



## Town Council Meeting Minutes

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

Due to the impending storm, the Town Hall offices will be closed tomorrow, Friday, February 25<sup>th</sup>.

The Merrimack Public Library scheduled a NH Humanities presentation of "Covered Bridges of New Hampshire" with local historian [Glenn Knoblock](#) on Wednesday, April 13, 2022 at 6:30 pm over Zoom. The event will be posted on the library's event calendar soon and you are welcome to register on our website once it's live.

The Parks & Recreation Department invites you to join them this Saturday, February 26<sup>th</sup>; for the 30<sup>th</sup> Annual Winter Carnival at Wasserman Park from 12 - 3 pm. We currently have more than 20 different business & community groups providing free games, crafts and other activities. As part of this event, we will also be hosting a State of NH COVID Vaccination Clinic during the event in the Function Hall. They will have Moderna, Janssen (J&J), Pfizer Vaccines for Adults, Young Adults 12-18 years old) and young children (5-11 years old). No appointment is necessary. For questions, please contact the Parks & Recreation Department at 603-882-1046.

### Comments from the Press and Public

None.

### Recognitions, Resignations and Retirements

None.

### Appointments

None.

## **Public Hearing**

### **1. Public Hearing – Bear Christensen Fund Acceptance**

*Submitted by Chris and Lynn Christensen*

The Town Council will hold a public hearing to authorize the acceptance of the amount of but not to exceed \$12,000 for the Bear Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

Chris and Lynn Christensen were present to discuss the Bear Christensen Fund, stating that because the amount is over \$10,000, a public hearing must be held. Town Manager Paul Micali asked if the money in the fund is all going to principle, or if they are going to do 50/50 with interest, in which Mr. Christensen stated that historically they have left this up to the donor, and in this particular case there's going to be \$5,000 going into income and the balance will go into principle. He then shared that he does not have a final amount yet because there is another check in the mail.

The public hearing was opened at 7:14 pm and closed at 7:17 pm. During this time, Mr. Christensen asked to clarify the rules regarding a public hearing for amounts \$10,000 or greater, specifically if they need to still have a public hearing if in the future they receive several donations under \$10,000. Chairman Koenig stated he will research this, but he is of the belief that the public hearing would still need to occur if the total amount is at or over \$10,000.

**MOTION made by Vice Chair Rothhaus and seconded by Councilor Hunter to accept the donation of the amount of but not to exceed \$12,000 for the Bear Christensen Fund, pursuant to RSA 31:95-b and Charter Article 8-15, with \$5,000 going to income and the balance going into principle.**

**MOTION CARRIES 7-0-0**

*Without objection Chairman Koenig moved **Item #4 under New Business** to be heard next.*

### **4. 2022 Deliberative Session**

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

Town Council to discuss the details and motions of the upcoming 2022 Deliberative Session being held on Wednesday, March 9, 2022.

Lynn Christensen was present to share that the previous deliberative sessions have worked well, and they want to continue this pattern. The school will have their session on March 8, 2022, and the Town Council will be held on Wednesday, March 9, 2022. She then stated that all the rules are the same, and she is requiring masks for these sessions. If someone cannot or will not wear a mask, instead of coming in the main entrance, individuals will be allowed in through the side past the dumpsters towards the back section of the room that will be roped off for individuals without a mask. Ms. Christensen stated that the purpose of this is to make everyone comfortable, and she asks that the Town Councilors help get people seated and to report to her if there are any issues. She also stated she will have masks and sanitizer available for individuals. She then stated that if you are not on the checklist, meaning you have not voted in the past 10 years, there is no option to go to the meeting to get on the checklist because the deadline was February 22, 2022. She stated re-registration can happen during the next election or at any time at Town Hall, but you will not be allowed to vote at these deliberative sessions.

Councilor Harrington shared that for the deliberative sessions, Council members have to volunteer to be the mover and the seconder, and those that move the articles have to talk about it first. After this is decided, Ms. Christensen then receives the list of who is speaking for each article and seconding. The Council decided the following:

**Article 1-** N/A

**Article 2-** Councilor Hunter will move, Councilor Harrington will second

**Article 3-** N/A

**Article 4-** Chairman Koenig will move, Vice Chair Rothhaus will second

**Article 5-** Councilor Harrington will move, Councilor Healey will second

**Article 6-** Councilor Healey will move, Councilor Hunter will second

**Article 7-** Councilor Woods will move, Councilor Murphy will second

**Article 8-** Councilor Murphy will move, Councilor Woods will second

*Without objection Chairman Koenig moved **Item #1 under New Business** to be heard next before Legislative Updates.*

### **1. Committee Appointments**

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

The Town Council to consider appointing individuals to the Planning Board, pursuant to Charter Article 4-8.

Chairman Koenig shared that Maureen Tracy was interviewed as an Alternate Member for the Planning Board this past Tuesday and was deemed a good fit for the board as she is active in the community and different organizations and is studying law as well. The Committee would like to offer her the position as Alternate Member.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to appoint Maureen Tracy to a 3-year term as an Alternate Member on the Planning Board.**

**MOTION CARRIES 7-0-0**

Ms. Tracy was sworn in immediately after voting.

### **Legislative Updates from State Representatives**

Rep. Bill Boyd of 139 Joppa Rd. was present to share an update for the transportation improvement plan, HB 2022, which had two proposed amendments. The first amendment would move the tolling plaza from Bedford south of exit 10, proposing to put in the overhead tolling stations. The second amendment proposed was for the state to abdicate its responsibility to Continental Blvd. and put it back on the town of Merrimack for their ownership and maintenance. He is pleased to report that the committee did not vote on the tolls (the state transportation improvement plan), and it still recognizes Bedford as a place that will require future work and maintenance as part of the 10-year structure. Regretfully, Continental Blvd. has been put into the tip to be passed on to Merrimack, with the vote being 21-2, with Rep. Boyd and Rep. Bordes voting in the negative. The next step for this is to go before a full House, but that it was not placed on the consent agenda. He suspects that they will be in session on March 10<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup>, and 24<sup>th</sup>, and will be before the House for a vote. If this passes in the house, it then moves on to the Senate. He then highlighted the history of this toll, stating that the State should be assuming the responsibility for it and not the town as this road was initially built to alleviate heavy traffic. He then shared that the absorption of Continental Blvd. would result in an additional \$200,000 to the tax rate just for basic maintenance costs (plowing, sanding, etc.) and roadway upkeep, which will result in a need for additional staffing.

Rep. Boyd then shared an update from the Drinking Water and Ground Water Advisory Commission. He is pleased to announce that the Commission has approved \$300,000 to private well owners in the state of NH to be reimbursed for any remediation they have done to improve the quality of their wells. This means that

individuals who purchased remediation products from September/October of last year and on can have this reimbursed.

Vice Chair Rothhaus commented that Continental Blvd. is a state road, and he vows that he will work to shut this section of the road down so that for a week or so they can travel down 101A and deal with the headache of the traffic. Councilor Healey asked that if the road is given back if the town is also given the bond to pay for it, in which Rep. Boyd stated he is unsure and will find this out as he is wondering the same. Mr. Micali stated that if they give us the road, the town gets their easements, rights-of-way, etc. and the town can do whatever they want if they will be responsible for it all.

Councilor Murphy asked what the rationale is for turning the road over to Merrimack, in which Rep. Boyd stated it was because they got the toll relief. She then asked if the PFAS rebate program is the \$1,500 one, in which Rep. Boyd stated it was. She then stated that she talked to Amy Rousseau at DHHS and thinks this might be one that they don't want to encourage to go forward as the date is going to change to March 2021 and there may be other grant opportunities that Merrimack may be able to take part of instead, and this program would make them ineligible for participating in other opportunities, in which Rep. Boyd agreed.

Update from Rep. Maureen Mooney:  
Dear Councilors:

Today, amendment #2022-0745h was adopted by the Public Works & Highway House Committee as part of [HB 2022](#). *See* amendment attached. This amendment would transfer ownership of the state-owned portion of Continental Boulevard to the town no later than July 1, 2025. We are disappointed that this amendment: 1.) was introduced in such a short time before the Executive Session; 2.) was not brought to the attention of the Merrimack House delegation or Town prior to this week; 3.) had no public hearing; 4.) passed in the committee. The Merrimack House delegation is considering next steps. Rep. Boyd, who serves on the Public Works & Highway Committee, will be in attendance tonight with full details.

Respectfully submitted,  
Rep. Maureen Mooney

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

None.

### **Consent Agenda**

None.

### **Old Business**

#### **1. Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy Discussion**

*Submitted by Town Manager Paul T. Micali*

The Town Council to discuss a Merrimack Private Well Owners PFAS Grant Program Reimbursement Policy for reimbursement for the installation of a Point of Entry System (POET) or hook-up to MVD public water.

Mr. Micali shared that they are approved for \$1 million from the state, but there are next steps to be done. One of the steps includes putting a policy in place for reimbursement for individuals. Along with Councilor Murphy, he created a policy and ran it by legal who has added some items. The policy so far reads: "The purpose is to access safe drinking water. The Town of Merrimack will reimburse homeowners for a POET or connection to MVD water systems up to \$6,500. This cannot be combined with any state or local federal

grant opportunities available at the time of the request. The private well owners must be located in Merrimack and must be outside the St. Gobain consent decree area.” He shared a map showing the red and blue lines to determine if residents are within the St. Gobain consent decree area and qualify for the reimbursement. He also wanted to clarify that the town was not involved in determining the red and blue lines, but rather this was a negotiation between the state and St. Gobain that was agreed upon and signed by St. Gobain. Mr. Micali then stated that the reimbursement program will run from X date to December 1, 2024, or until the grant funds run out. Payment is reimbursement only for the installation of the system and hookup, and they will not be paying any related expenses for changing out filters or carbon. The grant is just for getting the systems in people’s homes. If it is a financial hardship, residents can apply with estimates, but the town is not recommending any vendors to do the work, the town is not privy to any of the work, this is between the homeowner and contractor and residents will pay the contractor directly and get reimbursed up to \$6,500. There is a reimbursement form to fill out, and a receipt or quote if claiming financial hardship must be attached. Additionally, this is for four contaminants of PFOA only- PFHXS, PFNA, PFOS, and PFOA. These limits were set by the state of New Hampshire and are regulated by them as well. If you are below the required levels, you would not be eligible for reimbursement of this program at this time.

Councilor Healey stated she did not see any reference to an implementation date in the proposed policy, in which Mr. Micali stated there is a start date of March 3, 2021, but at the time they were writing the policy they were unsure of the start date. Councilor Murphy wanted to thank Mr. Micali for being a part of this and stated that she spoke with Amy Rousseau at DHHS who shared that the money has been approved for Merrimack, and after the application has been submitted it will be processed by Amy and then goes to Governor and Council for approval. Councilor Murphy then stated that Amy shared there is not a set timeline for the approval but estimates 2-3 months. Councilor Murphy then highlighted that the retroactive date is March 3, 2021 and the end date is December 31, 2026 (unless funds expire before then) but this date can be changed. She also shared that DHHS is overhauling their website so links may not work, but this is getting fixed and will take some time to finalize. Lastly, she shared that the installation systems accepted also include POU’s in addition to POETs.

Chairman Koenig wanted to clarify that the two funds- this grant program and the \$1,500 program Rep. Boyd talked about- are separate and cannot be overlapped. Councilor Murphy stated that this is why she wants Merrimack residents to know what options are out there so they can be informed and have the greatest option possible. Councilor Harrington asked what the next steps were as she does not want this to get delayed for the people who need this. Mr. Micali stated that he wants to get the final application in as soon as possible and this policy is a jumping off point. Councilor Murphy suggested that some details get ironed out and finalized so we can apply for this in a timely fashion. Mr. Micali would like to bring this back to the Council on March 24<sup>th</sup> with the final adjustments.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the PFAS Grant Program Reimbursement Policy with modifications as were discussed, and for the Town Manager to be able to review new information that was sent by DHHS today.**

**MOTION CARRIES 7-0-0**

## **New Business**

### **2. Consideration of Changes to Chapter 178, Taxation, of the Merrimack Town Code [First Reading]**

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

The Town Council to consider the acceptance of recommended changes to Article II, Elderly Tax Exemptions, of Chapter 178, Taxation, of the Merrimack Town Code, pursuant to Charter Article V.

**Approved: March 24, 2022**

**Posted: March 25, 2022**

Town Manager Paul Micali shared that this is the first read for changing the elderly exemptions, specifically that those for 65-74 years of age the new amount will be \$85,000, for those age 75-80, the new amount will be \$115,000, and 80 years of age and up will now have an amount of \$150,000 per the previous discussion.

**MOTION made by Councilor Healey and seconded by Councilor Hunter to move this to a public hearing.**

**MOTION CARRIES 7-0-0**

**3. Consideration of Changes to Chapter A198 of the Merrimack Town Code [First Reading]**

*Submitted by Town Manager Paul T. Micali*

The Town Council to consider the acceptance of recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

*Item #3, Consideration of Changes to Chapter A198, Administrative Code, under New Business has been tabled to the next Town Council meeting.*

**Minutes**

Approve the minutes from the following Town Council meetings:

- ♦ January 19, 2022 [Tabled at the February 10, 2022 Town Council meeting]

**MOTION made by Councilor Healey and seconded by Councilor Murphy to approve the minutes from January 19, 2022 as written.**

**MOTION CARRIES 7-0-0**

- ♦ January 26, 2022 [Tabled at the February 10, 2022 Town Council meeting]

**MOTION made by Councilor Harrington and seconded by Councilor Hunter to approve the minutes from January 26, 2022 as amended.**

**MOTION CARRIES 7-0-0**

Amendments:

Page 1, Line 12: Strike “was”, say “Mr. Casparius presented first to the Council”

Page 5 Lines 211 and 215: Severance should be Seaverns

- ♦ January 27, 2022 [Tabled at the February 10, 2022 Town Council meeting]

**MOTION made by Councilor Murphy and seconded by Councilor Hunter to approve the minutes from January 27, 2022 as amended.**

**MOTION CARRIES 7-0-0**

Amendments:

Page 6, Line 9, 15, 23: Age limit is 65-74

- ♦ February 3, 2022

**MOTION made by Councilor Hunter and seconded by Councilor Woods to approve the minutes from February 3, 2022 as amended.**

**MOTION CARRIES 7-0-0**

**Approved: March 24, 2022**

**Posted: March 25, 2022**

Amendments:

Page 1, Line 24: NH Department of Health and Human Services

♦ February 10, 2022

**MOTION made by Councilor Murphy and seconded by Councilor Healey to approve the minutes from February 10, 2022 as written.**

**MOTION CARRIES 7-0-0**

**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 Healey to adjourn the meeting.**

**MOTION CARRIES 7-0-0**

The meeting adjourned at 8:50 pm.

Respectfully submitted by Jennifer Steagald