



Town Council Meeting Minutes

Thursday February 8, 2018, at 7:00 PM, in the Matthew Thornton Room

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

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Chairman Harrington offered condolences, on behalf of the Council, to family and friends of James McSweeney who passed away on February 2nd. Jim served as Merrimack's first Town Manager from 1978 to 1986 as well as having worked as the Business Manager/Superintendent for the Merrimack Village District. Jim was a kind and caring person who will be sorely missed.

The Council observed a moment of silence in memory of James McSweeney.

Announcements

The last day to file Petition Bonds for those over \$100,000 is February 9th. Last day to file Petition Warrant Articles is February 13th.

A special meeting of the Town Council will be conducted on Thursday, February 16, 2018. Regular meetings of the Town Council will be conducted on Thursday, February 22nd and March 8th. All meetings will begin at 7:00 p.m. in the Matthew Thornton Room.

The 2018 dog licenses are now available at the Town Clerk's office. Licenses are due by April 30th.

The Parks & Recreation Department invites you to join them on Saturday, February 24th from 12:00 - 3:00 p.m. for the 26th Annual Winter Carnival at Wasserman Park. This great, free event will be packed with an afternoon of fun and exciting indoor and outdoor games, activities, snow sports, food and more for the whole family. Visit the Parks & Recreation Department website at www.merrimackparksandrec.org for the most up-to-date list of activities.

Perfluorooctanoic Acid (PFOA) Information Update

Representative Chris Christensen spoke of HB 485, which passed in January and went on to the Senate.

Passed by the House earlier in the day was HB 1101, which is almost identical to HB 485, but specifically adds 4 groups of PFCs that are to be addressed instead of the more generic approach of HB 485.

HB 485 addresses emerging contaminants. The hang-up is what is an emerging contaminant; does it have to be around for 3 years before it is really a contaminant, is it only for the first two weeks that it is emerging. It is undefined, which is why they went in the direction of the PFCs specifically. HB 1101

1 is headed to House Science, Technology and Energy Committee.

2

3 Chairman Harrington commented, in the past, part of the problem was the lack of fiscal impact
4 identified within the Legislation. She questioned and was informed both have gone through the
5 process of identifying that information (approx. \$130,000 to hire the Toxicologist and Human Health
6 Risk Researcher). At this point, they are not legislating anything that has a direct fiscal impact on
7 either the State or the towns.

8

9 Another Bill was introduced related to Arsenic. The Bill came in with impossible standards. There
10 was an amendment to try to change it. When dealing with a Rule as opposed to Law, NHDES can
11 work with entities to make things work instead of just saying here is the standard you have to operate
12 by.

13

14 Chairman Harrington stated NHDES can write a standard, but that doesn't address non-compliance.
15 Representative Christensen stated if in violation and remediation is required because of a spill, etc. the
16 entity is responsible for it, and there is a variety of enforcement procedures, cleanup, fines, etc. It is
17 already in Rules.

18

19 Chairman Harrington spoke of HB 309, which has to do with surface water, ambient groundwater, and
20 drinking water. It mentions the establishment of a Toxicologist, but not of the Researcher. Testimony
21 offered was from 3 in favor and 3 against. Two of the 3 that spoke in opposition were representatives
22 of DES.

23

24 When asked what would occur if both Bills were to pass as they seem to conflict with one another,
25 Representative Christensen stated there to be a variety of options. The Committee would review all
26 the Bills, and if overlapping would likely put it on hold and let the other Bills go forward. When going
27 to Committee of Conference, Bills passed by the Senate and the House represent their particular
28 position, and if similar, they work to negotiate something that will work for all parties.

29

30 Councilor Boyd stated his opinion having a set of standards in the State coming from DES is critical as
31 it relates to ambient water quality, groundwater quality, and stormwater quality.

32

33 He commented, later in the meeting, he may be asking his colleagues to support sending a letter to the
34 Senate that might not have any impact and conversely with members of the House if there are
35 competing pieces of legislation. He questioned the Representative's institutional perspective as to how
36 a letter such as that would be handled in Concord.

37

38 Representative Christensen stated his opinion it is always a good idea to communicate your position on
39 almost anything that is important to you. Timing is different in terms of who you write to. He
40 suggested communicating with Senators Daniels and Morse, and the Chairman of the respective
41 committee.

42

43 Representative Christensen spoke of how helpful it is to have comment provided in person. Councilor
44 Albert requested the Council be advised of hearing dates for matters of importance to the Town.
45 Representative Christensen stated the calendar comes out on Thursday night for the following week.
46 An email could be sent to the Town Manager's Office.

1 **Highway Garage Project Update**

2
3 Councilor Flood stated the Sub-committee met the previous day with another solar vendor to further
4 understand the possibility of incorporating solar into the project. Although it does not appear feasible
5 for the initial construction, the engineering team will design the project so that it will be able to accept
6 the technology when it becomes financially viable. Turnstone, the construction management company,
7 is working to secure pricing from sub-contractors for the various aspects of the project. The Sub-
8 committee hopes to begin finalizing costs for certain aspects of the project in coming weeks.

9
10 H.L. Turner continues to develop final plans to meet budget constraints and is working on securing
11 appropriate permits for the site work.

12
13 Vice Chairman Rothhaus commented at lot of what is going on right now is tightening up the facility
14 to make it fit our budget.

15
16 **Comments from the Press and Public**

17
18 Laurene Allen, 16 French Court - Citizens for Clean Water

19
20 Spoke of the last meeting during which Ms. Thomas presented the results of the testing on her well and
21 commented on the OneStop Data available through the DES. A member of her group pulls that data
22 together and has compiled it into a packet, copies of which were provided the Council.

23
24 Ms. Allen stated DES is currently conducting a stormwater and surface water investigation. Last year
25 they tested a stormwater drain and found amounts of chemicals, which resulted in a request for further
26 testing. They also had requests from the public regarding the surface water in the river. They followed
27 up on that; did testing on their own and requested Saint-Gobain have their representatives do some
28 comprehensive wet conditions testing because they had tested stormwater in dry conditions. That
29 information was released. She commented on the volume of data.

30
31 The report, dated January 30, 2018, concluded the PFAS concentrations in the stormwater and the
32 surface water is the result of groundwater infiltration. That brings us back to the ground monitoring
33 wells on their land, which DES referred to in the letter to Flatley. Flatley has not given DES
34 permission to be on their land.

35
36 Ms. Thomas' property, which is 5 miles away from Saint-Gobain, and her well testing is under the
37 Saint-Gobain project; that is where DES has categorized her as opposed to a DES General project,
38 which is water testing, etc.

39
40 Ms. Allen commented on the Saint-Gobain signature footprint and stated she has looked through the
41 many test results that have been shared with her and has found there to be a pattern.

42
43 She reviewed the results of the stormdrain report, which she found to be very similar proportionally to
44 the Merrimack River Surface water report. She then reviewed the results for the ground monitoring
45 wells. She highlighted on the stormwater, surface water, groundwater, and Ms. Thomas' results, the
46 same chemicals.

1 Chairman Harrington questioned if they were proportional. Ms. Allen responded she intended to touch
2 upon it believing we are all intrigued. Chairman Harrington noted a footprint is proportional. Ms.
3 Allen agreed. She stated she has highlighted the areas, and would leave the information with the
4 Council.

5
6 Ms. Allen noted during the prior week the EPA suspended the Clean Water Act for two years. There
7 was a Bill (HB 1799) that would have given residents (Merrimack residents in particular) access to
8 blood tests, and it did have a fiscal note attached.

9
10 Ms. Allen commented what she is seeing is what is in the storm drain is what is in the ground, it is
11 flowing in the river, and has made its way 5 miles away.

12
13 Councilor Albert commented on the amount of information that has been made available to the
14 Council, and questioned if the group has made any presentations to the Merrimack Village District
15 (MVD). Ms. Allen stated they are under negotiations, and are taking the stand that DES is handling all
16 of this. When requests are made for information about water, the responses are very general.

17
18 Ms. Allen spoke of the size of the group's mailing list and the number of residents that are following
19 what they are doing, and stated the group's role to be to pull the pieces together. She spoke of an
20 upcoming meeting with DHHS. She noted the New Hampshire Medical Association has agreed to
21 meet with several individuals. The group is looking at the whole issue of what we think about our
22 water company. During the past several weeks she has had a lot of residents come forward who are in
23 the remediation business, live in Town, and have a lot to say.

24
25 Ms. Allen stated the property is in a Groundwater Aquifer and Watershed Protection District.
26 Chairman Harrington noted most of the Town is in the District. Ms. Allen commented the Masterplan
27 on MVD provides a great description of all their wells, and identifies the water source for the wells.
28 What you see is Wells 4 and 5 are in a Groundwater Aquifer and Watershed Protection District. It also
29 identifies, within the Masterplan, that those wells draw their water sources from the Merrimack River.

30

31 **Recognitions, Resignations and Retirements**

32

33 **1. Recognition of Town Committee Member**

34 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus The
35 Town Council will present a certificate to the following individual for over 5 years of service to the
36 Town of Merrimack

37

38 Desirea Falt – Planning Board

39

40 Councilor Koenig spoke of having worked with Ms. Falt during her time on the Board. He was sad to
41 see her leave as she was a spark of life for the Board, and a trained architectural background influence
42 for the Board. She will be sorely missed, and he is sorry to see her move out of Town and sad to
43 accept her resignation.

44

45 Robert Best, Chairman, Merrimack Planning Board, stated Ms. Falt has been a spark of energy on the
46 Board. She volunteered for sub-committees, and was really an engaged board member. With her
47 architectural background she was able to spot things and identify issues that weren't necessarily on the
48 radar of the rest of the Board. She will be sorely missed.

1 **Appointments**

2
3 **1. Trustees of Trust Funds Update / Review**

4 Submitted by Trustees of Trust Funds Chairman Chris Christensen

5 Town Council to be presented with the details of the Performance Update of the Trustees of Trust
6 Funds.

7
8 Chris Christensen, Chairman, Trustees of the Trust Funds, stated the Trustees are elected each for
9 three-year terms on a rotating basis, and manage money for a couple of purposes; Capital Reserve
10 Funds (CRF) for the Town, Village District, School District and manage permanent funds, which are
11 bequests given to the Town or school for various purposes. Part of the permanent funds is perpetual
12 care for cemetery graves.

13
14 By Statute, the Trustees are very much separated from the Town Council and School Board. Trustees
15 are not allowed to sit on the Council or School Board, and are not allowed to be the Town or School
16 District Treasurer. The Trustees manage roughly \$16 million, and have paid advisors to help with that.
17 A lot of it is CRFs, and there is not a lot of leeway there. It must be Government guaranteed funds,
18 FDIC guaranteed, etc. It is really a protection of capital as opposed to trying to manage and grow
19 funds.

20
21 Three years ago, the Trustees requested the Council allow for the covering of fees out of income,
22 which is something the Trustees had been doing for many years. A new Bill passed in the Legislature
23 that required authorization of the Council. In some Towns, the fees were being paid out of the general
24 fund. There was a restriction that said if you went in that direction you had to keep it that way for at
25 least five years. On the other end, you don't have to renew it, it is there until rescinded.

26
27 Cambridge Trust is currently used as the manager for the CRFs and permanent funds. The Trustees
28 have been pleased with that relationship, and the level of support provided. Trustee Christensen spoke
29 of the process that was undertaken when considering which firm to go with.

30
31 The investment policy is published on the Trustees' page on the Town's website. It is reviewed every
32 year and updated typically by each August.

33
34 Trustee Christensen commented on having done research on the Shed Harris Fund. The question often
35 comes up of what is meant by fire protection in the Village of Reeds Ferry and the Town of
36 Merrimack. It turns out Shed Harris, when she passed, left her estate to the Town for fire protection.
37 When they liquidated the estate, they built a 60', 200,000-gallon water storage tank on the end of
38 Harris Road (1933 or 1934). In 1955, the Village District was formed, and had its first office up there.
39 Sometime later that tank was declared obsolete and taken down. Now we have a sum of money for fire
40 protection in Reeds Ferry, but there is no longer a water tank to take care of, so it is kind of an open-
41 ended thing. The Trustees have been talking to Chief Currier about that on an informal basis.

42
43 Bill Wilkes, Trustee, stated the Will to be specific about Reeds Ferry. You can say that a piece of fire
44 apparatus is used 30% of the time in Reeds Ferry, if you divided the Town up, that is possibly an
45 argument that could support funding 30% of the cost of a piece of fire apparatus out of the fund. That
46 is kind of a grey area and what they are trying to figure out.

1 Assistant Town Manager/Finance Director Micali stated this is being looked at in terms of renovating
2 the Reeds Ferry Station. Prior Trustees have stated the funds could not be utilized towards the
3 purchase of a truck unless it was kept just for Reeds Ferry. We have a Reeds Ferry station that serves
4 Reeds Ferry, so the question has come up of whether the funds could be looked to for the renovation.
5 This is where the discussion has gotten to.
6

7 Councilor Flood questioned if the Trustees can decide about donations/expenditures from the fund(s).
8 Trustee Christensen reiterated the Trustees operate independently, and the guiding principal is
9 whatever is in the particular bequest. He spoke of the various bequests and the specific purposes
10 stated.
11

12 Trustee Christensen commented if the Council were to approach the Trustees with a plan for the Reeds
13 Ferry Fire Station questioning whether the plan fits within the parameters of the Trust language, they
14 would work with together with the Council as they have done with the School District on several
15 occasions.
16

17 Councilor Flood questioned if the funds are accounted for separately, and was informed they are. A
18 very detailed report is provided in September of each year for each specific purpose. For investment
19 purposes, the funds are jointly invested.
20

21 Councilor Boyd stated over the past few years the Council has been working with the Fire Chief on
22 staffing, equipment, infrastructure, have talked about the South Fire Station, and now potentially
23 looking at a trust fund that will release funds at some point down the road as it relates to Reeds Ferry.
24 If and when that comes to fruition he would hope that it would be part of the larger conversation the
25 Council will have regarding the future of the Fire Department as a whole.
26

27 Assistant Town Manager/Finance Director Micali stated no funds would be expended from the Reeds
28 Ferry Fire Station Shed Harris Fund without Council approval. The only way it can be expended is if
29 the Council approves it. Just like any capital reserve, it would be a budgeted item, the Council would
30 be able to able to vet it, and if not in support of it, it would not be done.
31

32 He reiterated, the Fire Chief is in the infancy stage of trying to figure out what this could be used for.
33 If he makes an inquiry of the Trustees as to whether a certain proposal for expenditure would fall
34 within the parameters of the trust, and if that is the case, he would then bring the request before the
35 Council. It would come in as an appropriation request offset by revenue. Capital Reserve Funds are
36 approved through the budget. The money is spent, and the Trustees are asked to reimburse.
37

38 Councilor Boyd questioned the balance in the Shed Harris Fund. Trustee Christensen stated it to be
39 roughly \$600,000 of which \$300,000 is expendable.
40

41 **Public Hearing** - None
42

43 **Legislative Updates from State Representatives**
44

45 Nothing further was added.

1 **Town Manager’s Report**

2
3 The Planning Board will hold continued public hearings for both the Merrimack Park Place mixed use
4 development site plan and the site plan for the multi-family development on Executive Park Drive on
5 February 20th.
6

7 The Planning Board will continue work and discussion with the Nashua Regional Planning
8 Commission on the D.W. Highway Bicycle and Pedestrian Plan project in March and April.
9

10 Assistant Town Manager/Finance Director Micali informed the Council of an update received from
11 Eversource relative to the work being conducted in Town. [Specific information](#) on the areas of work,
12 the type of work to be conducted, and the process by which it would be conducted, e.g., utilization of a
13 helicopter, has been posted to the Town’s website.
14

15 **Consent Agenda**

- 16
17 **1. Consideration of Changes to Chapters of the Merrimack Town Code [Final Reading]**
18 Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus
19 The Town Council to consider the acceptance of recommended changes to Chapter A198,
20 Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.
21

22 **MOTION made by Councilor Boyd and seconded by Councilor Albert to move the consent**
23 **agenda. MOTION CARRIED 6-1-0**
24 *Councilor Koenig voted in opposition.*
25

26 **Old Business** - None
27

28 **New Business**

- 29
30 **1. Final Acceptance of Recommended Changes to the Chapters of the Merrimack Town Code**
31 Submitted by Town Council Chair Nancy Harrington and Vice Chair Finlay Rothhaus
32 Town Council to consider the final acceptance of the recommended changes to the chapters of the
33 Merrimack Town Code.
34

35 Chairman Harrington stated the Council has completed its review/revision of the Town Code.
36

37 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to accept the**
38 **recommended changes to the chapters of the Merrimack Town Code.**
39 **MOTION CARRIED 7-0-0**
40

41 *Desirea Falt joined the meeting, and was recognized for her years of service to the community*
42 *through her position on the Planning Board.*
43

44 Robert Best reiterated his desire to add his voice to the recognition of Ms. Falt. He spoke of the high-
45 level of energy, volunteering, and unique insight she brought to the Board from her architecture
46 background.

1 Councilor Koenig spoke of the spark Ms. Falt brought to the Board and of how helpful her
2 architectural background has been.

3
4 **2. Letter of Support of Senate Bill 309-FN**

5 Submitted by Town Councilor Bill Boyd

6 Town Council to consider writing a letter of support of Senate Bill 309-FN – an act relative to
7 standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

8
9 Councilor Boyd stated the purpose for putting this on the agenda was for the Council to let its voices
10 be heard to not just Senator Daniels but the rest of the Senate along with Merrimack’s Legislative
11 Delegation regarding establishing certain criteria as it relates to quality drinking water, ambient
12 groundwater quality and surface water quality. Given some of the issues the Town has dealt with
13 going back to 2012 when introduced to the potential problems with the MS4 Stormwater Permit, from
14 the Council’s perspective Merrimack has been uniquely impacted by some of the challenges that are
15 being presented as it relates to water in our community.

16
17 Having learned about the Bill, he felt it presented a unique opportunity for the Council to lend its
18 support to this legislation.

19
20 Councilor Albert stated his opinion it is important for the Council to support anything that will protect
21 the groundwater and add better supports for protection and monitoring.

22
23 Chairman Harrington stated her impression the language of the Bill is open-ended yet included
24 specifics relative to time issues. As an example, under Section IV 3 IIb it states in part: “from 120
25 days from the effective date of this paragraph, establish a surface water quality standard for
26 perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) in Class A and Class B waters.”
27 That is not a long period of time.

28
29 The Bill will be going to the Finance Committee, and must be there by March 8th. Chairman
30 Harrington stated she contacted Senator Daniels who had not yet seen the Bill. They went through the
31 testimony. The three who offered testimony in favor were Dan Ennis, who is one of the supporters,
32 Representative Messmer who is a supporter, and the Director of the Conservation Law Foundation.
33 Testimony in opposition was provided by the Vice President of Public Policy Business & Industry, the
34 Government Finance Advisor for the NH Municipal Association, and DES.

35
36 DES was supportive of HB 485 and HB 1101. House Bill 309 does not address air emissions where
37 the others did. HB 485 asked for the Toxicologist and the Human Health Risk Researcher, where HB
38 308 asked for the Toxicologist alone. Chairman Harrington commented it could be that when looking
39 at the surface water you are looking at the results of air emission contamination. But that is not what is
40 desired. The desire is for contamination to be caught at the site.

41
42 In September, the Council wrote a letter of support for HB 463, which was related to air emissions.

43
44 Chairman Harrington commented not only are they setting standards, which is not an issue, but based
45 upon that, there will have to be remediation. It is not clear who would be responsible for the
46 remediation. That is the not spoken to as part of HB 309. That is what the Municipal Association
47 spoke of when asking for a Risk Benefit Analysis related to any municipality that approves this.

1 Limited local resources may not be able to keep up with these proposed standards and there is a
2 prohibition of unfunded mandates in the State Constitution.

3
4 Councilor Boyd spoke of having testified with the Deputy Director of Public Works on a Senate Bill
5 related to the MS4 Stormwater Permit, seeking to have DES assume responsibility of that permit. The
6 Chairman of the Committee was Jeb Bradley, and one of the questions he asked was specifically
7 related to Article VIII and whether the municipality would waive its rights under Article VIII. He had
8 testified, on his own behalf, that he would have no issue waiving the Article because the cost involved
9 in having DES clean up our stormwater is far less than having the EPA put in place the onerous MS4
10 permit.

11
12 He commented from what he was hearing it sounds as if the NHMA is seeing a conflict as it relates to
13 Article VIII. The question becomes, if this were to be enacted would, there be language in there that
14 would require municipalities to waive Article VIII.

15
16 Chairman Harrington stated, at this moment, the EPA does not have its own standard for surface water.
17 If SB 309 passed, New Hampshire would be the first state in the Country to have its own surface water
18 quality standard, and would need approval from the EPA. She stated her request the Council not
19 support HB 309, but do support HBs 485 and 1101.

20
21 Councilor Albert suggested, if a letter is sent, that it indicate the Council's concerns regarding what has
22 been cited as weaknesses in HB 309.

23
24 Councilor Boyd commented the Council has been discussing this issue for two years, and the
25 Legislature expects DES to come up with a set of criteria for a specific standard in 4 months. There
26 are some communities that might not be financially positioned to absorb the kind of expectation that is
27 being expressed in HB 309. He stated agreement with the suggestion of voicing the Council's support
28 for HBs 485 and 1101. He believes them to be stronger while also allowing more of a time period for
29 municipalities to begin whatever strategic financial planning is necessary to absorb that cost.

30
31 Chairman Harrington spoke of the State's Drinking Water and Groundwater Trust fund, commenting
32 that needs to be explored.

33
34 Councilor Boyd stated, at its March meeting, the Drinking Water and Groundwater Commission
35 expects to receive what he would term a set of rules by which the Commission governs itself and by
36 which it is able to review, accept, and decide upon applications from specific municipalities that are
37 looking to either improve their infrastructure or remediate water quality in their specific wells. One of
38 the things he has asked to be considered is to improve the ability for a municipality to receive either a
39 loan or grant to explore for wells that they might not have the financial means to do.

40
41 Councilor Boyd commented several months ago, the Council approved the purchase of property off
42 Klara Drive that went into conservation. The Conservation Commission was working with the MVD
43 because the property abuts Baboosic Brook, and they were looking at it as an additional potential
44 aquifer or well site source. He stated the desire to see those types of funds available to other
45 communities that might not have the financial wherewithal to do that, but understand they may have
46 potential groundwater sources or potential well sources.

1 **MOTION** made by Councilor Harrington and seconded by Councilor Boyd that the Town
2 Council submit a letter of full support for HBs 485 and 1101 to Senator Daniels copying the
3 Senate President and Senator Avard, Chair, Energy and Natural Resources Committee
4

5 **ON THE QUESTION**
6

7 Councilor Koenig spoke of Councilor Boyd's comments regarding Article VIII noting he is not
8 familiar with Article VIII, and the comments regarding cost to municipalities, and how he believed
9 Merrimack could cover the cost. He stated a desire to understand what those expectations would be.
10

11 Councilor Boyd stated he is uncertain what those expectations would be. Councilor Koenig responded
12 he does not either, and would not want to say the Town could cover them not knowing what they are.
13 He spoke of the MS4, which went into the millions of dollars. He stated his was losing favor with
14 supporting HB 309 with the overall discussion, but really does not have a position on the others.
15

16 Chairman Harrington questioned if the preference was to wait to allow more time to consider.
17 Councilor Koenig stated his opinion it is appropriate for the Town to support whatever it can that
18 addresses water contamination issues, but when people start talking about cost factors we just need to
19 be very careful.
20

21 Chairman Harrington stated the previous Bills did not address that. HBs 485 and 1101 do not include
22 language regarding consequences, just set the limits.
23

24 Vice Chairman Rothhaus stated his belief what was being referred to was Article 28-a. Councilor
25 Boyd agreed. Councilor Koenig questioned what waiving of that Article would result in. Vice
26 Chairman Rothhaus stated that would require the Town to pay for something that could have turned
27 out to be an MS4 situation.
28

29 Councilor Albert questioned if the draft letter put together by the Town Manager would be provided to
30 Council for review. Chairman Harrington stated the intent to have it available for the next meeting.
31

32 **MOTION CARRIED**

33 **7-0-0**
34

35 **3. HVAC Presentation**

36 Submitted by Town Manager Eileen Cabanel

37 Town Council to be presented with the system options for the East Wing, 1st Floor HVAC Project.

38 Assistant Town Manager/Finance Director Micali spoke of discussions that have taken place around
39 replacement of the packaged terminal air conditioning (PTAC) units in Town Hall during the budget
40 discussions. The PTAC units are like the air conditioning/heating units that are found in hotels. Some
41 have caught fire. A few others are out of commission due to malfunctioning. Total cost of project is
42 \$241,000.
43

44 Kyle Fox, Director, Public Works Department, stated the HVAC replacement project to be for the first
45 floor of the east wing of Town Hall. Included with the agenda is the study that was commissioned
46 from H.L. Turner. The report inventoried all the systems in the east wing of the Town Hall from all
47 three floors, indicated where each of the systems was lacking, and provided two options (with cost

1 estimates) for addressing the situation, particularly with the first floor where the PTAC units are
2 located. There are 17 PTAC units on the first floor.

3
4 Option 1 (\$140,000) replaces the 17 PTAC units with similar DX units with gas furnaces. Option 2
5 (\$241,500) removes the PTAC units and installs two central air handling units on the lower level.
6

7 The report goes on to address life cycle costs for each of the two options. Because the centralized
8 system operates so much more efficiently, uses much less energy, and has a lifespan that is more than
9 double the PTACs, the return on investment is 8 years.

10
11 The system the consultant is proposing does two things. The first is not related to heating or cooling;
12 related to air ventilation. He noted on all three floors of the east wing there is no outside air being
13 introduced other than what is being brought in when the doors open and close. Any new system put in
14 will required, by code, to introduce outside air. The proposal provided would provide ventilated air to
15 the basement level as well. That is an addition that would not be required by code, but since they
16 would be doing it for the 1st floor it would make sense to do it for both floors.

17
18 When asked, Director Fox stated the first floor has the PTAC units. In the basement is where Public
19 Works and Community Development are located. There are 3 single forced hot air furnaces with the
20 cooling provided through the same duct system with the outside air conditioning compressors.

21
22 What the consultant was trying to provide in the proposal was to equate the new system to what we
23 have today in terms of controllability. The one good thing with the PTACs is that each office space
24 can control its own temperature. This variable air volume system would allow for that. There is
25 additional cost to being able to do that.
26

27 Director Fox noted he had questioned treating it as three zones, e.g., Assessing area, Town Clerk area,
28 and Town Manager Office area. The consultant indicated that could certainly be done, it would be
29 similar units to what is in the basement. There would be significant savings in doing that. He referred
30 to the information provided noting page 7 has the itemized breakdown of costs for Option 2. The costs
31 for the three-zone approach would eliminate several of the items: VAV/heating coils (\$12,000), boiler
32 (\$8,000), heating piping (\$22,000), and pumps (\$1,000), which would result in a total cost savings of
33 \$43,000.
34

35 While that discussion was taking place, he reached out to Liberty Utilities (gas provider) and
36 Eversource to discuss incentives and rebate programs that might be available. Unfortunately, he has
37 not been able to get a return call from Liberty Utilities. However, he made a great contact with
38 Eversource. The representative offered to look at the proposal and enlisted a colleague to assist. It is a
39 fairly complicated system. She asked if he would mind if she sent it to a consultant for an energy audit
40 review, and that Eversource would pick up the cost through their Energy Audit Program. He spoke
41 earlier in the day with Doug Waitt, Design Day Mechanicals. He is coming to Town Hall on Monday,
42 and a review will be done of the spaces to begin that process. In addition, he threw out a
43 recommendation that while he is here if Eversource would pay for an entire building envelope review
44 they would be willing to do that. He sent a request to Eversource to see if that would be authorized.
45

46 Director Fox recommended the budgeted amount remain at the \$240,000 for the time being. Once
47 additional information is available, he will come before the Council to obtain approval to move
48 forward with whatever project makes the most sense.

1 Vice Chairman Rothhaus questioned if the components that were indicated could be removed are those
2 which would allow the individual spaces to control their own temperatures. Director Fox stated that to
3 be correct. The system would be a hot water system, which is how each room would have its own
4 control. They could control how much hot water is going through their individual pipes.
5

6 Mr. Waitt also indicated they had put a different style hot water system in a hotel in Whitefield. He
7 would look at that system as well.
8

9 Vice Chairman Rothhaus commented on the PTAC units stating he would never be supportive of going
10 in that direction, and noted each of the units is over \$3,400. He commented on the lifespan of the
11 second option. He questioned the large costs associated with replacement, and was informed it would
12 be the furnace or boiler, which is typical for any system.
13

14 Councilor Boyd questioned if there is a down side for utilizing hot water to provide heat. Director Fox
15 spoke of not being an expert in HVAC. He explained it would be a recycled water system. When the
16 question of the volume of water that would be involved were there to be a leak in the system came up,
17 Vice Chairman Rothhaus commented systems are designed so that if you do lose a little water they fill
18 automatically. He suspects, if you lose water on the floor it would continue to flow, in the absence of
19 an emergency shutoff, when recognizing a severe drop in pressure.
20

21 Assistant Town Manager/Finance Director Micali stated his experience with forced hot water systems.
22 The water comes in, the boiler heats it up, zone turns on, the water is heated up, runs through the pipe
23 and the ductwork, comes back down, and returns back into the boiler. There is some evaporation with
24 heating the water. Water comes in, and fills it up again. If one of the lines goes, there could be severe
25 water damage. It is a closed loop system for heating.
26

27 Councilor Boyd asked for additional information on the general conditions (15%) at a cost of \$22,000,
28 construction contingency (10%) at a cost of \$15,000, bidding contingency (5%) at a cost of \$11,000,
29 and owner's legal/advertising/project admin at a cost of \$3,000.
30

31 Director Fox responded what he had requested was budgetary figures. When they do that they include
32 their standard escalation costs to cover the unknown. General conditions and construction contingency
33 go hand in hand. Once you open the ceiling you start figuring out exactly what needs to be done, e.g.,
34 is there a load bearing wall that must be cut through, etc. When the consultant came out he looked into
35 30 different locations in the drop ceiling, but you can't see everything when doing that. That is to
36 cover those unknowns.
37

38 The items listed on the bottom of the breakdown, ancillary costs, cover the different engineering costs
39 that come into play. When asked about the bidding contingency, Director Fox stated his assumption it
40 is to cover the possibility of bids coming in high. There is an uncertainty of the timing of the project,
41 and whether costs will increase.
42

43 Councilor Albert questioned if there are time constraints, in terms of the budget, to make a decision on
44 this project. He commented when there is a large ticket item such as this, the presentation should be
45 made at the time of the budget discussion. He requested the information provided the Council be
46 posted to the website.

1 Councilor Flood spoke of personal experience with different type of systems, and her opinion a water
2 system is preferable. Water is better for allergies, and is very smooth.
3

4 Chairman Harrington questioned, with a water system, how the air conditioning is handled, e.g.,
5 separate furnace. Director Fox stated that information will be sought and provided.
6

7 Chairman Harrington commented, during a discussion of the agenda item, the question was asked of
8 why they wouldn't place the furnaces on the third floor and have the air vents come through the
9 ceiling. That would not address the air in the basement, but that could be done through the use of
10 hoses.
11

12 Director Fox stated that had been considered. A discussion point had been why not put it in the crawl
13 space area where the other units are that do the air conditioning for the Memorial Room and the heat
14 for the attic space. There were a few reasons why that would not be a great option. It is a very tight
15 space. There is a narrow walkway between the joists that has the mechanical furnaces now. Another
16 is experience with really cold temperatures; even with furnaces running full time they could not get the
17 attic space to heat above 59 degrees. Although the ductwork is fully insulated, the roof is not. It is
18 meant to be a cold space. With the extreme colds we had earlier this winter the furnace and ductwork
19 were not able to heat up warm enough to get it into that room.
20

21 Chairman Harrington commented a cold temperature is a great place to put a furnace. Director Fox
22 stated he had not considered putting it into that storage space area. That could be looked at. He had
23 that discussion with the consultant, and the analogy he drew is it is always better, if you have the
24 option, to have your heat coming from the floor and your air cooling from the ceiling. The point he
25 drew was that in this region we spend 8-9 months of the year heating and only a few months cooling so
26 it makes sense to do it from the floor.
27

28 Councilor Thornton commented of the 17 PTAC units only 3 are broken. Director Fox replied that is
29 what is occurring currently. Councilor Thornton stated he is not in favor of putting a quarter of a
30 million dollars into one floor. Three PTAC units is what is needed at this time, and he would be more
31 in favor of going in that direction just because of the value of the dollar.
32

33 Chairman Harrington stated she agrees the three units could be replaced, but there would remain the
34 overall issue. She believes the \$240,000 cost is too great, and is leaning towards the scenario of
35 having three zones.
36

37 Vice Chairman Rothhaus commented he understands the tight dollar, but for him it is more of a long-
38 term issue. Looking at the electric costs between the two types of units, you see \$3,000 for Option 2
39 with the \$240,000 potential investment and \$13,000 annual electric costs on Option 1. Right out of the
40 gate that is a big savings. He believes it makes sense to do this. He would like to see more specific
41 thoughts on how we would go about it. He recognizes it makes sense to heat from below, but believes
42 putting it on the third floor would be a much simpler process.
43

44 Councilor Albert commented part of the hang-up for him is this is for a single floor. He can see the
45 savings and 8-year payback. He questioned if there is a means of looking out into the future in terms
46 of the other floors, e.g., should we be preparing for that.

1 Councilor Koenig stated he does not want to spend any funds to support future expansion of the PTAC
2 units. While they might be great in a hotel room, they are not ideal for an office space. He spoke of
3 his experience of over 15 years of meetings in these rooms where you cannot communicate because of
4 the noise, which results in shutting them off thereby changing the temperature in the room.

5
6 What the Council has been asked to focus on is the fact that on the first floor there are these PTAC
7 units, they are dangerous in that we have seen 2-3 catch fire, have had problems with them for many
8 years and being able to utilize them in public spaces. He believes it appropriate, before thinking of
9 spending any money on another one of those units, to put in a better, more reasonable unit.

10
11 He stated agreement with the approach of a less expensive three-zone system. He wishes to go with
12 what is efficient and functional and makes the rooms more usable for all who utilize them. He stated
13 his support for the program going forward, and suggested if the allocation is left at \$240,000 and we
14 can realize savings from a reduced program of three-zones or through energy rebates, etc. that would
15 all be supported by him.

16
17 Councilor Flood stated agreement with the remarks made. She questioned if the cost of the PTAC
18 units was factored into the return on investment. Director Fox stated that to have been factored in.
19 The payback analysis has two installations of the PTACs built in because they are less than half the life
20 of the other system.

21
22 Chairman Harrington commented the majority seems to be leaning toward doing the newer system,
23 and finding a very cost-efficient way to do that.

24
25 Director Fox stated the basement has three zones. The I.T. Department is a big problem; because they
26 generate so much heat they are always running the air conditioning. That throws a kink into the
27 basement, but otherwise everything runs fine. They have no intention of changing the basement
28 system; it works well. It is just upkeep of what currently exists.

29
30 The Town has an energy policy, and having everyone with their own controls can work against the
31 energy policy. Having more standard controls with the programmable thermostats can help to work
32 towards the energy policy.

33
34 They have discussed a smart system where he and Director Micali could have app access to the
35 controllers; could see on the weekend if someone left their heat on and make those adjustments, etc.

36 37 Minutes

38
39 January 18, 2018

40
41 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to accept the meeting**
42 **minutes of the Town Council budget meeting of January 18, 2018, as presented. MOTION**
43 **CARRIED 7-0-0**

1 January 22, 2018

2

3 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to accept the meeting**
4 **minutes of the Town Council meeting of January 22, 2018, as presented. MOTION CARRIED**
5 **7-0-0**

6

7 **Comments from the Press - None**

8

9 **Comments from the Public - None**

10

11 **Comments from the Council - None**

12

13 **Adjourn**

14

15 **MOTION made by Councilor Boyd and seconded by Councilor Thornton to adjourn the**
16 **meeting. MOTION CARRIED 7-0-0**

17

18 *The February 8, 2018 meeting of the Town Council was adjourned at 9:12 p.m.*

19

20

21

22 Submitted by Dawn MacMillan