay for all of these kinds of projects. Part of that is why the Planning Board is often times excited when a developer does acknowledge that they are willing to pave the road.

Mr. Burns reiterated his belief a developer would be much more likely to say I can take a portion of each home sale and give it back to you versus outlay the millions of dollars up front.

Chairman Koenig remarked he would not argue that a bit, but now what is being asked is for the Town to outlay millions of dollars up front, and that is where it becomes an issue. The Council is trying to balance keeping the tax rate reasonable and provide the safety, security, and services the Town expects.

Kyle Fox, Director, Public Works Department, stated all of the gravel roads were really bad this year; unquestionable. It was a problem statewide. The big problem experienced this year was mud season. Typically that happens once or twice in a winter. Gravel roads are prepared in the fall, the frost comes, they freeze, and stay frozen. They are great all through the winter, and then the spring thaw comes. The period where the top of the gravels starts to thaw until the rest of the frost comes out of the ground is the period where mud season happens. The reason it happens is the water that is now thawed on top can't migrate down in; it is stuck and creates mud.

This winter there was not a lot of snow, but every snowfall was followed by freezing rain and then warming temperatures. It created havoc with all of the gravel roads. We had a bunch of mini mud seasons all winter long.

The problem for the PWD is the equipment that cares for all of these roads is large and heavy. The ruts they leave with that equipment dwarf anything the cars leave. A lot of times getting on the roads with the bigger equipment does more damage to the roads than there would be were they to do nothing.

He had done an estimate based on the Chestnut Hill plans, just for the Old Blood Road portion, and the estimate he arrived at was \$377,000 to upgrade it to Town standard. That includes cutting back the trees that are encroaching in the roadway, putting in drainage, rebuilding the road base (excavating out the poor material, widening it, and putting in new crushed gravels), and paving.

Chairman Koenig questioned if the Town ends up putting in closed drainage systems every time something like that is done. Director Fox responded not every time. In fact, this road would not have closed drainage systems. What was on the approved plans was for open channel flow, but there are

**Approved: May 9, 2019**

**Posted: May 15, 2019**

some cross culverts to help get the water from one side of the road to the other where it naturally wants to go.

Director Fox remarked as part of the subdivision that was prior to Chestnut Hill, the Planning Board required, as a request of the Fire Department, the road be upgraded to a certain standard; 16' of drivable width.

Director Fox stated, with the Chestnut Hill subdivision out there, the hope and expectation was that it would have been completed by now.

Vice Chairman Boyd questioned if the project would have to be bonded or if the Capital Reserve Fund (CRF) could be accessed if so desired. Town Manager Cabanel stated it is nothing she has really considered. At this time, she is aware there is \$1 million to do roads, and if the desire of the Council, the \$377,000 could be taken from there. She was uncertain whether there are funds available in the CRF to do an unplanned project.

Asked if monies allocated to paving have been earmarked, Director Fox stated the bid has already been awarded.

Chairman Koenig stated it to be something the Council will continue to look into and try to understand. Town Manager Cabanel commented as a result of emails back and forth about Old Blood Road, she wished to contact the developer to ascertain the status, e.g., why the project has stalled. It had nothing to do with the road and the cost of the road. Discussion will continue. They are interested in proceeding, but there are issues that require resolution.

Councilor Albert stated he would have concern proceeding with road construction in the absence of an agreement with the developer for reimbursement. Town Manager Cabanel stated there to be many issues that need to be discussed around the road construction. Discussion is ongoing.

Chairman Koenig remarked it is important to point out that all of our gravel and dirt roads are on the radar. There are things Director Fox has indicated in the past and will continue to bring forward; they are a problem for the Town to maintain. It becomes a cost benefit factor. It also becomes an issue of determining how to service the entire Town. Taking a third of the paving budget to do a short piece of road for a few homes is probably not a good payback for where we are at. We need to identify another way to address this. He is hopeful this is an isolated year. That road has been there for many many years, and he has not heard this kind of complaint about it in the past. It has always been a problem during mud season as any dirt road will be. The Council will continue to look at the issue and seek to find solutions that are viable for the entire community.

## **2. Condition of Longa Road**

Submitted by Peter Boisvert

Resident of Longa Road to speak with Town Council about the condition of Longa Road.

Peter Boisvert, 16 Longa Road

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Commented he would take a gravel road over a dirt road. Safety is an issue on Longa Road, and vehicles are getting stuck. He understands the difficulty of the mud season; however on his road it is not just an issue during mud season and times of thaw, it is the same during times of heavy rain. Clearly there is a drainage issue. He wants the road improved. If paving is the end result that would be great, but the road needs improvement. He provided photos of the road conditions.

He spoke of having to pull over so that cars could pass noting if you go to the opposite side you will be down in a ditch. He spoke of crushed stone being put down. He praised the efforts of the PWD; however, commented he was uncertain of the benefit of the crushed stone (or if it was put down by the PWD). The stone was washed away within 2 days.

He spoke of having found a presentation from 2017-2018 listing all of the roads that have been paved, and his belief the roads that were paved were likely not near in the degree of disarray of Old Blood Road and Longa Road. From 2014-2018 a lot of roads have been improved, but not Longa. It seems one of the major concerns was the price. He does not find that to be a reasonable answer in 2019.

He asked for clarification; The Town's CRF fund matures every year as long as it is not used. Chairman Koenig stated that would occur if it were not used, but it is. The funds are saved to cover the cost of items included in the Capital Improvement Plan (CIP) (monies saved for long-term projects/expenses). Mr. Boisvert stated the roads that have already been improved were part of the CIP. He spoke of the projects that are planned. Improvements to Longa Road are not included, but projects such as the Woodbury Street sidewalk, Wasserman Beach, and Depot Street boat ramp are. Those projects will cost money, and he would argue they could be postponed.

Chairman Koenig noted there has been discussion about the neighborhood. Longa Road cannot be done in isolation or it would be throwing money away. Drainage needs to be addressed, there needs to be a design for the entire neighborhood so that the runoff does go down to the lake, etc.

Mr. Boisvert questioned where the water runs now noting there is a catch basin in the road. He indicated he was not asking for the road to be paved, he was asking for it to be improved.

The bottom half of Longa Road, Shore Drive and Carter Road are all paved. Something had to happen for a decision to be made that some of the areas could be paved. Mr. Boisvert stated he does not agree with the statement the cost is too high for it not to be looked at seriously.

Vice Chairman Boyd stated he has been in the area on numerous occasions. The way he would consider fixing the problem is if there were a commitment from the neighborhoods to have certain roads be one-way coming in and one-way going out. Most of the roads in Merrimack are 33' wide. Some of the narrower locations vary between 14-21' wide.

Asked for clarification, Director Fox stated the standard road is 24' paved. The minimum width the Fire Department requires is 16' of surface.

Vice Chairman Boyd remarked if the Council is to be serious about improving the roads of Pine Knoll Shores, there has to be a commitment from the neighbors to understand the way they are used to going in and out will have to change. That is the only way it will work.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Town Manager Cabanel noted even if one-way roads, the project would be millions of dollars to complete regardless of the width. She noted Director Fox has information he could share.

Mr. Boisvert stated he has spoken with Director Fox in detail and he understands it is a high price, but again it is a matter of continuing to kick the can down the road. They will continue to have large machinery come in and improve the roads for a matter of 5-7 days until a large rain. He does not understand that thought process of it will be millions and millions of dollars where his tax dollars go to pave all of those other roads that he would argue are probably not in as bad a shape as his. He questioned if there is a means of incorporating Longa Road into the CIP as a phased project.

Town Manager Cabanel stated the project cannot be done in phases. She spoke of a communication she provided Mr. Boisvert and reiterated the cost is in the neighborhood of \$6 million. She is not certain how much funding could be expected to be placed in a CRF and for what period of time before being able to acquire \$6 million.

Mr. Boisvert stated his desire to have been to put the issue before the Council to consider it and figure out a way. He rejects the idea that the cost is too great to do it. He reiterated he would take part of a solution.

Councilor Albert stated the desire to hear from Director Fox. He remarked this has been on the minds of the Council as has Blood Road and a great many other issues occurring in Town. The purpose is not to kick the can down the road, it is to identify solutions that are financially feasible. It is a complicated problem. He is hopeful answers will be found for these roads.

Councilor Harrington commented on having traveled the roads that were to be discussed this evening. She found Mayhew Road was in worse condition. Where it meets Old Baboosic Lake Road is where the bib ruts and water were. She had to pull into someone's driveway to avoid oncoming traffic, and her thought was that it should be a one-way road. Mayhew Road has cones on the side of the road where the drainage is going down. Thomas Road has an apron at the top of the road that comes from Old Baboosic Lake Road down to it and then it gets to dirt. She felt that could be what is done to Longa Road as the big ruts on Longa were at the top. If able to grade it and do the apron, it would help. She stated her belief some things can be done. However, the Shoreline Protection Act dictates what has to be done and how. The cost of planning alone is expensive. A \$6 million cost means a bond that will require approval by the voters.

Director Fox stated the lakes roads have been on the radar for a long time. The PWD maintains an internal master drainage list, which is a list of all drainage projects that residents call about, what employees see themselves, and what needs to be done. There are criteria used for ranking. The number one project on the drainage master list, since 2009 when it started, is the Baboosic Lake Roads. It is #1 because it is next to the lake. It is one of the biggest features of the Town.

Merrimack is a Municipal Separate Storm Sewer System (MS4) community. We have an EPA permit that we are required to get permission from the EPA for any stormwater discharges. We cannot just create a new discharge and put it into the lake. We need to put the water somewhere, which will be a huge cost. One of the biggest costs of the lake road project will be right-of-way acquisition. We don't own enough land down there to treat the stormwater before it goes into the lake. That is really the

**Approved: May 9, 2019**

**Posted: May 15, 2019**

biggest obstacle; the environmental side of doing a project down there. For that, at this point, is an insurmountable project.

Town Manager Cabanel requested he get a proposal from a consultant to do a study. Because it is \$6 million, it is insurmountable, let's start small, and figure out what needs to be done and what it will really cost. It will be in the millions. Is it \$6 million, \$5 million; we don't know. A proposal was received to conduct a preliminary engineering study on the site. He is hopeful he can bring that to the Council in the near future to discuss. The proposal was for about \$66,000. It would include surveying the rights-of-way, road profiles, looking at the septic histories to figure out the types of soils that would be dealt with and all the other facets of engineering a project, as well as how much stormwater is there and where can we put it.

Councilor Harrington questioned the suggestions of the apron, one-way, etc. Director Fox commented he and the consultant conducted walk-through in April. Director Fox suggested one-way roads for a few reasons; the standard right-of-way width on any new road and most of the roads is 50' wide. There are only two roads down there, which is 33'. From another standpoint, it gives less impervious area, which means less stormwater to treat. In addition, Carter Road and Longa Road are awful for sight distance when you get back out to Baboosic Lake Road. Miriam Road is pretty good so he would envision Miriam Road being a road out, Longa Road probable being a road in, Rennie Road being a connector road in through, and working the network that way. These things are being discussed, but how to get there is a tough one.

Councilor Woods spoke of visiting the area and being struck by the conflict between antiquity and modernity in terms of what has happened up there. Along with that conflict comes the MS4 regulations and complications that brings to an area such as Pine Knoll. You can't just do a piece at a time anymore. You can't make water run uphill without a pump. It is a very complicated area. He stated appreciation for the fact Mr. Boisvert is before the Council keeping the issue at the forefront.

Asked, Chairman Koenig stated a presentation could be placed on a future agenda.

### **3. Town Council Retreat / Goal Session**

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig  
Town Council to decide when and where their Retreat / Goal Session will be held.

Chairman Koenig noted each year the Council meets in an 8-hour Retreat. He questioned the will of the Council relative to agenda items and scheduling of the Retreat.

The Retreat is typically scheduled for a Friday in late May or June. Given the volume of documentation Town staff provides on the identified topics and the need to provide ample time for that data gathering to occur, the request was made that the Retreat be scheduled in a week opposite a regular Council meeting.

***The consensus of the Council was to conduct the Retreat on Monday, June 17, 2019 with an alternate date of Friday, June 14, 2019.***

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Chairman Koenig recommended Councilors forward typewritten suggestions for agenda topics to him, Vice Chairman Boyd, Town Manager Cabanel, and Assistant Town Manager/Finance Director Micali prior to the next meeting.

Councilor Harrington requested a copy of last year's agenda be forwarded to the Council for review noting some of the items have been completed while others remain active. Councilor Healey suggested the Council receive updates on the items that remain active.

#### **4. Town Council Committee Assignments**

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig  
The Town Council will determine committee assignments for the current year.

Adult Community Center; Councilor Harrington  
Agricultural Commission; Councilor Rothhaus  
Conservation Commission; Councilor Albert  
Heritage Committee; Councilor Healey  
Highway Safety Committee; Councilor Rothhaus  
Nashua Regional Planning Commission; Councilor Boyd  
Parks & Recreation Committee; Councilor Woods  
Planning Board; Councilor Boyd  
Planning Board, Alternate; Councilor Koenig  
Technology Committee; Councilor Healey  
Town Center Committee; Councilor Rothhaus

#### **5. Town Manager Annual Evaluation**

Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig  
Town Council to discuss result of recent evaluation.

Chairman Koenig stated the intent was to note the Council has accomplished the annual Town Manager evaluation. Councilors and the Town Manager filled out an evaluation form, hashed out the comments and thoughts on those, and Councilor Rothhaus had an opportunity to meet with the Town Manager and discuss it. The overall approval rating was excellent. The Council is very pleased with the job the Town Manager is doing, which goes well beyond the general expectations of a Town Manager. The Council determined the Town Manager should receive the same pay raise being offered to all of the non-union members of the staff.

Chairman Koenig reiterated the Council feels she is doing a tremendous job, and appreciates the work she is doing. He wished to take the opportunity to acknowledge that effort, and thank her for it. Vice Chairman Boyd echoed the remarks commenting he believes her to be one of the 5 best Town Managers in the State.

Councilor Woods commented he was not part of the evaluation, but he had occasion to interact with the Town Manager over the past 3-4 years on issues that were not always comfortable with another group he worked with. He remarked she is a good manager and a good person to work with.

**Approved: May 9, 2019**

**Posted: May 15, 2019**

Councilor Albert spoke of having had the opportunity to come to know of all of the things that go on behind the scenes. He spoke of the number of issues that have come up this past year, and commended the Town Manager for her handling of them.

## **Minutes**

April 11, 2019

*The following amendments were offered:*

Page 2, Line 1; identified the speaker as Sarita Croce

Page 3, Line 26; insert a “-“ between “land” and “apply”

Page 3, Line 29; replace “fort” with “for”

Page 4, Line 26; replace “Sub-committee” with “sub-committee”

Page 4, Line 27; replace “continual” with “continuing”

Page 12, Line 24; replace “sure” with “shore”

**MOTION made by Councilor Boyd and seconded by Councilor Healey to approve the meeting minutes of the Town Council meeting of April 11, 2019, as amended.**

**MOTION CARRIED 4-0-2**

*Councilors Koenig and Woods Abstained*

**Comments from the Press** - None

**Comments from the Public**

Rosemarie Rung, 21 Ministerial Drive

Thanked those who went out on Old Blood Road to view the situation occurring there.

She stated her support of solar exemptions. It is not just that we should encourage people to seek renewable energy sources; if we look at it from a macro level, using these types of systems lowers our peak demand. New Hampshire pays the highest transmission rates in New England because we have the highest peak demand. Other states are lowering their peak demand transferring that transmission cost to us because we don't have the prevalence of solar and wind energy. As a State we are looking to promote that a lot more, but it starts with each community.

Rob Link, 1 Crestview Circle

Spoke of the availability of a list of exemptions online. He commented on being unable to find a list of assessment values used by other communities. A lot of the communities have a 100% exemption, but their assessment value is zero. If they were to ever choose to assess solar, it would already have an exemption in place. Prior to the last year, Bedford was lowering the value of homes based on solar panels.

Mr. Link stated his solar panels are currently assessed at more than he paid out of pocket for them brand new. That shows there are flaws in the way the Town is assessing them at this time.

Andrew Snellinger, 136 Naticook Road

Stated he is an electrical engineer and works in alternative energy systems. Nobody else cares about how many panels there are. If you have a system that was installed five years ago, a panel might have produced 200 watts. A panel today might be 400 watts. Now you are going to assess the same value to a panel that was installed five years ago, and one installed in 2019 when the 2019 panel performs twice as well. When looking to buy a home, you get copies of the electric bills to determine the cost. If you have actual economic data that identifies a savings in electric costs perhaps it does add value to the home.

In Merrimack there is available data on 5 homes that have sold. He does not believe that to be statistically relevant. Looking at the overall market picture, you have to consider the number of towns that exempt solar. In Merrimack, the tax on the panels offsets the savings that can be achieved. In order to get the State rebate on solar, you have to use an actual tool to measure solar production.

Rudy Bazelmans, 174 Naticook

Suggested the Council consider those leasing solar are only getting a portion of the savings achieved. Because of that, the tax has a massive impact. The solar costs are flattening out compared to a few years ago, but the incentives from the electric company have disappeared and State and Federal benefits are disappearing.

### **Comments from the Council**

Councilor Harrington welcomed Councilor Woods to the Council and congratulated Councilor Healey on the election.

Councilor Woods remarked it was a somewhat humbling experience to have been elected to the Council. He is honored to be in his position, and is hopeful he can keep the momentum going that he has witnessed in the past few meetings in regard to the positive way of looking at the issues being addressed.

Vice Chairman Boyd welcomed Councilor Woods and spoke of being pleased to have Councilor Healey back. He thanked his colleagues for the privilege of serving as Vice Chairman. He thanked Town Manager Cabanel and Assistant Town Manager/Finance Director Micali for the last 8 years. He thanked his wife, Michele and daughter, Jade, commenting on the sacrifice of time away from them to serve the community.

Chairman Koenig welcomed Councilor Woods. He thanked his colleagues for their confidence in him in electing him to the position of Chairman. He congratulated Councilor Healey on being elected and Vice Chairman Boyd on his election to the position of Vice Chairman.

### **Adjourn**



Approved: May 9, 2019

Posted: May 15, 2019

**MOTION made by Councilor Healey and seconded by Councilor Albert to adjourn the meeting.**  
**MOTION CARRIED 5-0-0**

*The April 25, 2019 meeting of the Town Council was adjourned at 10:27 p.m.*

Submitted by Dawn MacMillan