



Town Council Meeting Minutes



Thursday, February 10, 2022, at 7:00 PM, in the Matthew Thornton Room

Call to Order

Chairman Koenig called the meeting to order at 7:02 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

The Merrimack Town Council would like to extend our deepest sympathies to the family and friends of Chief Joseph R. Devine, who passed away on February 7th at the age of 88.

Chief Devine served in the US Army during the Korean War and started his police career as a Military Police Officer when he then moved on and began his law enforcement career for the Johnston, RI Police Department, retiring as the Deputy Chief after 17 years of service. Joe served as Police Chief in St. Johnsbury, VT; Claremont, NH and starting in 1981, proudly served the Town of Merrimack as our Chief of Police for over 21 years, retiring in September 2002. In 1992, Chief Devine was recognized for outstanding service to the Merrimack community by VFW Post #8641, when he was chosen as the "Police Officer of the Year". In 1990, he also received a special commendation from the Town Manager for police service as well as received recognition for Level I Accreditation Certification in 1999.

Upcoming Town Council Meetings:

- Thursday, February 24, 2022, 7:00 PM Regular meeting
- Thursday, March 10, 2022, 7:00 PM Regular meeting

Important Dates to Remember:

- Wednesday, February 23, 2022 thru Friday, March 4, 2022 at 5:00 PM; Filing period for Town Offices to be elected at Town Meeting on April 12, 2022
- Wednesday, March 9, 2022, 7:00 PM, in the All-Purpose Room at James Mastricola Upper Elementary School located at 26 Baboosic Lake Road; Deliberative Session

The Library will host AARP Tax-Aide volunteers on Mondays from 9 am – 11 am now through April 11. This assistance is by appointment only, with multiple slots available at 9 am, 10 am and 11 am. Please call the Library at 603-424-5021 to make an appointment or for more information.

A Vaccination Clinic is scheduled for **Wednesday, 2/16/22 from 1:00 pm to 5:00 pm** at the John O'Leary Adult Community Center located at 4 Church Street. This Vaccination Site will be administrated by the NH Department of Public Health and their partners and the Town of Merrimack. Moderna and Johnson & Johnson Vaccines are available for all shots for 18 years old and up. Pfizer Vaccine is available for all shots for 5 years old and up as approved by the Center for Disease Control (CDC). Please call 603-420-1440 or email welfare@merrimacknh.gov to schedule an appointment time.

Stowell Road will be closed at Baboosic Brook between February 15 and April 1. The bridge is being repaired following damage that occurred from an over-size load trying to go through the bridge. Message boards have been placed in Merrimack and Bedford to alert motorists of the upcoming closure.

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Comments from the Press and Public

None.

Recognitions, Resignations and Retirements

None.

Appointments

None.

Without any objections, Chairman Koenig moved Item #1 under New Business to be heard before the Public Hearings

1. Memorial Bench Donation to Twin Bridge Park

Submitted by Maureen Quinn Greene

The Town Council to consider the donation of a memorial park bench to be installed along the trail system at Twin Bridge Park in honor of Terry Quinn who passed away last year.

Maureen Quinn Greene was present to discuss her father, Terry Quinn. Mr. Quinn moved to Belmont Dr. in Merrimack in 1978, and coached many MYA teams, such as basketball, soccer, and softball, as well as the Merrimack Cardinals football team. Additionally, he was a teacher at Memorial High School in Manchester for 37 years. Mr. Quinn also ran a project called Project Brightside through the Merrimack DPW, which included improvement projects such as town cemeteries, Wasserman Park, athletic field maintenance, and trail building at Twin Bridges Park. Ms. Quinn Greene would like to put a park bench at Twin Bridge Park in honor of her father since he spent so much time there. She would like to place the bench overlooking the first bridge over the river. The bench will be a 5 foot bench made of recycled plastic with permanent post legs in concrete and will be ordered through the Roundbush Company. Upon approval of the bench, the family would like to install the bench in June when all the grandchildren are home from college to help out. Councilor Harrington shared that this is such a great idea and shows his legacy in Merrimack. Councilor Murphy agreed, stating this is a wonderful tribute to Mr. Quinn and all he did for Merrimack, and gives back to the town.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Woods to accept the donation of a memorial park bench to be installed along the trail system at Twin Bridge Park in honor of Terry Quinn who passed away last year.

MOTION CARRIES 7-0-0

Public Hearing

1. Public Hearing – Proposed Municipal 2022-23 Operating Budget & Warrant Articles

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council will hold a public hearing to discuss the following:

- 2022/23 Proposed Municipal Operating Budget
- Collective Bargaining Agreement(s), if any
- Capital Reserve Deposits General Fund
- Capital Reserve Deposits Wastewater
- Proposed Issuance of Debt, as follows:
 - Ladder Fire Truck
 - Wastewater Treatment Facility Phase V Upgrade
- Town Charter Amendment, Article 6-2 (A), Trustees of Trust Funds
 - Trustees of Trust Funds - Alternate Members

- Petitioned Bonds
 - Drainage / Road Improvements Woodland Drive Area
 - Additional Petitioned bonds, if any
- Other Petitioned Warrant Articles, if any

These hearings are being held pursuant to the requirements of NH RSA 33:8-a (I), NH RSA 32:5, I, NH RSA 21:35, NH RSA 40:13 II-b and Town of Merrimack Charter Article 8-3.

2022/23 Proposed Municipal Operating Budget

Town Manager Paul Micali began by stating that this budget will pass to the Town Council after the public hearing tonight, and then it will go to a Deliberative Session and then finally to the voters. He then briefly went over the estimated 2022 tax rate summary, highlighting the following:

- The operating budget is broken out into several components, such as the general fund, capital reserve fund, other capital, roads resurfacing/sidewalks expansion, SAFER grant, phase 5 bond for Wastewater, bond for the ladder truck, and self-supporting funds (Wastewater treatment-enterprise fund, Media fund- cable franchise fee, outside detail for police and fire, library trustees funds)
- The total appropriations would be \$50,245,877
- The revenues would be \$31,265,492
- Overlay for abatements (veteran's credits) would be \$500
- \$4,000 for 100% disabled veterans
- To be raised by taxes would be \$20,172,465
- Town-wide property valuation is projected to be over \$5 billion
- Total rate would be \$4.01 (19 cent increase)
- Inflation is running about 7%, so the total rate is in line with this
- General fund difference is \$1,824,677
- Self-supporting funds have a decrease of \$176,000, but this offsets the decrease in revenue of \$176,000

Appropriations:

- Computer supplies- \$21,000
- Sand & salt- \$61,000
- General insurance- \$30,200
- Library materials- \$11,500
- Patrol vehicles- \$21,000
- Solid waste tipping fees- \$38,000
 - Recycling- down \$19,500
 - Disposal- \$ 57,500
- Operating supplies- \$26,800
- Postage- \$8,600
- Utilities (gas/electric/water/sewer)- \$17,850
- Maintenance office equipment- \$52,450
- Communication equipment- \$827,000
 - Police/Fire- \$762,800
 - Fire radios- \$36,200
 - Highway- \$28,000
- Vehicle fuel- \$29,400
- Maintenance of vehicles- \$20,300
- MYA maintenance- \$20,250
- Legal- \$30,000

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- Elections- \$18,575
- Outside services- \$22,875
- Miscellaneous- \$21,802

Budget overview- Staffing Increase (Decrease)

- Compensated absences- \$21,600
- Union wages (including steps)- increasing to \$230,700
- 53rd week of payroll- \$278,150
- Education- increasing to \$10,800
- Uniforms- increasing to \$13,000

Staffing:

- 4 Additional firefighters (SAFER Grant)- \$395,750 (100% reimbursed, but have to gross appropriate)
- Highway (Equipment Operator 1)- \$79,600
- Dispatcher- \$79,200
- Overtime Fire- \$28,600
- PT Cleaning Highway- \$10,850
- PT Code Enforcement- \$11,150
- PT to FT Town Clerk/Tax Collector- \$40,400

Further budget highlights:

- Capital Reserve Fund Deposits: increase of \$67,500
- Health insurance decrease- \$34,625
- Infrastructure decrease - \$80,000
- Streetlights decrease- \$8,000
- Net Savings- \$122,625
- Total General Fund increase = \$1,824,677

Revenues:

- Increases
 - Planning Board- \$10,800
 - Current use- \$75,000
 - Building permits- \$35,000
 - Restaurant licenses- \$12,000
 - Ambulance- \$65,000
- Decreases
 - Franchise fees- \$250,000
 - Interest- \$75,900
 - Tax bill interest- \$20,850
 - Admin charges- \$13,000
 - Solid Waste- \$10,330
 - Miscellaneous- \$4,279
 - Net revenue decrease = \$176,559
- Use of Fund Balance
 - Total to Reduce Taxes- \$984,500
 - Offset Capital Projects
 - Paving- \$160,000
 - CRF Deposit (Road infrastructure) - \$145,000
 - DPW base radio unit- \$28,000

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- Wasserman Park roof repair- \$32,500
- Total Capital Projects = \$365,500
- Total Reduction to Fund Unreserved Balance = \$1,350,000
 - Variance of \$300,000

The public hearing was opened at 7:29 pm and closed at 7:30 pm.

Mr. Micali then shared that this budget does not include wage increases for non-union employees. He then stated that he is proposing a 2.5% increase for non-union employees, which is roughly \$119,000 appropriation add to the budget. However, he reviewed the health insurance numbers and he believes with the current census, they can garner about \$102,000 worth of savings in health insurance. For general fund, the non-union wage increase would be \$114,443 and health insurance savings would be \$98,500 for a net increase to the appropriations of \$15,943. In Wastewater, non-union raises would equate to \$4,842 with a health insurance decrease of \$1,000. For Media, the non-union raises would equate to \$4,928 with a health insurance decrease of \$1,500. This would make the total appropriations to be voted on in the operating budget warrant \$36,218,840, and this would not affect the tax rate. Councilor Healey asked how Mr. Micali determined the 2.5% raise, in which he stated that many other unions received a 2% increase, but since non-union does not get the extra benefits of being in the union (education, uniforms, longevity stipends) he decided to give them an extra .5% in wage increases.

MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the non-union pay raise of 2.5%.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Rothhaus and seconded by Councilor Hunter to accept the reduction of health insurance by \$102,000.

MOTION CARRIES 7-0-0

MOTION made by Councilor Harrington and seconded by Councilor Murphy to move \$36,218,840 to the Warrant.

MOTION CARRIES 7-0-0

Collective Bargaining Agreements

Mr. Micali then presented the collective bargaining agreements, highlighting the following:

- There is one bargaining agreement that will be on the ballot this year, Teamsters Local 633 contract
 - This is a 2-year contract, from July 1, 2022- June 30, 2024
 - Article XIV Group Insurance, Section 2, Life Insurance
 - Life insurance benefit for spouse increased from \$1,000 to \$10,000 and children benefit from \$500 and \$100 to \$5,000
 - Article XV Wages
 - Fiscal Year 2022-2023- 2.5% increase
 - Fiscal Year 2023- 2024- 3% increase
 - In addition, \$0.48 shall be added to the base hourly rate of each employee effective on the first full pay period of the first year of this agreement
 - Wage raises for employees hired before July 1, 2018 shall be permitted to exceed the top of the wage scale in Appendix A for the duration of the agreement. This provision shall expire on June 30, 2024

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- Employees shall be paid an extra 2 hours at 1.0 times their base hourly rate for each observed holiday (24-hour period) under Article VII- Holidays that the employee is required to be on-call
- Article XVI Boot/Clothing/Uniforms
 - The Town to provide an allowance up to \$125.00 for approved prescription safety glasses once every 3 years beginning July 2022 (*ie July 2022, July 2025, July 2028, etc*). The Clerk Typist II/Dispatcher, Secretary, Secretary/Scale Operator excluded from allowance.
 - In addition, during a fiscal year that the prescription safety glasses allowance is available, those employees eligible for the prescription safety glasses allowance shall first purchase at least one pair of safety footwear, and then may use the balance of that fiscal year boot allowance toward the purchase of prescription safety glasses.
- Year 1 cost = \$49,754, roughly 1 cent on the tax rate
- Year 2 cost = \$35,555, less than 1 cent on the tax rate

The public hearing was opened at 7:46 pm and closed at 7:47 pm.

Vice Chair Rothhaus asked Mr. Micali to clarify the \$500 and \$100 child benefits, in which Mr. Micali stated \$500 is for a child 6 months and older, whereas \$100 is for a child less than 6 months old.

Capital Reserve Deposits General Fund

Mr. Micali began by stating that this is no longer in the operating budget, then shared the following highlights for CRF purchases in 2022-2023:

- Computer equipment; purchasing Microsoft 360- \$46,000
- Communications recorder- \$25,000
- Library; elevator upgrade and HVAC- \$100,000 each
- Highway projects; bridge replacement on US 3, storm water, Woodland Dr. improvements (\$375,000), Depot St. Boat Ramp repairs (\$150,000), Souhegan River Trail- \$ 1,023,034
- Highway Equipment; new message board, brine trailer, athletic field groomer, pickup truck, tractor, two 6-wheel dump trucks- \$565,000
- DW Highway projects- \$200,000
- Solid Waste; pickup truck with plow- \$40,000
- Total General Fund expenditures = \$2,104,000

Sewer Fund

- Pump stations, crane truck (\$125,000)- \$620,000
- Projecting \$2.7 million out of the CRF

Budget Highlights- CRF Deposits

- Ambulance- increasing \$15,000
- Highway equipment increased from \$400,000 to \$425,000
- Property Revaluations increasing \$2,250
- Solid Waste disposal decreasing \$20,000
- Infrastructure increasing \$50,000

The public hearing was opened at 7:55 pm and closed at 7:56 pm.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Woods to move \$1,947,250 General Fund Capital Reserve Fund to the Warrant.

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MOTION CARRIES 7-0-0

Capital Reserve Deposits Wastewater

Mr. Micali began by stating that this is for the sewer improvements, and they have been putting \$500,000 in each year. He then explained that this is broken out differently because it is an enterprise fund, specifically a sewer user fee that is not on the tax rate and only effects residents who use the sewer system. Chairman Koenig asked that since they've been voting on bonds to upgrade the sewer system if this is part of the sewer infrastructure improvements, in which Mr. Micali stated that it is but they are funded separately. Councilor Healey asked if since DOT is widening the highway, which effects the sewer lines interceptor, why isn't DOT paying for this, in which DPW Director Kyle Fox shared that this is because the sewer lines are a utility to the DOT and are in their right-of-way, meaning that the town is responsible for paying for the sewer lines.

The public hearing was opened at 8:02 pm and closed at 8:03 pm.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Healey to move \$500,000 from the Wastewater Treatment Facility Capital Reserve Fund to the Warrant.

MOTION CARRIES 7-0-0

Proposed Issuance of Debt, as follows:

- Ladder Fire Truck
- Wastewater Treatment Facility Phase V Upgrade

Mr. Micali stated that the reason the Ladder Fire Truck and Wastewater Treatment Facility Phase V Upgrade have two separate warrant articles is because when the town goes out to bond, there is a bond legal counsel they have to go through to make sure that it was properly noticed and all the rules and laws of bonding were followed, and legal advised to keep these separate.

Mr. Micali reviewed the dates and locations for the Town and School's Deliberative Sessions as well as the date of the Town Election day. He also reviewed the snow dates for the sessions.

Town Charter Amendment, Article 6-2 (A), Trustees of Trust Funds

- Trustees of Trust Funds - Alternate Members

Mr. Micali shared the following:

"There shall be a board of three (3) Trustees of Trust Funds whose powers and duties are provided by New Hampshire State Law. Trustees of Trust Funds shall be elected at the regular Town elections for terms of three (3) years, one (1) Trustee each year. Vacancies shall be filled by appointments by the Town Council for unexpired term; **"further, the Town Council may appoint up to two (2) Alternate Members for a one-year term."**

He then clarified that this means that the Trustees of Trust Funds are appointed by the public, but the modification states that alternates would be appointed by the Town Council for a one-year term only and will have to be reappointed for every one-year term.

The public hearing was opened at 8:09 pm and closed at 8:10 pm.

Mr. Micali then shared that he discussed the modification with the attorney general and how the appointing process works, and the attorney general was pleased with this process but wanted to add "further, the board may recommend to the Town Council, and the Town Council may appoint up to two Alternate Members for one-year terms." Councilor Healey asked if this binds the Council in any way to have to accept the

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recommendations of the board, in which Mr. Micali stated that it does not, the Council has final say on the appointments for any board.

MOTION made by Councilor Healey and seconded by Councilor Murphy to amend the Charter Article 6-2 (A) to say, “further, the board may recommend to the Town Council and the Town Council may appoint up to two Alternate Members for one-year terms.”

MOTION CARRIES 6-0-0 with Councilor Woods voting Present

Without any objections, Chairman Koenig moved Item #4 under Public Hearing to be heard next.

4. Public Hearing – Petitioned Bond for Drainage and Road Repairs to Woodland Drive Area

Submitted by Harvey and Elaine Bloom

The Town Council to be presented with the details of a Petitioned bond received, for drainage and road repairs to Woodland Drive area (Shady Lane, Evergreen Drive, Glenwood Lane, Deerwood Drive, Birchwood Road, Pinetree Lane, Fernwood Drive, Forest Drive, Hartwood Drive and Timber Lane) and to authorize the issuance of not more than \$3,000,000.

Mr. Micali began by stating that this was reviewed with the town attorney, and while this is a petition bond the attorney is of the belief that this article is advisory in nature to the Town Council, as most petitions are. He then shared that this presentation is informational and is automatically on the warrant and will be discussed at the deliberative session. Mr. Bloom then shared some background information, such as that for many decades, the streets have not been repaved and there are holes and cracks throughout the area. Any repairs done have only been temporary solutions, and the drainage is poor with many puddles forming over the years, which causes safety issues as residents are walking in the roads to avoid the puddles. Mr. Bloom then provided picture examples of the puddles and poor road conditions to show the Council. He then showed the Council the signed petition, which received 40 signatures in support of the petitioned bond of \$3,000,000 for drainage and road repairs.

Councilor Healey asked that if this is voted on and approved and moves on to bidding, what will happen if everything costs more than \$3,000,000, in which Mr. Micali stated that the town will do as many improvements as possible for \$3,000,000. Councilor Murphy asked where the \$3,000,000 came from, in which Mr. Bloom said it was discussed with Mr. Micali and it was deemed a reasonable amount for the area and required work. Mr. Micali then shared that there are several issues with this area, such as where to put the water as there isn't a closed drainage system, so they will have to do volume studies to see if the pipe that was put in can handle this project. Councilor Woods asked what will happen if unforeseen problems occur during the project and who will be responsible for resolving issues and disputes, in which Mr. Micali stated they will have to create a priority list, with the biggest issues laid out and given to residents. Mr. Bloom added that this could be an opportunity for Merrimack to look into funding or grants from the state to help with this project, in which Mr. Micali agreed and stated that they are also keeping their eye on the Build Back America infrastructure bill, as well as the ARPA money. Mr. Fox shared a bit about how funding works, stating that DOT distributes money on a program basis, not as a check for the town to distribute so the money amounts will depend on the projects being done (such as bridge repairs, highway projects, etc.). Mr. Fox then discussed the 375 project, which was a drainage bond project that allowed for many areas to get drainage repairs and improvements. Mr. Fox then shared that for this project, they will first need to perform an analysis to see if there is capacity in the pipe to see if they can add additional stormwater chambers in the existing easement, and if not, they will have to figure out another option for where to put the water and fund the project.

The public hearing was opened at 8:43 pm and closed at 8:44 pm.

3. Public Hearing – Ladder Fire Truck

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council will hold a public hearing to receive public input on a proposed issuance of debt of \$1,500,000 for a New Fire Ladder Truck, and expenses related to the issuance of municipal bonds.

Fire Chief DiFronzo was present with Mr. Micali to discuss the ladder fire truck, summarizing the following from previous presentations:

- The Town has had a ladder truck since 1972
- The ladder truck helps provide for firefighter safety, victim removal from exterior buildings, it carries large volumes of water if needed, it assists in certain rescue operations, and it carries a full complement of ground ladders
- The annual cost of repairs on the current ladder truck is \$15,019, with \$75,097 worth of repairs from Jan 1, 2017 to Nov 30, 2021
- The equipment maintenance division conducted an evaluation and found several costly issues with the ladder truck
- The ladder truck was purchased in 2002 and cost \$746,748, which amounts to \$1,153,736 in today's dollars
- The new ladder truck will cost \$1,473,994, but there are some cash discounts for paying for the truck up front
- For a 10-year bond with interest rates the cost would be \$15,000 the first year, then \$178,000, and then \$175,000 with the cost going down each year. The cost over the 10-year period would be \$1,665,000, with \$165,000
- There would not be an increase in the tax rate because there is a current bond dropping off this year that is the same amount as the 10-year bond
- Mr. Micali then compared ARPA funding vs Bonding, highlighting the following:
 - Pros:
 - No bond debt (pay 100% cash)
 - Permitted use for funds
 - Can get delivery of ladder truck sooner
 - Taxpayers will not see a tax increase
 - Cons:
 - Sewer projects will be pushed off or cost an additional \$3.4 million
 - If the remainder of ARPA money was used to help offset sewer, the additional cost would be \$1.7 million

Vice Chair Rothhaus asked if there was any rate impact, in which Mr. Micali stated they're at 12% rate this year, 12% next year, and then 5% the following year, with the 5% increasing because of this. Councilor Hunter asked what the cash discount would be, in which Chief DiFronzo stated it would be almost \$41,000 taken off the price tag of the truck. Mr. Fox and Ms. Croce then spoke about the sewer projects that would be deferred if the Council decides to go with ARPA funding, stating that with most of the equipment and building being over 50 years old, they are concerned about the projects getting further delayed. Ms. Croce then elaborated, stating that there are four return-activated sludge pumps that recycles water with microbes that are full of rust and may not survive. If these pumps go, water will not be able to be cleaned and the entire plant will be at a halt. Additionally, this project would go from costing \$1.3 million to upwards of \$3-\$4 million. Councilor Woods then spoke, sharing that he is in agreement with the ladder truck purchase. Councilor Healey shared that if the town were to lose the wastewater facility, the EPA would come and take over Merrimack until the facility is up and functional again. She would rather prevent EPA coming as opposed to purchasing the new truck with the ARPA funding.

The public hearing was opened at 9:14 pm and closed at 9:15 pm.

The Council further discussed their options, stating that both the ladder truck and the WWTF projects are both equally important. The Council was in agreement of moving forward with the ARPA funding to purchase the ladder truck with cash, and then increasing the bonding for the WWTF project. Ms. Croce wanted to clarify that requesting more money for the WWTF is not an easy solution, as money has already been allocated to them from the state. She stated that she can call to see if the amount can be adjusted, but every other wastewater facility in NH is going through upgrades. Further, if the project gets delayed, they still have to pay project fees, and this will further push the completion date out. Mr. Micali then broke down some cost options, mainly the chlorination building and sawdust shed, stating that there are ways to get these paid for with the leftover ARPA funding (about \$1.2 million) and additional funds. Ms. Croce then further discussed the issues with the return-activated sludge pumps, stating that the electrical and communications (SCADA) parts of the project are going to be the most expensive.

MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to move \$1.5 million bond for the Ladder Fire Truck to the Warrant.

MOTION FAILS 1-6-0 with Councilor Woods in favor

Chairman Koenig requests that this be brought back to the Council as an option to use ARPA funds to purchase the ladder truck. This will be added to either the February 24th or March 10th agenda.

2. Public Hearing – Waste Water Treatment Facility Phase V

Submitted by Town Council Chair Tom Koenig and Vice Chair Finlay Rothhaus

The Town Council will hold a public hearing to receive public input on a proposed issuance of debt of \$10,102,750 for Waste Water Treatment upgrades to the Wash Water Piping, Compost Facility, Headworks Building and New Screening Building as well as ADA improvements and other miscellaneous upgrades to the main plant.

Mr. Micali began by giving a condensed version of this bond, presenting the following:

- The cost of the project is \$10,102,750
 - Screenings Building- \$3,200,000
 - Wash water Piping- \$585,000
 - Compost Facility- \$2,600,000
 - Headworks Building- \$2,400,000
 - Construction total cost- \$8,785,000
 - Contingency 5%- \$439,250
 - Engineering 10%- \$878,500
- NHDES announced the availability of the ARPA (American Rescue Plan Act) Grant application for all Clean Water ARPA grant offers
- Town submitted an SRF pre-application to qualify for the ARPA grant
- The Town of Merrimack has been preapproved for 20% ARPA grant, up to \$2,000,000
 - With this grant, the total loan amount would be \$8,102,750
- The 20-year bond repayment at 2.5% would be about \$2 million worth of interest, bringing the total bond to \$10,229,721.88
 - This would not affect the proposed tax rates

Councilor Harrington asked if there will be enough time between now and the deliberative session to ask to increase the bond up to \$12,102,750, in which Mr. Micali stated that this would leave some options open and is a possibility. Councilor Hunter agreed, stating that keeping this on a bond will help keep this user-funded.

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Ms. Croce then spoke, stating that this will have to be voted on, then they will need quotes, which will further delay the project from being completed by next September. She then stated that by increasing the project by a year, the additional \$2 million may not be enough at that point in time because of the costs associated with the contracting staff and their equipment being on site every month. By getting the money sooner, the contractor would not have to extend their project time. The Council and Mr. Micali further debated the pros and cons of using the ARPA money vs bonding, with the Council ultimately deciding that the chlorine building project will get done with ARPA money, and the rest of the funds will come from either the CRF or contingencies. Mr. Fox volunteered to come back to the Council at a future date to propose ideas on funding since the Council will have to approve this anyways.

The public hearing was opened at 9:59 pm and closed at 10:00 pm.

MOTION made by Councilor Healey and seconded by Councilor Woods to extend the meeting past 10 pm.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor Murphy to move the \$10,102,750 Wastewater Treatment Facility Phase V upgrade bond to the Warrant.

MOTION CARRIES 7-0-0

Legislative Updates from State Representatives

Legislative Update for February 10, 2022

By: Rep. Maureen Mooney

Greetings:

1. One year ago, we were preparing for the House Hearing on [HB 478](#) (An Act relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District). The Town Council wrote and signed the attached letter in support of the bill. See letter attached dated February 11, 2021. HB 478 has now **passed through the full House** and we are awaiting the Senate Hearing. The Senate Hearing has not been scheduled yet. I would respectfully ask that you adopt, sign, and submit a letter similar to the one attached. Please address the letter to the members of the Senate Energy and Natural Resources [Committee](#) (Senators Avar, Giuda, Gray, Watters and Perkins Kwoka, as well as Committee Assistant Frenette).
2. [HB 1547](#) (An Act setting maximum contaminant levels for perfluorochemicals in the soil) **received an Ought to Pass with Amendment** recommendation from its House Committee. We hope this bill as amended passes through the full House next week and goes on to the Senate. The bill idea came from a brainstorming meeting last summer of Merrimack community activists and legislators. The [bill amendment](#) came from exceptional collaboration among community activists, legislators, and the NH Department of Environmental Services. The bill as amended will:
 - A.) allow the commissioner of NH DES to initiate rules for soil remediation standards for perfluorochemicals by November 1, 2023 because the United States Geological Survey ("USGS") is performing a study in New Hampshire of its soil due by the fall of 2022;
 - B.) amend the Groundwater Protection Act rulemaking section ([RSA 485-C:4, VIII](#)) to add soil, and that a "person" liable for such contamination provide safe alternate water to an impacted well owner. (NOTE: The term "person" includes companies and public or private corporations per [RSA 485-C:2, XI](#)).

Respectfully submitted,
Rep. Maureen Mooney

Legislative Update- February 10, 2022

Dear Town Councilors,

I want to update you on my bill, HB1185, which among its co-sponsors includes Merrimack representatives, Maureen Mooney, Bill Boyd and Bob Healey. As amended, the bill would allow municipalities to regulate the amount of PFAS in commercial and industrial discharges entering their wastewater treatment facilities (WWTF). Municipalities are also empowered to issue and collect fines for those in violation with the collected fines remaining with the municipality. The amendment distinguishes clearly that residential septage is not held to the same requirements but allows the WWTF to test it in order to assess PFAS entering the plant from this source.

Not only will this bill provide local control to WWTF, but it serves as a strong incentive to commercial and industrial users of PFAS to reduce the levels in their waste water stream, and likely, this may reduce their overall use of PFAS in their operations.

The bill as amended had unanimous bipartisan support for an Ought to Pass recommendation and will appear on the NH House Consent Calendar. I will keep you updated as it proceeds to the Senate.

My deepest gratitude goes to Ms. Sarita Croce for her excellent contributions to the crafting of this bill and for testifying before the House committee. We are extremely fortunate to have her serving the Town of Merrimack.

Rosemarie Rung
NH State Representative
Merrimack (Hillsborough 21)
603.424.6664

Town Manager's Report

Due to the time the Town Manager decided to forgo reading his report.

Consent Agenda

None.

Old Business

None.

New Business

2. Fire Station Capital Reserve Fund Withdrawal Request

Submitted by Fire Chief Mark DiFronzo

The Town Council to consider the Fire and Rescue Department's request to withdrawal \$30,000 from the Fire Station Capital Reserve Fund for the purpose of hiring a consulting firm to review and provide recommendations as it relates to a Fire Station Location Study.

Fire Chief DiFronzo was present with a PowerPoint to discuss the request to withdraw from the Fire Station CRF in regard to a Fire Station Location Study. He then presented a brief history of the fire stations as well as the following highlights:

- The current Central station was built in 1959, expanded in 1975 and 1998

- Station 2, South Merrimack Station, was originally on old Rte. 101A, which is now Craftsman Ln. It was built in 1972 and expanded in 1987
- Reeds Ferry was built in 1972
- In 2000, the town purchased land for a possible 4th station, but this has not come to fruition
- The study is performed by professionals with experience in all aspects of government: fire service, community development, finance, and city administration
- The objective is to define the current level of service being provided, and identify geographic areas not receiving the desired level of service
- Additionally, some other goals of this project are to project the impact of future development and growth and identify deployment alternative for facilities, personnel, and apparatus
- Current and desired performance will be based against national standards such as ISO, NFPA, 1710/1720, and others
- Analysis must be conducted that extensively utilizes a community's GIS data, which will include computer-aided dispatch info, fire department incident records, and community centerlines and layout

After the presentation, Councilor Hunter asked if this study is including a safety complex and if it would take Police into account, or if this is strictly related to Fire, in which Mr. Micali stated that this assessment is looking at multiple factors, and this does ultimately include where to place a safety complex. Councilor Harrington asked if this study would consider alternatives, in which Mr. Micali stated the study will determine the best places to put a station in the town, and the Council then decides where the station will go. Vice Chair Rothhaus stated he is wondering what is available for properties and how tight the budget is, and he thinks Bishop Field might be the best option for a station. Chairman Koenig asked if this study takes mutual aid or surrounding communities into account when they do this review, in which Chief DiFronzo stated that mutual aid is taken into account, but the study will determine what the town can do on their own for the first several minutes. Councilor Murphy asked to clarify if Chief DiFronzo wants the National Regional Planning Commission selected for the study, in which he stated that they did not have many records of the town and he wants a fully functioning outside agency to conduct this study.

MOTION made by Councilor Healey and seconded by Councilor Harrington to approve the Fire and Rescue Department's request to withdrawal \$30,000 from the Fire Station Capital Reserve Fund for the purpose of hiring a consulting firm to review and provide recommendations as it relates to a Fire Station Location Study.

MOTION CARRIES 7-0-0

3. Review of the 2022-2023 Default Budget

Submitted by Town Manager Paul T. Micali

The Town Council will review the 2022-2023 Default Budget.

Mr. Micali presented the Default Budget calculation, stating that this is listed in the warrant and is listed in the budget article. He then shared that this is calculated by taking last year's approved budget, which was voted on \$34,539,495, and this gets adjusted depending on agreements or contractual benefits voted on that increase the operating from last year, plus subtraction of debt service, which in this case is the removal of the previous wastewater bond that dropped off. This default budget compares 2021-2022 for what it should be in 2022-2023. The total default budget for 2022-2023 would be \$34,355,572. Mr. Micali then estimates what the tax rate would be from this number. Mr. Micali also shared that there are estimated revenues and overlay invest credits, which comes to a net property tax of \$17,730,618, which then gets divided by the property valuation, bringing the tax rate to \$3.52.

Approved: February 24, 2022

Posted: March 7, 2022

MOTION made by Vice Chair Rothhaus and seconded by Councilor Hunter to move the default budget of \$34,355,572 to the Warrant.

MOTION CARRIES 7-0-0

4. Review of the 2022 Town Warrant

Submitted by Town Manager Paul T. Micali

The Town Council to review and make recommendations on each article of the 2022 Town Warrant.

- Article 2: Wastewater Treatment Bond for \$10,102,750

MOTION made by Councilor Woods and seconded by Councilor Harrington to recommend Article 2 as written.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Rothhaus and seconded by Councilor Hunter to move Article 2 to the Deliberative Session.

MOTION CARRIES 7-0-0

- Article 4: Operating budget of \$36,218,840, with the Default Budget of \$34,355,572

MOTION made by Councilor Healey and seconded by Councilor Murphy to recommend Article 4 as written.

MOTION CARRIES 7-0-0

MOTION made by Vice Chair Rothhaus and seconded by Councilor Murphy to move Article 4 to the Deliberative Session.

MOTION CARRIES 7-0-0

- Article 5: Raise an appropriate sum of \$1,947,250 to be added to the CRF expendable trust funds previously established as listed

MOTION made by Councilor Harrington and seconded by Vice Chair Rothhaus to recommend Article 5 as written.

MOTION CARRIES 7-0-0

MOTION made by Councilor Hunter and seconded by Councilor Healey to move Article 5 to the Deliberative Session.

MOTION CARRIES 7-0-0

- Article 6: Raise an appropriate sum of \$500,000 to add to the sewer infrastructure CRF

MOTION made by Councilor Hunter and seconded by Councilor Murphy to recommend Article 6 as written.

MOTION CARRIES 7-0-0

MOTION made by Councilor Healey and seconded by Councilor Harrington to move Article 6 to the Deliberative Session.

MOTION CARRIES 7-0-0

Approved: February 24, 2022

Posted: March 7, 2022

- Article 7: The Town to vote on the collective bargaining agreement with Local 633

MOTION made by Councilor Healey and seconded by Councilor Woods to recommend Article 7 as written.

MOTION CARRIES 7-0-0

MOTION made by Councilor Woods and seconded by Vice Chair Rothhaus to move Article 7 to the Deliberative Session.

MOTION CARRIES 7-0-0

- Article 8: Charter Amendment to reflect that the board may recommend to the Town Council, and the Town Council may appoint up to two Alternate Members for a one-year term.

MOTION made by Councilor Harrington and seconded by Councilor Hunter to move Article 8 to the Deliberative Session.

MOTION CARRIES 7-0-0

Minutes

Approve the minutes from the following Town Council meetings:

- ♦ January 19, 2022
- ♦ January 26, 2022
- ♦ January 27, 2022

MOTION made by Councilor Harrington and seconded by Councilor Healey to table the minutes for the next meeting.

MOTION CARRIES 6-1-0 with *Chairman Koenig in Opposition*

Comments from the Press

None.

Comments from the Public

None.

Comments from the Council

Councilor Healey shared that there is a student at Merrimack High School, Alexis Poisson, who has been named as the finalist for the Military Child of the Year awards program sponsored by Operation Homefront. She is representing the Air Force and is the only finalist from NH. Her nomination letters describe her participation in projects to highlight the effect learning disabilities have on children, and how remediation programs can help children overcome these disabilities. At Merrimack High, she is a member of the Art Honors society and also participates in Tae Kwon Do, Operation Flags for Veterans, Battalion Buddies, and Dyslexia Awareness. Councilor Healey wanted to congratulate her on being one of the five finalists in this national competition and for representing NH and Merrimack.

Councilor Murphy wanted to remind the public and Council that tomorrow morning at 9:00 am there is a HB737 PFAS commission virtual meeting. The public is welcome to attend, and anybody interested can email Amy.E.Rousseau@DES.nh.gov or call her at (603) 848-1372 to join. Email will be monitored throughout the meeting and can be used for public comment. Additionally, they will be discussing the recent ATSDR and DHHS meetings that were held, as well as review a draft letter about expanding the Saint Gobain consent decree area.

Approved: February 24, 2022

Posted: March 7, 2022

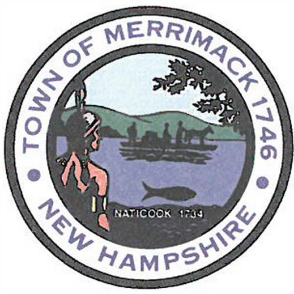
Vice Chair Rothhaus stated he watched the Zoning Board meeting that talked about dealing with property on Twin Bridge Road and he believes they created a wholesale zoning change as a five-member board, but it wasn't a variance. Instead, they allowed an additional 20 units to be approved for construction. He would like to be educated on what the Zoning Board's proper role is as they allowed this to happen.

Adjourn

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

MOTION CARRIES 7-0-0

The meeting adjourned at 11:00 pm.



TOWN OF MERRIMACK, NH

6 BABOOSIC LAKE ROAD • MERRIMACK, NH 03054 • WWW.MERRIMACKNH.GOV

February 11, 2021

Edward Gordon (Committee Chair)
PO Box 112
Bristol, NH 03222-0112
Ned.Gordon@leg.state.nh.us

Mark McLean (Vice Chair)
43 Forest hill way
Manchester, NH 03109-5145
mark.mclean@leg.state.us

Re: HB 478 Comment Letter

Dear Representatives Gordon, McLean, and members of the Judiciary Committee:

Thank you for the opportunity to provide comments on HB 478, which seeks to require Saint Gobain Performance Plastics (SGPP) to pay for the remediation of specific contaminated well water in Merrimack.

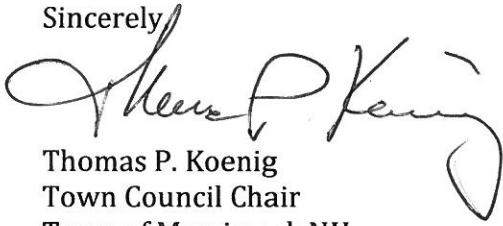
The Town of Merrimack (Town) is deeply concerned about the perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) contamination in our environment. I'm sure that you and your committee members are quite familiar with the extensive contamination issues that have been experienced in Merrimack, Litchfield, Bedford, Amherst, and the Pease Tradeport areas. The Town remains vigilant and focused upon the safety of our citizens, and continues to make every effort to keep abreast of the myriad complex issues related to this extensive contamination problem. Sound science, research and data analysis has been and should continue to be the guiding criteria for regulations and remediation.

We have attempted to work with our residents who have been affected, the Department of Environmental Services (DES), Merrimack Village District (MVD) and SGPP to determine and implement remediation for the continuing contamination issues. We have been dealing with this pollution since it first came to light on February 29, 2016. Currently, the residents do not see an end in sight to the pollution issues caused by SGPP to our drinking water; however, we believe that the language in HB 478, which is currently in the Judiciary Committee, provides needed remediation for the citizens of Merrimack. Fundamentally, this bill would require SGPP to fix what they broke...the contamination of MVD Wells 4 and 5.

Assessing P: 603-424-5136 F: 603-424-0461	Community Development P: 603-424-3531 F: 603-424-1408	Finance P: 603-424-7075 F: 603-424-0516	Human Resources P: 603-424-2331 F: 603-424-0461	Media Services P: 603-423-8561 F: 603-424-0461
Public Assistance P: 603-423-8535 F: 603-424-0516	Public Works Administration P: 603-424-5137 F: 603-424-1408	Town Council P: 603-424-2331 F: 603-424-0461	Town Manager P: 603-424-2331 F: 603-424-0461	

Please feel free to contact me at (603) 424-2331, if you have any questions or comments on the information provided in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Koenig". The signature is fluid and cursive, with the first name "Thomas" and last name "Koenig" clearly distinguishable.

Thomas P. Koenig
Town Council Chair
Town of Merrimack NH

CC: Maureen Mooney (maureen.mooney@leg.state.nh.us)
Jeanine M. Notter (jeanine.notter@leg.state.nh.us)
Robert Healey (rvhealey@aol.com)
Rosemarie Rung (rosemarie.rung@leg.state.nh.us)
Mary Mayville (mary.maybille@leg.state.nh.us)
Lindsay Tausch (lindayeliza@gmail.com)
Gary Daniels (gary.daniels@leg.state.nh.us)