



Town Council Meeting Minutes

Thursday, January 27, 2022, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order at 7:00 pm. Present at the meeting were Chairman Koenig, Vice Chair Rothhaus, Councilor Harrington, Councilor Healey, Councilor Hunter, Councilor Murphy, Councilor Woods, and Town Manager Paul Micali.

Pledge of Allegiance

Chairman Koenig led the Pledge of Allegiance.

Announcements

Upcoming Town Council Meetings:

- Thursday, February 10, 2022, 7:00 PM Regular meeting
- Thursday, February 24, 2022. 7:00 PM Regular meeting
- Wednesday, March 9, 2022, 7:00 PM Deliberative Session in the All-Purpose Room at James Masticola Upper Elementary School located at 26 Baboosic Lake Road

Starting Tuesday, February 1st, there will be a change to what is accepted as part of the single stream recycling. We will no longer be able to accept **#3, #4, #6, or #7** plastics. Those plastics should be disposed in the trash stream. ACCEPTED plastics are #1, #2 and #5.

The Filing Period for Town Offices to be elected at Town Meeting being held on Tuesday, April 12, 2022 is Wednesday, February 23, 2022 thru Friday, March 4, 2022 at 5:00 PM.

The Department of Environmental Services will be holding a PFAS Virtual Public Meeting for Merrimack, Litchfield, Londonderry, Bedford, and Manchester on **Wednesday, February 2, 2022, from 6:30 to 8:00 PM, EST.** For more information, please check the Town's website tomorrow morning.

There will be a Special Town Council meeting on Thursday, February 3rd at 7:00 PM in the Matthew Thornton Room.

Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Public Hearing

1. Public Hearing – Milfoil Grant Funds for Horseshoe Pond & Naticook Lake

Submitted by Planning and Zoning Administrator Robert Price

The Town Council will hold a public hearing to consider the acceptance and authorize the expenditure of up to \$16,900 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which \$8,450 us from a grant from NHDES for milfoil control, and the Town's matching share is \$8,450, to be funded from the Milfoil Expendable Capital Reserve Fund, and to authorize the Town Manager or his designee to execute any and all documents

which may be necessary. This request represents funding to allow for treatment of milfoil in Horseshoe Pond and Naticook Lake in 2022.

Planning and Zoning Administrator Robert Price was present to discuss the Milfoil program. He shared that each year since 2012, this treatment gets done by a choice of either herbicidal treatment or DASH (Diver Assisted Suction Harvesting). This past year, only DASH methods were used, and DES is proposing this method for next year as well. Mr. Micali wanted to thank the members of the Naticook Lake area as they make the DASH program work efficiently and have continually taken a proactive approach to this.

Councilor Woods asked if they are still checking the boats before they are put into the lake, in which Mr. Price stated he was not aware of anyone checking boats. Chairman Koenig stated that there are state guidelines that require individuals to check their boats, as one piece moved from one body of water to another will start an entire infestation. Vice Chair Rothhaus stated that he believes that the Naticook Lake Association were checking boats, and he also believes there is signage at both boat launches to remind boaters to check their boats ahead of time.

The public hearing was opened at 7:18 pm and closed at 7:19 pm.

MOTION made by Councilor Woods and seconded by Vice Chair Rothhaus to accept and authorize the expenditure of up to \$16,900 for the milfoil treatment program at Horseshoe Pond and Naticook Lake, of which \$8,450 is from a grant from NHDES for milfoil control, and the Town's matching share is \$8,450, to be funded from the Milfoil Expendable Capital Reserve Fund, and to authorize the Town Manager or his designee to execute any and all documents which may be necessary.

MOTION CARRIES 7-0-0

2. Public Hearing – Disposal Rates of Solid Waste

Submitted by Public Works Director Kyle Fox

The Town Council will hold a public hearing prior to the implementation of a new fee schedule for the disposal of Solid Waste. The Public Works Department is recommending changes to the fee schedule for commercial trash, construction and demolition, in accordance with Chapter 163-4 of the Merrimack Town Code.

Before the discussion began, Mr. Micali shared that before any new tipping fees are implemented, the Town Council must hold a public hearing. After this public hearing, they have a minimum of 30 days after publication in the newspaper before they can begin charging the new rates. Public Works Director Kyle Fox was present to discuss the new fee schedule for the disposal of Solid Waste. He is recommending that they make the new rates effective March 15, 2022, to allow time to get this to the union for publication. Mr. Fox then shared that the new rate is proposed due to increased costs from their vendors. He is proposing an increase of \$11 per ton for commercial trash, and an increase from \$122 to \$150 per ton for construction and demolition.

The public hearing was opened at 7:24 pm

Councilor Healey asked how the DPW determines what is commercial and what is residential trash, in which Mr. Fox stated that this can be challenging as individuals can be deceptive about their trash, but it boils down to what benefits the resident. Councilor Woods shared that the small construction companies are concerned about keeping their reputation in the community, and he does not believe

they are going to cheat the town when it comes to commercial waste or construction materials. The Council then discussed how this is problematic for the DPW, but there is no easy resolution to this, in which Mr. Fox agreed.

The public hearing then closed at 7:34 pm.

MOTION made by Councilor Murphy and seconded by Councilor Healey to accept the DPW's proposed new fee schedule for commercial trash, construction and demolition, in accordance with Chapter 163-4 of the Merrimack Town Code, and that the new rates become effective on March 15, 2022.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

Dear Members of the Merrimack Town Council,

I want to update you on a few items:

1. I am presently serving on the NH House Municipal and County Government Committee and have been asked to serve also on the Environment and Agriculture Committee. Several bills have come to our committee which potentially impact Merrimack. I want to thank the Town Manager for his guidance and would like to inquire as to the most efficient way to get the Town Council's direction. The schedule this term does not allow for much time to make a decision as it is common for committee's to vote their recommendation on a bill the same day it is introduced. My general "rule of thumb" is to support any legislation which enables municipalities to self-govern. The exception to this was a bill we voted on earlier this week which would have allowed towns to enact a homestead exemption. In my opinion, there were too many questions of how this would impact businesses deciding to locate to a town, how it would affect other exemptions, and the burden it would place on other taxpayers. It was voted inexpedient to legislate 17-2,
2. In my role on the MCG committee, I amended HB1397 to allow all NH counties, not just Rockingham to extend terms for county attorney, county treasurer, county sheriff, and county registrar of deeds from 2 years to 4 years. It passed unanimously, as did the amended bill. I am considering filing a bill in the fall for certain town offices where the position is essentially a full-time position, e.g. town clerk.
3. In my role on the MCG committee, I voted against HB1275 which would have added more city representation onto regional planning commissions. The effect this would have on Merrimack, if passed, would be to dilute our influence on the Nashua Regional Planning Commission. The bill was voted inexpedient to legislate by a 16-3 vote.
4. My bill, HB1185, relative to enabling waste water treatment facilities to regulate PFAS in effluent is making its way through the Resources committee. I want to thank the Town Manager for his letter of support and thanks to Ms. Sarita Croce for working with me and the NHMA on an amendment to address impact to private septage haulers. The Resources committee will be voting on this bill next week with the amendment offered.
5. As a response to a constituent concern regarding limitations on contact lens prescriptions, I submitted an amendment to a germane bill on prescription glasses prescriptions to the House Health and Human Service and Elderly Affairs committee which would prevent prescribers from forcing

patients to purchase private label contact lens when identical brands are available on the open market. The committee has not voted on it, but the response during the public hearing was favorable.

6. My bill, HB1066, would establish a commission to study the health and environmental impacts of cyanobacteria blooms. All water bodies in Merrimack and many throughout the State have experienced toxic blooms. Their occurrence is increasing and with research showing links to ALS, Alzheimer's and other neurological diseases, the State needs to develop a comprehensive strategy to manage and mitigate this risk. The Resources committee, of which Merrimack Reps Mary Mayville and Bob Healey, are members, will be voting on it on Wednesday, Feb. 2.

7. As Councilor Murphy can attest, the HB737 PFAS Commission, of which I chair, is working to support public communication on PFAS risk, exposure, and general updates. Tonight, NH DHHS is conducting a remote "Town Hall" to address questions arising from the Merrimack Cancer Study, which was released at our Dec. 2021 meeting.

8. Next week the Agency for Toxic Substances and Disease Registry (ATSDR) is holding a similar event on Wednesday, February 2, 2022, from 6:30 to 8:00 PM, EST. They will discuss their health consultation report which describes PFAS levels in private wells near the Saint Gobain Site. The report evaluates the potential exposure to PFAS and possible health risks for people with private wells in five New Hampshire towns (Merrimack, Litchfield, Londonderry, Bedford, and Manchester). The agenda will include an overview of ATSDR, the evaluation conducted and the findings and recommendations of the report, and how the community can provide comments to the report. There will also be an opportunity for community questions. I would be grateful if the Town would promote this meeting as many of our residents have private wells. Here is the information:

Register at <https://attendee.gotowebinar.com/register/2969673574993893904>

Registering a day before the event is recommended. After registering, a confirmation email containing information about joining the session will be sent.

That concludes my report. Please let me know if you have any questions.

Rosemarie Rung
NH State Representative
Merrimack (Hillsborough 21)
603.424.6664

Town Manager's Report

None.

Consent Agenda

None.

Old Business

None.

New Business

1. Acceptance of Sponsorship Donation to Town of Merrimack's 30th Annual Winter Carnival

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a sponsorship donation in the amount of \$1,220 from Monahan Companies to the Parks and Recreation Department to be used towards the Town of Merrimack's 30th Annual Winter Carnival event on Saturday, February 26th and serve as a sponsor of the Ice Carving Demonstration and Caricature Artist, pursuant to RSA 31:95-b and Charter Article 8-15.

Mr. Micali shared that Monahan Companies have graciously donated \$1,220 so town residents can enjoy the outdoor festivities at the Winter Carnival, and the Council offered their sincere thanks to Monahan Companies for their generous donation.

MOTION made by Councilor Woods and seconded by Vice Chair Rothhaus to accept and expend a sponsorship donation in the amount of \$1,220 from Monahan Companies to the Parks and Recreation Department to be used towards the Town of Merrimack's 30th Annual Winter Carnival event on Saturday, February 26th and serve as a sponsor of the Ice Carving Demonstration and Caricature Artist, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIES 7-0-0

2. First Church of Merrimack Lease Agreement Review and Discussion

Submitted by Town Manager Paul T. Micali

The Town Council to review and discuss a lease agreement with the First Church of Merrimack.

Greg Ross from the First Church of Merrimack was present along with Mr. Micali to discuss a lease agreement for the town, mainly the John O'Leary Adult Community Center, to use their parking lot and their facility as long as it does not interfere with any church events or Sunday service. They have had a "handshake" type deal for many years but would like something more formal with the town. First Church and the John O'Leary Adult Community Center have agreed to provide each other with a list of events for each month to ensure they each know of upcoming events and so that events don't get double booked. Mr. Micali then shared that there is one change from the original 1989 handshake agreement that the Church agreed to, which is if the Church were to sell their property, they give the town the option of right to first refusal on the property. Additionally, he shared that the town will be responsible for plowing and maintaining the Church parking lot. This agreement has been vetted by town attorneys, who are in agreement with the language for this. Mr. Ross then spoke, stating that he is in agreement with everything Mr. Micali has shared, and the Church board has also reviewed this agreement and is in favor of it.

MOTION made by Councilor Harrington and seconded by Councilor Healey to approve the proposed lease agreement with the First Church of Merrimack and authorize the Town Manager or his designee to sign any necessary documents.

MOTION CARRIES 7-0-0

3. Elderly Exemption Discussion

Submitted by Town Manager Paul T. Micali

The Town Manager to present Elderly Exemption information as it relates to the increased values with the latest revaluation.

Mr. Micali began by stating that with the latest revaluation, the elderly population saw an increase in their tax bill. Mr. Micali then shared that RSA 7239, Elderly Exemption, states the following:

- The applicant must be a NH resident for 3 consecutive years
- The applicant must be 65 or older before April 1st (or a spouse)
- The property with which the exemption applies must be the legal residence of the applicants
- The property cannot be transferred within the last 5 years from a blood relative or marriage

Additionally, he shared that the town set income limits for yearly net income of all sources, including but not limited to social security, pensions, and IRA distributions:

- Single is \$45,000
- Married is \$60,000
- He is not requesting to change these limits

The asset limit is \$200,000, excluding the Merrimack residency and up to two acres of land. Currently, there are three tiers for the Elderly Exemption:

- 65-74 years old: \$75,000 off assessed value
- 75-79 years old: \$100,000 off assessed value
- 80+ years old: \$125,000 off assessed value

Mr. Micali then compared the tax bills in 2020 with 2021 for each of these groups, sharing the following:

- 65-74 years old: 45 total exemptions, with the average tax bill in 2020 at \$3,130 and \$3,590 in 2021
- 75-79 years old: 51 total exemptions, with the average tax bill in 2020 at \$2,714 and \$3,455 in 2021
- 80+ years old: 97 total exemptions, with the average tax bill in 2020 at \$2,371 and \$3,242 in 2021

Mr. Micali then shared that he looked at options to keep it fair for everybody, so he came up with some new limits. The biggest one is for the 65-74 age group, in which he suggested raising the asset limit by \$10,000. This would be a difference of \$290. He then suggested raising the 75-79 age group up \$15,000, which would be a difference of \$480. For the 80+ age group, he suggested raising the asset limit up \$25,000, which would be a difference of \$443. These changes would cause a 1 cent increase in the tax rate. Mr. Micali would like to know if the Council would like to proceed with this, and if they do if they want to send it out as a warrant, or do they want to take it up as an Ordinance and go through that process.

Councilor Healey asked if the average tax bill amounts are the 6-month split or the year end, in which Mr. Micali stated this is for the full year. She then asked Mr. Micali to walk the Council through the process from start to finish of applying for an Elderly Exemption. Mr. Micali shared that first the applicant has to provide the clerk with a tax return (if they do one) or investments and the value of their IRA/401k if they have one. This is then reviewed by the clerk in the assessing office, then it goes to the assessing coordinator who reviews for accuracy before approving the exemption. The Council

discussed this, with Vice Chair Rothhaus sharing that he believes this should go through the Ordinance process and shared how this can also burden the younger generations who are starting up a family or getting their careers started and have their own financial concerns. The Council deliberated if this should be processed as a warrant article or Ordinance, ultimately agreeing with Vice Chair Rothhaus that this should be continued as an Ordinance. Chairman Koenig recommended changing the increments for the three tiers to \$100,000, \$140,000, and \$180,000, but the Council was in agreement with Mr. Micali's suggestions of increments of \$85,000, \$115,000, and \$150,000.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to make these adjustments through an ordinance and to move this to a first reading with the recommendations from the Town Manager.

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meetings:

♦ January 6, 2022

MOTION made by Councilor Healey and seconded by Councilor Hunter to approve the minutes of January 6, 2021, as amended.

Amendments:

Page 2 Line 6: "Community Development" should be capitalized

Page 2 Line 11: "Planning Board" should be capitalized

Page 2 Line 12: "Zoning Board" should be capitalized

Page 6 Line 28-42: Add a comment to include more about the RSA, such as the budgeted amount for the Last Rest Cemetery is based on an RSA and clarify that towns and municipalities must have some kind of cemetery.

Page 7 Line 15: Add period between \$17.17

Page 4 Line 4: change "salary" to "expense"

MOTION CARRIES 6-0-1 with Vice Chair Rothhaus abstaining

♦ January 12, 2022

MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the minutes of January 12, 2021, as amended.

Amendments:

Page 1 Line 15: Change "Treatment" to "Wastewater"

Under Wastewater Treatment section, "Croche" should be spelled "Croce"

Page 3 Line 10: remove "CSSI" portion when discussing bids and remove "there is" under "when there is help needed"

Page 5 Line 9: Add percent sign after "1.3"

MOTION CARRIES 6-0-1 with Vice Chair Rothhaus abstaining

♦ January 13, 2022

MOTION made by Councilor Harrington and seconded by Councilor Hunter to approve the minutes of January 13, 2021, as amended.

Amendments:

Page 7 Line 15: Mr. Tenhave is a contractor, not on the Planning Board- strike "of the Planning Board"

MOTION CARRIES 7-0-0

Approved: February 24, 2022

Posted: March 1, 2022

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

None.

Adjourn

MOTION made by Councilor Woods and seconded by Councilor Hunter to adjourn the meeting.

MOTION CARRIES 7-0-0

The meeting adjourned at 8:45 pm.

Respectfully submitted by Jennifer Steagald