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Town Council Meeting Minutes

Wednesday October 23, 2019 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the meeting of the Town Council to order at 7:13 p.m. Present at the meeting were Vice Chairman Boyd, Councilor Albert, Councilor Rothhaus, Councilor Woods, Town Manager, Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilors Harrington and Healey were excused.

Pledge of Allegiance

Boy Scout Kasen Fox led in the Pledge of Allegiance.

Announcements

Chairman Koenig apologized for the delay noting the Council was trying to arrange for Councilor Healey to join from home as she was not feeling well. With the move from a Thursday meeting to a Wednesday meeting, Councilor Harrington was unable to attend.

On Tuesday November 5th, in the James Mastricola Upper Elementary School All-Purpose Room, NHDES will conduct a Public Hearing on a draft air permit related to the installation and operation of air pollution control equipment at Saint-Gobain Performance Plastics Corporation.

Regular meetings of the Town Council will be conducted on Thursday, November 7th and 21st at 7:00 p.m. in the Matthew Thornton Room.

Bedford Road will be closed to traffic on Friday, October 25th between 9:00 a.m. and Noon between Catskill Rd. and Pearson Rd. to allow for installation of the structural steel beams on the new bridge.

The Parks & Recreation Department invites all Merrimack Families to come out to Wasserman Park October 25th for the Town of Merrimack's 27th Annual Spooktacular Halloween Party. The event runs from 5:00 - 8:00 p.m. Complete details are available on the Parks & Recreation website. Anticipated are between 800-1,000 participants.

Town Manager Cabanel informed the Council and viewing audience of a visit from Lauren Howe who is the Senior Manager for Philanthropy Community Engagement and Crisis Communications for Saint-Gobain. She stated her belief the Chairman received a communication regarding the potential of a community committee. Saint-Gobain would hire a facilitator to come in and have discussions with the committee membership. She stated her belief it is up to the Council whether to establish such a committee and what the membership would be.

Chairman Koenig stated he is aware they responded to Lauren Allen and Representative Thomas in the letter they sent. In that, they suggested they have in the past set up committees within communities to help improve communication. He stated the Council should look forward to participating in that and seeing what it is they have to say. He commented it is interesting that they are finally, at this point, reaching out to us, and suggested the Town should take any opportunity to be able to create dialogue.

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Vice Chairman Boyd commented he does not necessarily disagree but it sort of harkens back to the troubles back with Kinder Morgan when they were invited to come before the Council and present what they were seeking to do with the NED, and they never once appeared before the Council to exchange ideas. He believes a necessary first step is to invite Saint-Gobain to attend one of the meetings in November as a first step to facilitating this community group.

He believes it important in the interest of transparency that the people in the community know exactly what is being said.

He remarked Saint-Gobain indicated the desire for the Council to put the group together. He does not believe that to be fair. If they really want to have a dialogue with the community as it relates to everything related to the impacts that have permeated this community, he would like to see them sitting at a Council meeting.

Chairman Koenig noted they have already been invited, and stated his belief they reached out to the people who presented letters and to the Town Manager. Through the Town Manager, they are reaching out to the Town Council. Councilor Albert asked for clarification the letter sent to the Town Manager indicated a desire to meet with the Town Council. Town Manager Cabanel responded what was stated was that they wanted to form a community committee and wanted the Town Council to direct what it might look like and who might be on it.

Councilor Albert stated support for Vice Chairman Boyd's comments. If the Council is to meet with them and discuss the situation, it should be in an open forum. He would like to understand what they are offering and asking.

Councilor Woods remarked he did not disagree with the suggestion as a first step. He would be very interested in listening to Saint-Gobain outline what a committee would look like. He does not believe it wise, at this point, for the Council to be involved in setting the parameters and workings of such a committee

Chairman Koenig stated they would look to put them on a future agenda.

Town Manager Cabanel stated, within the past ½ hour, the Council was provided a copy of a draft letter that Sarita Croce, Assistant Director, Public Works Department, Wastewater, wrote in response to Saint-Gobain and some of the things they stated to the Council. The letter went through the response point by point. Councilor Healey had suggested, although not on the agenda, if the Council approved of the content, a consensus could be provided as to whether the letter should be sent.

Chairman Koenig agreed with sending the letter, and stated appreciation for the effort that went into drafting it based on the feedback received from the Council and knowledge Ms. Croce has.

Councilor Albert spoke of appreciating how well done the response was. He agreed it should be sent in light of the full-page ad Saint-Gobain took out that he would describe as inaccurate.

Chairman Koenig questioned if there was any objection to sending the letter out at this point or if additional time for review was desired. There being no objection, he requested the letter be sent.

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Vice Chairman Boyd spoke of having read the letter and reviewed some of the changes that had been made by Ms. Croce, which counterpoints the letter received from Saint-Gobain, was apropos and factual in refuting the assertions made in Saint-Gobain's original letter.

Councilor Albert questioned, and was informed the letter would be posted on the Town's website.

Chairman Koenig noted one of the points made in the Saint-Gobain letter, was that the Town of Merrimack asserted that Saint-Gobain manufactures or creates PFOAs, etc. The Town never made that assertion. They use it in their process is all that was stated.

Town Manager Cabanel remarked as a result of the letter posted in the Union Leader where Saint-Gobain has claimed that the State has basically certified that they don't use PFOA any longer, she reached out to Clark Freise, Assistant Commissioner, NH DES (left message). Ms. Croce has left messages with several individuals at NH DES. No responses have been received.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. Annual Review with the Town Center Committee

Submitted by Town Center Committee Chair Nelson Disco

Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Town Center Committee. This agenda item is to highlight the committee's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Nelson Disco, Chair, Town Center Committee, stated the Committee was charged, in 2009, to try to implement the recommendations of an iTrac Study around making the center of Town more walkable. Certain recommendations and priorities were set for pieces of sidewalk and trail in the Town Center area.

The Committee reports to the Town Manager and works with other Town officials, residences, businesses, Conservation Commission, Watson Park Committee, and the PWD. The purpose is to coordinate development of a safe and inviting Town Center.

He spoke of committee membership, which currently consists of 5. The position for a representative of the Chamber of Commerce has been open for over a year. They simply don't have the manpower to participate. He spoke of the loss of Jackie Flood who was a real contributor to the committee.

The Transportation Assistance Program (TAP) is Federal dollars granted through the NHDOT to selected communities and projects. The award was received in 2015 to build a trail that would go from Watson Park to Wildcat Falls; the largest part of construction being through the sluiceway under Route 3, up and across the former wetlands and connecting to the trails from the high school. Shortly after the start of that project, further studies were done that determined the funding was not sufficient to do the project as they saw it.

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In the meantime, another TAP award was received for constructing a sidewalk along Woodbury Street. Agreement was reached to combine the funding from the two projects in order to continue to build the Souhegan River Trail.

That is where the project stood at the end of about 2017. Since that time, it has moved very slowly. Quantum Engineering has been awarded the contract. Mr. Disco spoke of the level of requirements associated with the project having received Federal funding, e.g., the archeological study had to be redone. Quantum submitted a schedule in May of 2019 for their engineering work, which basically ends with the project going out to bid (March 2020). The most recent view of that schedule indicates they are two months behind, although two weeks ago they indicated the bid will go out as scheduled.

Following that, an announcement was made that because of fiscal constraints (too many projects in the pipeline), their work will be extended out resulting in the project going out to bid in 2024. That is a very discouraging blow to the committee.

The TAP grant was for Woodbury Street and the Library North to the Police Station. The intent is to try and apply for another grant next year to make that happen.

Discussions have occurred with the developers for the Longa property, which is presently on hold as they change engineering firms. They could possibly tie in with one of the trails from Watson Park up to Twin Bridge Park through their development. They were talking with the committee, but have now changed engineers. It is back to square one with that; however, it is positive.

Regarding public outreach, information booths were put out at the winter carnival and the 4th of July Pancake Breakfast. These are always well received and a great many brochures showing the plans for trails, etc. are highlighted. Plans are in place to have a booth at the Turkey Shoot put on by the Library. The Committee had discussions with the school media department regarding students creating a video of the before conditions of the sluiceway, when it was believed construction would begin in March.

The Safe Routes to School Program continues. A walk to school day was conducted on October 2nd. The Capital Improvement Program (CIP) has scheduled the completion of the sidewalk on O'Gara Drive; finishing it to bring it out to Baboosic Lake Road.

The School District is talking about putting together a master plan of sorts for their high school campus area. They own four pieces of property. They have been trying to come to a conclusion that would be acceptable to the voters as to what to do with the existing red building and the new Superintendent's office. They want to create a campus plan that would tie the new Superintendent's office together with other office needs, and make it into a welcoming center for the high school area. The Committee has been asked to participate in that. It is before the School Board for consideration.

The Committee continues its work with the Nashua Regional Planning Commission on the Route 3 bicycle/pedestrian path Master Plan, which is basically finished, but has to be adopted by the Planning Board.

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Mr. Disco commented it gets to be difficult to figure where the Committee ought to be heading at this point given the lack of success with obtaining TAP funds, e.g., Souhegan River Trail. He does not believe any of the Committee members want to start over again with a project that has taken ten years to get to this point. He would like to try a different approach.

He provided his thoughts for the Town to show a commitment by performing the project, in small increments over a period of time. It could be done through the PWD and without the constraints of geological studies and things of that nature. He commented on the positive feedback received from residents regarding the project, and discouragement around the current timeframe.

Councilor Albert noted during the Council's Retreat there was discussion around connectivity of sidewalks. Although it cannot be done all at once (financial constraints), the Council did discuss completing from Bedford Road to the west side of D.W. Highway. He understands a section is being put in at East Chamberlain on D.W. Highway. Mr. Disco stated East Chamberlain connects to the sidewalk that is in front of the Merrimack Village Commons shopping center. It was just finished. Councilor Albert agreed with chipping away at the end goal.

Mr. Disco stated his belief that is the only way it will get done. We can start with some small pieces that are affordable and patch it back together. The piece in front of the Post Office could be done, the Library to the Police Station, etc. If not constrained by Federal regulations, a usable sidewalk can be constructed in that space and progress made.

Mr. Disco stated the Committee would like to continue what it has been doing with the Capital Reserve Funds; those were focused on the sidewalks in the Town Center, but there are other areas of Town that could use a patch or two of sidewalk here and there.

Councilor Rothhaus stated agreement with the new plan in regard to Watson Park and the trail system. Remembering when the conversation first began, the discussion was around \$50,000 - \$60,000 worth of work he was anticipating, and when we got involved with the grants it became half a million dollars. He believes the small portion at a time is a good idea.

Town Manager Cabanel commented one of the things requested at the Retreat was to put together a plan on the costs associated with sidewalks within the urban compact from Bedford Road to Greeley Street. Numbers have been put together. Interns did a lot of work over the summer. The numbers are startlingly large, but once the information is available, you can begin to piecemeal it. She questioned the will of the Council relative to having a presentation provided by the PWD on the information gathered.

Councilor Albert questioned if a presentation/discussion is appropriate as part of the budget discussions for the coming year. Town Manager Cabanel stated her opinion it should be a short presentation on its own so that Kyle Fox, Director, PWD, can discuss the various sections, the work that has been done, etc. Chairman Koenig questioned if the Town Center Committee could be asked to work with Director Fox to review the information and make the presentation together. Mr. Disco indicated the Committee would be delighted to do that as it represents progress.

Vice Chairman Boyd commented on the potential for future funding opportunities particularly if the Town can show that it has some skin in the game. Mr. Disco noted that has been done in the grant

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applications. He spoke of the safety issue associated with the Souhegan River project. There is a sidewalk that is falling apart approaching the bridge. That was a concern at the time the award was granted.

Chairman Koenig spoke of a presentation Director Fox made at the Ten-Year Plan review meeting, which included that area. Executive Councilor Ted Gatsas was in attendance as was the Commissioner of the NHDOT. He and Director Fox requested TAP funding not be pushed out four years. There remains hope the Ten-Year Plan will be reworked. He suggested written comment to the Governor's Council would not hurt. There remains some time to do that. Mr. Disco indicated that could be done.

Mr. Disco reiterated his belief the way to get the project done is one piece at a time, and try and put some Town money into it every year. Chairman Koenig responded that Mr. Disco was heard and with his continued push and support the Council will continue hearing that as it gets into budget discussions.

There being no objection, the Council went out of the regular order of business to take up Item #s 1 and 2 under New Business.

1. Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code [First Reading] – Veterans Exemption

Submitted by Town Council Chairman and Vice Chair Bill Boyd

The Town to consider the acceptance of recommended changes to Chapter 178 (Taxation) of the Merrimack Town Code, pursuant to Charter Article V.

Paul Micali, Assistant Town Manager/Finance Director, noted several years ago the Town voted in the optional veterans' property tax credit ([RSA 72:28-b](#)). That language needs to be added to Article V, Optional Veterans' Credit. The Assessing Department pointed out it is not an exemption, but a tax credit.

The other change, under Article VI, Exemption for the Disabled, would be the increased tax credit for total disabled Veterans, from \$2,000 to \$4,000.

MOTION made by Councilor Albert and seconded by Councilor Woods to move forward to a Public Hearing at the November 7, 2019 meeting. MOTION CARRIED 5-0-0

2. Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code [First Reading] – Solar Exemption

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

The Town to consider the acceptance of recommended changes to Chapter 178 (Taxation) of the Merrimack Town Code, pursuant to Charter Article V.

Assistant Town Manager/Finance Director Micali stated the proposed article to be new. Pursuant to [RSA 72:27-a](#), the Town of Merrimack has adopted a solar energy system real property tax exemption based on assessed value as follows: "(1) Solar energy system means a system which utilizes solar energy to heat or cool the interior of a building or to heat water for use in a building, which includes one or more collectors and storage containers. The term solar energy system also means system which provides electricity for a building by the use of photovoltaic panels. (2) Criteria for exemption, The

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exemption will be given if it follows the prescribed definition of the solar energy system as described in subsection (a) of this section and all necessary applications and information have been received from the applicant. (3) Amount of exemption. The exemption shall equal 100 percent of the total assessed value of the solar energy system, up to a maximum of \$25,000.”

The one caveat for the exemption is that it has to be applied for during the deadline dates set for applications for exemptions next year (April 15th).

Chairman Koenig stated his understanding the application stays in existence until ownership is changed. A clear answer will be available in time for the Public Hearing.

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to move Chapter 178 , Article (Taxation) of the Merrimack Town Code, pursuant to Charter Article IX, Solar Exemption, to a Public Hearing at the November 7, 2019 meeting

ON THE QUESTION

Chairman Koenig noted “(2)” refers to § “(a)”, which he believes is referring back to section “A (1)”, and requested that language be cleaned up.

MOTION CARRIED 5-0-0

The Council returned to the regular order of business.

2. Merrimack Village District – Wells Update

Submitted by the Merrimack Village District

The Town Council to be presented with an update on the status of Wells 4 & 5 Treatment Plant as well as the design of the treatment plants for Wells 7 & 8 and Wells 2 & 3

Keith Pratt, President, Underwood Engineers, Inc., stated the desire to update the Council on the projects and discuss some of the challenges and opportunities.

The Asset Management Plan done in 2014 has about \$175 million in assets (replacement value). There has been a great deal of planning that has been done. There is only one treatment plant in this facility. What the MVD is doing is adding \$20 million+ in assets to the system. They are adding an addition to the existing treatment plant as well as adding 2 new treatment plants for the PFAS and Iron and manganese. They are also doing other capital projects beyond the PFAS related aspects, e.g., bids will be open next week for the Turkey Hill booster project.

Wells 4 and 5 are under construction. A photo of well 4 was displayed. The buildings have been demolished, and the site cleared. Wells 4 and 5 are currently offline.

Chairman Koenig asked for clarification; as opposed to building filtration on wells 4 and 5 the structures are being rebuilt. Mr. Pratt stated there have not been much that was salvageable; it is really just a well house to cover the well and some chemical pieces. The new structure is some 100’ long and 40-50’ wide. The building is 28’ tall to the eaves where the vessels go. It is close to a \$5 million program just to get the wells 4 and 5 treatment facility for PFAS and the chemfeeds constructed. Images were shown of what the new treatment facility will look like as well as the carbon vessels being installed.

Wells 7 and 8 have a treatment plant that was constructed a few years ago for Iron and manganese. Photos were shown of the building and vessels. The back side of the building was designed and planned to have an addition build for something. At the time, they were thinking additional supplies for Iron and manganese. That is where the PFAS facility is going up. The addition is fairly significant (approx. 1/3 more space). Two large carbon vessels are included (lead lag). The plants are being designed to accommodate future facilities.

Wells 2 & 3 are a little different. A study determined it is most cost effective to have a single treatment plant. It requires the construction of a pipeline from one well to the other. Well 3 is the site where the new combined facility treatment plant will be located. It will treat Iron and manganese at well 3 and PFAS from both. That site was selected as it provides good space and access with the lighted intersection at Industrial Drive.

MVD has asked that they ensure, as part of the planning of the site, that there is room for possible future expansion and/or space to accommodate the possibility of moving the administrative spaces.

A master schedule was developed following District meeting. A copy of the schedule was displayed and can be viewed [here](#) (tape counter 57:55). At this time, they are finishing the preliminary design phase. Wells 4 and 5 will be online around July 2020, and every year thereafter each of the other facilities will come on; wells 7 and 8 by July 2021, and 2 and 3 by July 2022.

Asked if the wells are operating while the upgrade is being done, he stated all wells are operating except 4 and 5. They may not be operating every day or at lower levels, but the wells in the toolbox right now are 2, 3, 7, and 8. They are active. Wells 4 and 5 are inactive and cannot be used until the treatment plant is online.

Regarding challenges and opportunities, the project was successful in receiving a loan and a grant from the trust fund program. The trust fund awarded a 10% grant for the project, and the Drinking Water SRF program is also involved with \$6.5 million. To get the project started prior to funding being in place, MVD put up capital reserves, which allowed the project to progress within weeks of the Annual meeting.

Mr. Pratt spoke of piloting (for Iron and manganese) and Rapid Small Scale Column Tests (RSSCT) (for PFAS removal using the GAC). He provided a photo of a pilot trailer installed temporarily to the well 3 site so they could pilot for the Iron and manganese. For a period of 7-10+ days they ran the pilot with various Iron and manganese medias for green sand to look for efficiencies and be able to select the most effective one. The treated water from the pilot was put in jugs and sent to the lab so that they now have Iron and manganese free water that they then tested through the column tests to check the efficiency of the GAC.

Various charts resulted from the GAC and column tests. A single chart was displayed depicting the results of a single well and a single carbon. On the Y axis it showed the concentration of PFAS leaving the column test. The goal has been non-detect. The X axis showed time; how long the carbon can last before they see something that is not non-detect. In the example shown, for the four regulated PFAS compounds, they saw non-detect levels until about 18 months. That allows for the planning of how long the carbon will last, which carbons last longer, and which have better removal efficiencies.

Donald Provencher, Chairman, Board of Commissioners, MVD, stated it to be important to understand when looking at the chart, it appears as if the carbon would have lasted 18 months and you would probably only have 2 ppt breaking through at 24 months. The settlement agreement with Saint-Gobain for wells 4 and 5 was based on their funding five years of operation and maintenance. That was based on replacing carbon at every 2 years. That was just looking at PFOA and PFOS. They're getting breakthrough on some of the non-regulated PFAS compounds much sooner, maybe even as soon as 8 or 10 months. That's why there is a deficit that the settlement agreement funds for that will not quite cover. That is one of the shortfalls being faced on wells 4 and 5. Looks like it is probably about a million-dollar deficit from what was represented in the settlement agreement. Part of that was because it was based on a 30% design. It wasn't really refined to the point it is understood now that it is not a 24-month breakthrough, it will be something sooner than that.

Chairman Koenig noted the chart shows a straight line between 18 and 28 months, and questioned if data was only gathered at 18 and 28 months. Mr. Pratt stated samples were taken at a frequency that would allow them to go back and fill in if they felt it was necessary. Because of the cost of the PFAS testing, they were very careful on when they felt they needed to go back. There were times when they went back and filled in between some of the dots, and they may still do some of that depending on when they narrow in on the carbon or decide. The samples are still sitting there and ready to be tested if they choose to. Chairman Koenig noted the chart shows 0 at 18, 3 at 28 and nothing in between. Mr. Pratt stated they did not test it in between.

Commissioner Provencher noted the chart depicted information for the lead filter. There will be a lag filter that would catch whatever is coming through the lead filter. They probably would run the first filter to a certain point because it is still being caught in the second filter.

Chairman Koenig questioned if there is still really a 24-month potential. Mr. Pratt stated every carbon they looked at had a different breakthrough; saw some that were 24 months and some that were shorter. He stated the desire to be clear they were for the regulated compounds. They are looking at the short chains as well, and those charts are not as clean and don't make as much sense. Short chains are not as readily removed with the carbon. These short chains are breaking through much sooner; half as much time. They have the lead lag scenarios so a lot of it really boils down to is it an 18-month life, an 8-month life, what is cost and frequency of changeouts; that is the stuff they are trying to figure out.

Relative to GAC conditioning (chart can be viewed [here](#); tape counter 1:06:09), Mr. Pratt stated one of the things required with carbon when you start it up is to rinse it. One of the things they have learned from other systems, etc., is that PH is often an issue. One of the things they tested for was Arsenic. Not everybody has checked for Arsenic. A chart was displayed depicting information on the four carbons looked at. The PH and Arsenic issues do pass through during the conditioning period. What happens is when you backwash the carbon initially there are high levels of Arsenic. That has to be conditioned so it is not put into the distribution system, it is going to waste. The point is that not all carbons are equal; some have more of an arsenic issue and some less. In the case shown, there are certain carbons that have better efficiencies in removing the short and long chains. But they may not necessarily have the same conditions when it comes to the Arsenic or PH.

Chairman Koenig requested clarification on the GAC identification #s, and was informed carbon manufacturers offer an acid rinsed carbon, which will remove or reduce the Arsenic before it is

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delivered. The chart refers to GAC1A, which is the same carbon as GAC1, but it is acid rinsed. It is more expensive, but is an option.

In the case of wells 4 and 5 it is a low arsenic carbon that is being installed (GAC4). It performs fairly well, but it still has Arsenic in the initial conditioning. You can see it at GAC4 after 36 hours. Knowing that ambient groundwater quality standard/drinking water quality standard is going down to 5, the initial conditioning means that we are close.

Mr. Pratt noted the area of well sites 4 and 5 includes the railroad tracks, Front Street, D.W. Highway, and the Merrimack River. In the site and the land that is owned by the MVD, we have well 4, which is protected by a 400' protective sanitary radius (covers most of the MVD's land). Well 5 overlaps. The treatment plant is going in right between them. Infiltration basins will go in there.

During the backwash systems and conditioning periods they are being very careful about what they discharge to the ground. They also have a sanitary discharge to the Town sewer interceptor at the railroad track (approved for sanitary waste only; bathroom waste). They are hopeful that after they reach operations for a period of time that they can prove what the backwash water contains so that they can reapply to the Town to ultimately discharge to the wastewater facility, which they feel is the better location.

If they have Arsenic discharged conditioned water, they cannot put it into the basins; they would be trucking it offsite (high cost).

The other carbon issue they are paying attention to is the regenerable carbons, to avoid legacy issues.

The new MCLs were noted (adopted after Annual District vote). That was important only because when the original budgeting was put together it was based on the current standards. The basis of the design for the treatment plant was 1 vessel to knock down PFAS. A chart was shown depicting PFOA levels for 2017/2018. It shows where they were with the standard and where the well was operating. They were in compliance by the standard at the time. A red line was added to the chart to note the new standard for PFOAs. All of the wells technically are out of compliance. That changed how the treatments plants had to be built. That meant the lag vessels were now required, larger facilities, additional costs (estimated around \$3 million).

The \$20 million program was increased to around \$24 million including the million dollars associated with wells 4 and 5 that the MVD covered through reserves. Also a factor is the \$1.5 million added for each additional well. They will be talking to the MVD over the next few months regarding how to deal with that, e.g., Annual Meeting.

Councilor Rothhaus stated it to have been a big concern of his at the MVD meeting. A Citizen Petition was brought forward. He wondered if enough opportunity was given for the Commissioners and the Engineer to come up with a reasonable proposal, and whether the proper amount was bonded. He was concerned that with such a big rush, we might run into this. He is now hearing that is in fact the case. He was worried at the time of the meeting that if the project funding ran short the facilities might be modified. He is uncertain how it will all play out.

Commissioner Provencher commented looking back the Warrant Articles is essentially a moot point at this time as they are required to treat all of the water. Councilor Rothhaus stated his opinion the

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Commissioners did not have enough skin in the game to support the proposal that came in a Citizen Petition. It is what it is, and we will see where the next steps take us, but we're talking \$4 million right out of the gate, and he does not believe it to be a good way to do business. Commissioner Provencher remarked it was definitely one of the challenges.

Councilor Woods spoke of recalling discussions at the MVD where the Commissioners, staff, engineers, and other consultants reminded themselves of the need for caution in terms of speed and time to get things done. The building designs are fine, but what it is you are going to be treating for and at what levels seem to be changing almost daily. Going back to the chart about evaluating short chain carbons that are coming along or the list of emerging contaminants, caution is everything and will save money.

Town Manager Cabanel questioned what would happen if the State were to lose its lawsuit and they have to reevaluate and go back to what they were doing; does that eliminate \$3 million from the proposal.

Mr. Pratt responded when they were originally tasked with this there was a lot of discussion around how to best approach it. There was a lot of interest in Merrimack to do something. Merrimack is one year ahead of most communities; building a facility. Whether that is good or bad, it is where you are. There has been a little bit of us sort of chasing, keeping up, or trying to stay ahead of what might happen. There were some ideas that the standards would change and that if they did they would have to go to a lag and that it would add cost. The timing of such things means this is where we are now. If it gets undone, it could be brought back. We could go back to the single vessels and reduce the cost. Right now we haven't poured the concrete. Wells 4 and 5 we had to have lead lag because they are above everything. If the choice or this lawsuit changes things, until we pour concrete we can back some things down. The answer is yes. But it will be a choice by the users on how they want to proceed. That is one of the challenges in this term of speed and trying to be responsible, that cause us to get to this point.

Chairman Koenig questioned if what he meant by pouring the concrete is the construction of the structure itself, and was told that is correct. He commented if the structures were constructed and they simply did not install additional filters, significant funds could be saved. Mr. Pratt stated that to be true, but added the actual footprint of the building is a significant part of the cost. They are adding space outside to add on. They are looking at both options; building the space now or at least make the space available.

Mr. Pratt stated UNH will be involved with this at some level to do a peer review/technical review to ensure we are understanding the pilot results and that the process selections are being implemented properly. Commissioner Provencher remarked how they deal with the carbon backwash has to be reviewed very carefully. They have to ensure they choose carbons that remove the PFCs, PFAS, but also want to ensure they don't have high levels of Arsenic because they will be putting those in the infiltration basins. That was one of the reasons they wanted to put it in the sewer. That request was denied. As a result, they had worked into the design that they had to have a sewer pump station built into the treatment plant. They really didn't need a pump station because they could get gravity flow to go down to the sewer system. He sent an email to Assistant Director Croce and Director Fox. They reconsidered allowing them to sewer the facilities (bathrooms) with the gravity sewer (not the backwash water). He thanked them for that compromise. It allows them to sample their backwash

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water in the future and really know what they are dealing with, which was one of the concerns they had with allowing it to go to the sewer plant right now. They are glad to be rid of the sewer pump station. Gravity flow is preferred over mechanical systems that require maintenance. He reiterated they were successful in obtaining a grant (\$1.45 million), which will offset some of the increased cost.

Commissioner Provencher spoke of appreciating the opportunity to be before the Council and stated the desire to have it be an annual or semi-annual event where the MVD provides updates.

Councilor Albert questioned the final number Saint-Gobain contributed, and was informed they contributed to wells 4 and 5 based on the settlement agreement. The construction cost that was estimated in the settlement agreement was \$4.1 million. He stated his belief they contributed \$3.3 million as it left them with an \$800,000 shortfall. That was at the onset and part of the reason was because there was some infrastructure that needed to be built that was not technically related to PFAS treatment, and they felt it was not their obligation to include that non-PFAS related cost. There was an amount of money they contributed to the settlement that is related to the five-year maintenance plan. After that five years, it is entirely the obligation of MVD. Since then, there have been other shortfalls that were identified. The settlement agreement was based on a 30% design, which was as far as the design was advanced at that time. Now that it is 100% design and out to bid, the costs came in and they are almost essentially at \$5 million on the actual cost.

Councilor Albert stated part of the agreement was that if the State reset the levels (went down), and that expanded the people who got to go on public water, that be paid for by Saint-Gobain. With that happening, it has increased MVD's cost. He questioned if that was figured in the settlement agreement, and was told it was not.

Commissioner Provencher stated the deal was done. The only thing that would re-open it is if the other regulated compounds were breaking through earlier. There are only four PFAS compounds that are regulated. It is the non-regulated PFAS compounds that are breaking through early. When the Warrant Articles were presented, it was discussed the goal of the treatment system was for non-detect for all PFAS compounds. If we want to be true to that goal, it means we would technically need to replace the carbon media sooner based on the first short chain compound that breaks through. The Warrant Article was written to read PFAS reduction, but the presentations that were made discussed the goal of all PFAS compounds.

Councilor Albert noted the full-page ad put out by Saint-Gobain wherein they advertised the desire to be responsible community partners. Perhaps this is the time to revisit this with them, and see if they are willing to assist with some of the deficit understanding the numbers have changed.

Commissioner Provencher stated they have approached them on that, and stated if this had been understood at the 30% design level, if the breakthrough of carbon would have been known, the settlement agreement might look different today. The first response was, that is the settlement agreement, it is a done deal. They pushed back a bit and they came around and said let's see what the final cost is, how it shakes out. There is a little bit of a contingency in that number, and if the overrun is more than that contingency they may or may not decide to provide some additional funding. It is at their option. Based on the Settlement Agreement, it is done.

Councilor Albert questioned what the impact will be on the MVD customers. Mr. Pratt stated the Articles were voted by the District after presentations of what the potential rate impacts would be. It wasn't just rate impacts that would be as a result of the PFAS work or the treatment plant, there are also just regular budget increases and other capital projects included. It was in the range of an 80% increase.

Asked if wells 4 and 5 have been tested for anything at all since they have been shut down, Mike Metcalf, Senior Project Manager, Underwood Engineers, Inc., stated as part of the process for doing the testing, the wells were started up again before they did the RSSCTs (needed water for the tests). They had not been tested for some time because they were locked out and tagged out by DES edict. There were two tests. When Saint-Gobain was intermingling that the contamination was not their fault and that it came from the Longa Landfill, they had their own consultant come in, start up the wells, and conduct testing. The good part about that, is that they proved themselves wrong, and it created additional data points. When doing the RSSCT work, they got the well started up again and took samples to see what the PFAS levels were then. Asked what they were, he stated they were around 53 (PFOA). In the earlier test, the highest seen was 130. They had to look at what they had then and what the percentage was (combination of wells 4 and 5).

Councilor Albert spoke of a sample taken at the Saint-Gobain site that went from 3,300 to 69,000 on the groundwater. He questioned if that is a concern of MVD, and if it is known by mapping if wells 4 or 5 are right underneath them.

Commissioner Provencher stated the edge of the groundwater protection area for wells 4 and 5 goes right through the middle of Saint-Gobain's building. Everything south of that all the way to Merrimack Commons where the wells are is all in the Aquifer Protection District. All of that land technically is tributary to the wells. It is a concern. He noted PFOA levels fluctuate quite a bit seasonally. Well 2, which has been the lowest well all along, hovered right around 8 or 12 ppt. In July it tested at 18 and in August as high as 23. He does not believe it ever tested that high before. There are a lot of variables. Saint-Gobain has claimed it is not responsible for wells 2 and 3 because it is outside of the groundwater management zone. He is not aware that groundwater management zone has anything to do with MVD, it is just related to private wells, but is a convenient reason to site their innocence on that.

They are looking at development of certain tests that can actually link the different characteristics of what comprises the PFAS compounds and do a fingerprint to see if they can figure out what percentage is coming from a certain source. Those protocols are being developed.

Vice Chairman Boyd remarked that is what the Barr Report stated, there was a certain chain of chemical that Saint-Gobain was using that was different than what was found in the Longa Landfill, which is how they were able to correlate that back to Saint-Gobain. Fingerprinting is how you are able to create a cause and effect as to who is actually tainting wells or groundwater in a given area. If the concern for wells 2 and 3 isn't there then why is Saint-Gobain giving private water to people whose private wells are outside the management zone?

Town Manager Cabanel stated there are two groundwater management zones; outside absolute that she refers to as a blue absolute line and an inner line. The inner line is dotted and red, and went along with the Consent Decree. It was said that inner line would move as people went on public water, and the

dynamic changed. That is what has happened, the groundwater management inner area is moving. We're coming up against the blue line, and she cannot get an answer from the State about what the blue line means. When she asked the question of Clark Freise, Assistant Commissioner, NHDES, he stated he is not a lawyer, and that she would need to hire a lawyer to give her that answer. She asked about the Attorney General who is a lawyer and signed the agreement. He stated the Attorney General works for the Governor, so we are on our own to figure that out. The Town had someone look at that.

She questioned if Commissioner Provencher could clarify what actually happens when the inner groundwater management zone morphs into the larger blue zone. We're coming right up against it, and she believes what Saint-Gobain is saying is that all of the rest of the wells are outside. Assistant Commissioner Freise has stated all of the other public wells are outside of the blue zone and are not covered by the agreement. He indicated MVD is responsible for their own agreement.

Commissioner Provencher stated they were never brought into the process of weighing in on any boundary groundwater management zone whatsoever. He cannot imagine NH DES would have imposed that as some kind of a restriction if they never had an opportunity to comment on it. He believes it only applies to private wells. Town Manager Cabanel clarified Assistant Commissioner Freise stated it applies to public wells as well.

Vice Chairman Boyd spoke of the \$4 million increase on construction costs and questioned if there would be an increase in the maintenance cost of the treatment facilities in light of the fact that there is an additional construction cost being applied. Commissioner Provencher indicated he does not believe there will as the maintenance costs were assumed replacement of the one filter that was in place. There will be a construction cost of the second filter, but the operation and maintenance should be the same because you are still only replacing the one lead filter at a time when it breaks through.

Mr. Pratt stated the only caveat he would make to that is that it has everything to do with how quickly they have to do the changeouts. They had to make assumptions when they did the operations and maintenance cost. If we're significantly less than a year on a changeout it will impact operating costs.

Commissioner Provencher stated the cost estimates for wells 2, 3, 7, and 8 were based on a one-year changeout of media. In the Settlement Agreement for wells 4 and 5, operation and maintenance costs were based on 2 years.

Commissioner Provencher stated it will not truly be known until they undergo a year or two of operation, how these changeouts will occur. There are some estimates with the column tests, but they are just lab tests.

Commissioner Provencher stated his belief the Public Hearing being conducted on November 5th has a secondary piece that deals with an update on investigations. Town Manager Cabanel stated all of the discussion she had with Assistant Commissioner Freise indicated there were three topics; health concerns, Public Hearing, and a presentation on remediation. She had suggested starting with the public hearing and remediation issues. She is uncertain if that is still the intent.

Commissioner Provencher stated he received a Public Notice (through NH DES email list) that indicated it would be an update on what he thought was the investigations and remediation.

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Town Manager Cabanel stated there will be another meeting where DHHS will address health concerns. The meeting has been scheduled and will be posted.

Commissioner Provencher stated he is pleased to see Saint-Gobain propose a community engagement group. He would like for MVD to have a seat on that.

Town Manager Cabanel remarked during her visit with Ms. Howe she communicated to her if Saint-Gobain is going to take responsibility for wells 4 and 5 they need to take responsibility and pay for it (would cost at least \$800,000 more). Ms. Howe responded can I go back and tell Saint-Gobain.

Commissioner Provencher stated last winter some members of MVD toured the Hoosick Falls Treatment Plant. It was surprising to them that the operators told them they don't actually operate the plant. Saint-Gobain's engineers operate the plant. They switch out the carbon media, they built the plant at their cost (all of it). This was back in 2016 and they have been changing the media ever since, at their cost. It's not looking like it is a level playing field. MVD has charged its legal team with vetting that information.

Chairman Koenig remarked there are several questions of that sort floating around with respect to the way the project is going. He feels the committee being discussed would help. There are also efforts ongoing to try to get more assistance through the Governor's Office and NHDES. He stated his belief they will be coming down to have discussions with MVD and the Town.

Public Hearing

1. Public Hearing – “Driving Under the Influence Patrols” Grant Acceptance for the Merrimack Police Department

Submitted by Captain Eric Marquis

The Town Council will hold a public hearing to consider the acceptance and expenditure of a grant in the amount of \$12,194 made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for “Driving Under the Influence Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Eric Marquis, Captain, Merrimack Police Department, stated the grant would fund 45 four-hour patrols to focus on DUI detection. Patrols would generally be held on Thursday, Friday, and Saturday nights as well as holidays and some special events, and would run between the hours of 9:00 p.m. and 3:00 a.m. Last year the award was \$7,978; 29 patrols, 179 vehicles stopped, 159 warnings, 18 summonses, and 9 arrests. Asked about the difference between a summons and arrest, he indicated a summons is like a speeding ticket (violation level), and arrest would be mostly misdemeanor and above.

Councilor Albert questioned what the department is doing to address driving under the influence of drugs; are they starting to take this into account. Captain Marquis stated they have been for quite a while. Officers are sent to a two-day class, Advanced Roadside Impaired Driving Enforcement, which basically focuses more on drugged driving. Asked what the procedure is, he stated once the individual is brought back to the station, you have established they are impaired. At that point, if they agree to testing the easiest thing is to put them on the intox machine to rule out alcohol, and after that you can take them to the hospital, and they can draw blood.

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Posted: November 8, 2019

Asked if the department foresees putting other officers through the Drug Recognition Expert Training, he responded probably not. There is one person certified now, and they don't do many evaluations just because when you get to that point it is a lot easier to take them to the hospital for a blood test. Asked if the individual has to be arrested in order for them to be taken to the hospital, he stated that to be the case. They have to agree to the testing.

Chairman Koenig declared the Public Hearing open at 9:04 p.m.

No testimony was offered.

Chairman Koenig declared the Public Hearing closed at 9:05 p.m.

MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to approve the acceptance and expenditure of a grant in the amount of Twelve Thousand One Hundred Ninety Four Dollars (\$12,194) made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for "Driving Under the Influence Patrols", pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any paperwork necessary to perfect and expend the grant

ON THE QUESTION

Asked about the increased amount of the grant. Captain Marquis indicated the State determines the amount. It has to do with the amount of money they have, the amount of agencies that qualify for it, and the problems the town or city has.

MOTION CARRIED 5-0-0

2. Public Hearing – "Sustained Traffic Enforcement Patrols" Grant Acceptance for the Merrimack Police Department

Submitted by Captain Eric Marquis

The Town Council will hold a public hearing to consider the acceptance and expenditure of a grant in the amount of \$10,296 made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for "Sustained Traffic Enforcement Patrols", pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis stated the grant would fund 38 four-hour patrols that would focus on known trouble areas during commuting hours (7:00 - 11:00 a.m. or 3:00 - 7:00 p.m.), which could include traffic control device violations, speeding violations, school bus violations, etc. Last year the grant was for \$9,595, there were 32 patrols, 320 vehicles stopped, 270 warnings issued, 66 summonses, and 5 arrests.

Chairman Koenig commented it is different hours of the day, but basically if you are out there looking at traffic you are looking at the same thing, e.g., driving under the influence type of issues as well as speeding. Captain Marquis stated driving under the influence isn't quite as much of a problem during those hours. If you have contact with an operator and realize that is an issue you will pursue it.

Chairman Koenig remarked it is putting police out on the streets with the distinct intent to be monitoring traffic as opposed to being called off for other calls.

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Posted: November 8, 2019

Councilor Albert questioned if one violation type offense could be added; blocking the intersections at Continental Boulevard. Captain Marquis stated that to be one of the issues the grant was used for last year.

Councilor Rothhaus spoke of the State requiring stronger enforcement. He had requested information on what the normal summons rate is versus when we have these grants; of the four years' worth of information provided two of the years were even and two were almost double. The grants did always require we had a stronger enforcement. He would rather these type of grants be used as an educational tool as often as possible. If we're falling in line with what we normally give for summonses he has no beef with that. He just doesn't want the department to all of a sudden come down like a ton of bricks and look like the community we are not. Asked if unmarked cars are used, Captain Marquis stated they are on occasion. Councilor Rothhaus stated his disapproval of that.

Captain Marquis remarked in two of the years the summons to warning ratio was at 10%. Two of the years did spike; 23% and 19.6%. He is uncertain why that happened.

Councilor Albert stated agreement he would not want to see a sudden pressure on the motorists and leave a bad impression. He commented on the department always using good discretion.

Councilor Koenig remarked he understands where Councilor Rothhaus is coming from. He remarked you are putting more officer time out on the streets and so you are going to get more warnings and summonses. The question is, does that ratio need to change, or does it change because they are working on a grant.

Chairman Koenig declared the Public Hearing open at 9:15 p.m.

No testimony was offered.

Chairman Koenig declared the Public Hearing closed at 9:15 p.m.

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a grant in the amount of Ten Thousand Two Hundred Ninety Six Dollars (\$10,296) made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for "Sustained Traffic Enforcement Patrols", pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any paperwork necessary to perfect and expend the grant. MOTION CARRIED 4-1-0

Councilor Rothhaus voted in opposition

Legislative Updates from State Representatives

Jeanine Notter, Deputy Republican Floor Leader, stated last week a survey organization, Morning Consult, reported that Governor Christopher Sununu, is ranked the 5th most popular Governor in the country. Last month's job report from Employment Security noted that there were 850 new jobs created in September; 8,450 jobs since 2018. Republicans held the majority in Concord for the two terms prior to the current term. These job numbers are the result of the Republicans' commitment to creating a business environment that fostered employment opportunities.

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Despite overwhelming positive results of changes like the Business Tax Cuts, we've had to fend off attempts to roll back the successful changes made like were seen in the Democrat's proposed budget.

Representative Notter displayed an exhibit depicting the pieces of the budget voted on on April 11th. The breakdown shows that zero Republicans voted for it.

Representative Notter provided was a list of 653 Legislative Service Requests (LSRs). They will become the bills that are heard in the various committees. She stated she may have made an error in her listing the anti-gun bills during the last meeting. She thought they were numbered 1-5 on the list of LSRs, but it was 1-3. Since then, there have been 5 more. In keeping with her promise to the voters of Merrimack, she will oppose all of the anti-Second Amendment bills.

Several of the LSRs being introduced are anti-business. She commented it would be a shame to see the job opportunities squashed by new policies.

She spoke of the carbon tax noting the hearing for the bill was held last winter. On the day of the Executive Session when the Committee would vote on whether to recommend passage or kill it, the majority party surprised with a motion to retain. She provided a file from the hearing that had within it testimony on why it is a bad bill. The bottom line is it is a tax on our carbon use. It will cost \$800 million/year, dramatically raising energy and fuel prices and having a profound negative impact on our State's economy.

The global impact of eliminating carbon dioxide emissions from New Hampshire would be 0.003 degrees Celsius temperature mitigation by 2050, and 0.005 degrees Celsius temperature by 2100. The carbon tax would have almost zero effect on global warming. Supporters of carbon tax want to make energy sources like natural gas, oil or coal so expensive that no one will be able to afford to use it.

Representative Notter spoke of some of the LSRs that will hurt small businesses, grow governmental or lead to higher taxes and fees, e.g., prohibiting the use of Styrofoam products will increase the cost of doing business, which in turn is passed on to the consumer. The same could be said for a bill that establishes a fee for single-use carry-out bags or single-use plastics.

Representative Wendy Thomas stated there was never a straw ban, it was a talking point used against the bill. There are always straws available at a restaurant if you ask for it, it is just that they weren't supplied automatically. She spoke of being the Executive Director of a non-profit that advocates for the disabled community, and would never vote for a bill that banned straws.

The Merrimack town-wide protest had over 60 participants, and went for over two hours. She cleared parking with all local businesses. Shaws allowed parking and the Depot Farm allowed people to be dropped off by shuttles. They were complimented by the Police Department as well as security from Saint-Gobain on what a well-run, organized, and respectful protect it was.

As a direct result of a letter identifying 6 concerns for Merrimack being sent, Saint-Gobain has stated the desire to start a community advisory committee. A similar committee exists at Hoosick Falls. She encouraged the Council to consider sending someone to the committee as it is the negotiation table. It is where we can talk to Saint-Gobain about our concerns, one being they would like to see the entire Town on bottled water. One hundred and thirty-three local families were placed on bottled water. Her

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family is one, and they are now on bottled water indefinitely. A lot of people are concerned with the amount of plastic. She suggested Saint-Gobain should be investing in a recycling program for the Town.

The Federal Delegation is aware of this advisory council and will be keeping an eye on it and asking for regular updates. Senator Shannon Chandley wants regular updates.

In the older part of her neighborhood, the residents are all on private wells. One neighbor had her well run dry. She put in a new well at a cost of \$8,000, had it tested for PFAS chemicals. It is too contaminated to use. She was not one of the families identified for bottled water. Representative Thomas stated she worked with the neighbor and some Town leaders, got her in touch with DES, and she is now on the list for bottled water, which means that if anyone has a private well you have to get it tested. If you can show that it is contaminated, DES, through Saint-Gobain, will most likely put you on bottled water.

Representative Thomas stated she sits on the Unprotected Water Sources Committee. They are hearing from different agencies around the State on how to protect our water supplies, e.g., unprotected lakes. There are plans and best practices in place. They will be hearing from business developers. There is something called a bowling alley development on lakes that is causing a problem. People are buying property and then clear-cutting down to the lake. When it rains, runoff goes into the lake. They are asking water leaders from neighboring states for best practices for protecting unprotected water sources. They are also calling in a biosolids expert. Any questions around protecting water sources can be sent to her, and she will bring them to the committee.

Representative Thomas spoke of the Medicaid to School Program administered by NH DHHS. On August 29th, the DHHS issued an emergency rule change, which substantially limits who can write orders that allow for reimbursement under the Medicaid to Schools Program.

In the past, a Physician, a Physician's Assistant, an Advanced Practice Registered Nurse or a Licensed Practitioner of the Healing Arts would be able to issue the order. The rule change removes the term "Licensed Practitioner of the Healing Arts". The term encapsulates Counselors, School Psychologists Speech Pathologists, etc.

She provided the example of a student having an IEP requiring services. The services will continue to be provided; however, in order for the school to submit to Medicaid for reimbursement, the student must have his/her doctor sign off on the service(s). The School Board anticipates a loss of between \$500,000 and \$800,000 because of the rule change. Representative Thomas stated she spoke with an advocate recently who went to a hearing on this and indicated this will have to be done every month. Representative Thomas stated she has an LSR in place to codify the terminology. She is working with a Senator who will put the bill in.

This week there has been a lot of focus in Concord on the mental health situations in the State. One in five children in the State have mental health illnesses. She attended the Children's Behavioral Health Symposium. There are a lot of good resources available. Today she attended the Ten-Year Mental Health Bill Continuing Education where Chief Justice John Broderick spoke. The Ten-Year plan is robust and looks like it has good resources for adults. In New Hampshire, 21% of the population has mental health issues.

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Vice Chairman Boyd questioned how bowling alley development is allowed to occur with the Shoreland Protection Act. Representative Thomas stated there is supposed to be a 50' buffer of tree line and vegetation. What is happening is they are clearcutting the trees and then bringing in foreign species like grass that doesn't necessarily belong around lakes.

Vice Chairman Boyd stated surprise with the emergency rule change noting his past experience that there is generally a medical report attached to a student's folder that would automatically be updated as a condition changed or yearly. The concept that a parent has to go to a doctor's office every month is stunning. Representative Thomas stated there to be a lot of confusion over the ruling. She stated she was told that in a school somewhere someone who was not certified provided the services that were then billed.

Councilor Woods questioned what is needed. Representative Thomas stated a Practitioner of the Healing Arts is someone who is certified in their field, e.g., certified speech pathologist. They would never sign off on a medical condition. Councilor Woods stated that to be his confusion. Representative Thomas stated the services for which Medicaid reimbursement is sought are auxiliary services.

She commented IEPs are fluid in design. You try something and it may or may not work. It would be devastating to Merrimack and to all children who receive services in the State.

Asked to provide input, Representative Notter noted Representative Richard Barry spoke at the School Board meeting regarding this. She requested the question be posed of him. She stated her recollection there were non-medical personnel making decisions for IEPs, which can lead to litigation. She believes there was something involved at the Federal level that lead to that ruling.

Councilor Rothhaus commented his daughter is a Speech Pathologist. Doctors may refer children to a Speech Pathologist, but the Speech Pathologist makes the decisions. It is not the doctor's job to do that.

Councilor Albert spoke of having read in the newspaper about a law being worked on in Concord regarding DWI and people climbing over their seats sleeping in their back seats. He stated his opinion the law is useless. The New Hampshire Supreme Court has already ruled on this. His personal opinion is that officers on the street have used good discretion when finding someone sleeping in their car. By approving a law like this you grant more loopholes and cause more problems for prosecutors. Asked what the ruling was, he stated you can't arrest someone for DWI if they are in the back seat sleeping, and the engine is shut off.

Chairman Koenig spoke of having had several conversations with Representative Richard Hinch over the past few weeks partly because of his going up to Concord to talk on SB300. He wanted him to relay to people that he has been meeting with the Governor, and is hoping to have a meeting in Concord with Victoria Sheehan, Commissioner, NHDOT, and the Governor, him, and perhaps another Councilor to talk about the traffic issues in Merrimack.

He is also talking about a meeting in Merrimack relative to how the State and Governor's Office is responding to the water contamination issues. He is trying to bring the Governor to Merrimack along with Bob Scott, Commissioner and Assistant Commissioner Freise to meet with the Town officials and

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MVD. Some of the questions are why is the MVD having to foot a \$24 million bill to clean up PFAS and what the State is doing to help out.

Town Manager's Report

Asked when the Council would see the Town Manager's proposed budget, Assistant Town Manager/Finance Director Micali state the goal to be December 5th or 19th.

Consent Agenda - None

Old Business - None

New Business

3. "High Visibility Mobilization Patrols" Grant Acceptance for the Merrimack Police Department

Submitted by Captain Eric Marquis

The Town Council to consider the acceptance and expenditure of a grant in the amount of \$4,160 made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for "High Visibility Mobilization Patrols", pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis stated the grant to be new for the department. It is broken up into four different initiatives. The total is \$4,160. All departments in the State receiving the grant have specific times and dates to do the details (same time). The first of the four initiatives is Operation Safe Commute (\$3,120) which addresses efforts to enhance awareness in importance of safe driving during commuting hours (last year was under STEP grant; (\$2,551); 12 patrols, 116 motor vehicle stops, issued 95 warnings, 20 summonses, and 1 arrest. The second, Join the Click Detail (seatbelt violation initiative - \$260). Last year (\$377) resulted in 2 patrols, 5 warnings and 2 summonses. The third, Drive Sober or Get Pulled Over (\$520) for apprehension of impaired drivers, and the fourth part; You Drive, You Text, You Pay (\$260) is for the enforcement of hands-free electronic device law as well as other distracted behaviors behind the wheel.

Chairman Koenig commented it sounds as if there is a lot of overlap. He questioned if it is just because they want to have it statewide at the same time, and was told that is the reason. Asked if it would be publicized, Captain Marquis stated it would.

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a grant in the amount of Four Thousand One Hundred Sixty Dollars (\$4,160) made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for "High Visibility Mobilization Patrols", pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any paperwork necessary to perfect and expend the grant

ON THE QUESTION

Approved: November 7, 2019

Posted: November 8, 2019

Chairman Koenig noted all of the grants have a 25% in-kind or soft match. Asked if there are any difficulties meeting those, Captain Marquis stated generally they charge a certain amount for the use of the cruiser and gas, which basically comes out to about 25-30%. In addition, there are administrative costs. **MOTION CARRIED 4-1-0**

Councilor Rothhaus voted in opposition

4. “Distracted Driving Patrols” Grant Acceptance for the Merrimack Police Department

Submitted by Captain Eric Marquis

The Town Council to consider the acceptance and expenditure of a grant in the amount of \$5,662 made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15.

Captain Marquis stated this would allow the department to fund 21 four-hour patrols that would focus on enforcing the State’s Hands-Free Electronic Device law as well as other activities that occur behind the wheel of a motor vehicle that could cause a driver to be distracted and addressed as negligent driving. Last year the grant was in the amount of \$5,665. There were 19 patrols, 161 vehicles stopped, 154 warnings, 27 summonses, and 2 arrests.

Councilor Albert commented the different grants provide for specific patrols looking for specific things, but it means there are more officers on the streets.

Chairman Koenig stated the only concern he has is that the officers have to be out there on overtime, so we are actually working people harder than what we consider standard time. They volunteer for it. Councilor Albert noted the department has SOPs regarding how many hours of overtime they are allowed to work because of the fear of having people out there exhausted.

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to approve the acceptance and expenditure of a grant in the amount of Five Thousand Six Hundred Sixty Two Dollars (\$5,662) made available through the New Hampshire Office of Highway Safety for the Merrimack Police Department for “Distracted Driving Patrols”, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager or her proxy be authorized to sign any paperwork necessary to perfect and expend the grant. MOTION CARRIED 3-2-0

Councilors Koenig and Rothhaus voted in opposition

Minutes

MOTION made by Vice Chairman Boyd and seconded by Councilor Woods to table the meeting minutes of the Town Council meeting of October 9, 2019 until November 7th. MOTION CARRIED 5-0-0

Comments from the Press - None

Comments from the Public

Laurene Allen, 16 French Court

Approved: November 7, 2019

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Stated the NH DES website has a memo regarding the meeting on November 5th. They are having the air permit hearing. She reminded the viewing audience that 3½ years ago, when we were told about this problem, the source was the air stacks. The second part of the meeting is an investigation update.

She remarked the only guidance NH DHHS is going to give us in Merrimack is going to be only what is on the Federal sites, which we know is dated. That is all they can do. She suggested they be asked to have Jonathan Ali and Mary Butow, who were hired by NH DES to do the MCL process to rigorously look at the science, come and speak.

Ms. Allen stated her understanding, in talking with Saint-Gobain directly, her impression on the committee was when they were going to reach out to the Town they were going to ask more who do you think should be there for various parties and stakeholders to gather input. She suggested a School Board member and one of the river keepers. She stated they are not really asking the Council to craft the agenda they are asking more for talking points. The letter she crafted had talking points that the majority of residents have talked about, and in her opinion all people can agree on those six asks.

She stated she offered to follow up with Assistant Director Croce. There are some scientists and presenters at many conferences across the country that have talked about the issue of the PTFE that is being made right now. It is her understanding from science that in fact PFOA is not being used, but it does show up, and it will increase as is seen in well 2 because it is used with precursors and various chemical compounds. There is a transformation that happens, and in water it happens relatively quickly. It is the belief of some of these experts that well 2 has shown a steady presence of PFBS and PFA in particular. Those are considered in the category that does some transforming.

Comments from the Council - None

Adjourn

MOTION made by Vice Chairman Boyd and seconded by Councilor Albert to adjourn the meeting.

MOTION CARRIED 5-0-0

The October 23, 2019 meeting of the Town Council was adjourned at 10:15 p.m.

Submitted by Dawn MacMillan