

**Board of Commissioners  
Minutes  
Public Session  
January 28, 2019  
(approved February 25, 2019)**

Present: J. Comer, G. Keller, W. von Schoen, D. Provencher, Superintendent R. Miner

Excused: T. Pellegrino

**Non-Public Session:**

A motion was made by D. Provencher and seconded by W. von Schoen to go into non-public session per RSA 91-A:3 II(a) "...dismissal, promotion, or compensation...employee...", RSA 91-A:3 II(d) "Acquisition, sale or lease of property", and RSA 91-A:3 II(e) "...pending claims or litigation...". The motion passed 4-0-0.

**After the Non-Public Session:**

**Financial Review – December 2018 – Michele Holton**

M. Holton noted that the fiscal year is half over. The revenues are at 49.9% and expenses are at 46.1%. She noted that the District's funds will be reviewed to be moved to investments. She noted that \$46,000 from the prior year are encumbered funds in this year's budget, with approximately \$20,000 spent this year to be adjusted once encumbrance approved by the BOC. A Premium Holiday payment totaling \$6,000 from Primex is listed under miscellaneous expenses. In prior times the expenses for employee wellness were recorded throughout the budget. These expenses have been moved to the account for Employee Wellness, making this account total higher than previously. An inventory adjustment will be made based on the physical inventory done in January 2019.

D. Provencher questioned whether next year's budget has been adjusted for the purchase of water from Pennichuck Water Works. It was noted that this has been done. He questioned what specific engineering services were included in the engineering account. M. Holton noted that this account does not include the engineering done for wells 4 & 5, the artificial recharge project and the rate study. She noted that she would forward details to the Commissioners of what is in this account and breakdown on future reports. D. Provencher questioned account 81950 (Professional Fees-Accounting). M. Holton noted that this money was spent for the audit and an analysis of the retirement required Governmental Accounting Standards Board (GASB).

Upon questioning M. Holton noted that account 92420 (Trust Fund Investment Fees for Capital Reserve Fund (CRF)) are now being broken out to allow the

District to track these fees. D. Provencher noted that the Trust Fund Investment fees seem high (\$56,000 with a fee of \$7,200). M. Holton noted that she will review these fees. She noted that she will prepare a proposal to the District treasurer regarding the moving of non- CRF District funds for a better return.

W. von Schoen noted that he appreciates the monthly listing of the bank balances.

**1. Approve minutes from the November 19, 2018 Public Session (tabled from the 12/17/18 meeting) and the December 17, 2018 Public Session.**

A motion was made by D. Provencher and seconded by G. Keller to accept the minutes of November 19, 2018 with the following revision:

Page 6 under Old Business: Channel 20 follow up the sentence should read “D. Provencher noted that Channel 20 is having difficulty getting an acceptable video format from Town Hall Streams that can be used successfully as the audio is out of sync with the video”.

The motion passed 5-0-0.

The minutes for the meeting of December 17, 2018 meeting were tabled to the next meeting of the Board after the following changes were made:

Page 2 first paragraph; the 4<sup>th</sup> sentence should read “D Provencher questioned whether GAC change out being reduced from 2 to 1 year changes the projections for wells 4 & 5 in the St. Gobain Performance Plastics (SGPP) settlement agreement.” and the following sentence should be added to the end of this paragraph: “D. Provencher confirmed the settlement agreement assumed 2 years.”;

Page 5 first paragraph should begin “would allow for the public to passively subscribe and passively receive updates in their social media feeds”;

Page 5 second full paragraph, the next to the last sentence should be changed to end “have offered to help set this up with the MVD”;

Page 5 last paragraph the words “by the MVD” should be added in the next to the last sentence after the words “put forward”;

Page 6, under Questions from the Public the sentence “W. von Schoen noted that this is the wrong platform for this action at this time.” should be deleted in its entirety.

**2. Board of Commissioners to discuss setting up a Capital Reserve Fund for legal fee.**

G. Keller asked where this question came from. R. Miner noted that he thought that this would be a good idea based on past experience and that some Commissioners did express some interest in seeing this done. W. von Schoen noted that any additional money needed for legal fees beyond what is allocated in the budget would need to come from other items in the budget or from a specific Capital Reserve Fund. D. Provencher noted he does not see legal fees decreasing. W. von Schoen noted that the creation of such a Capital Reserve Fund would protect the budget and the District. D. Provencher noted it would be good to have this money in reserve in the event of unanticipated legal fees, and that the fund can be used in defense or initiating of future legal actions. He noted that this is the prudent thing to do. J. Comer asked that staff put such a Warrant Article on the ballot. R. Miner noted that the Warrant Article will be created for the Board's review.

**3. Board of Commissioners to discuss additional Rapid Scale Small Column Tests (RSSCT's) for wells 4 & 5 at outlined by Mike Metcalf of Underwood Engineers, Inc.**

R. Miner noted that water was drawn from Wells 4 & 5 and sent to a laboratory for column testing for the 3 medias under consideration for the treatment of this water. The water pulled has now been depleted and additional testing is needed and another media is being added to the list.

W. von Schoen noted a concern regarding suppliers of the media paying for the testing to be done. He questioned the use of independent labs for this testing. R. Miner noted that only certain labs do testing for PFOA. He is assuming these same labs are doing the testing for the MVD. He believes that the water can be drawn from these wells based on the last permit obtained to withdraw water from these wells. He noted that Underwood Engineers, Inc. (UEI) is fairly certain the cost to withdraw the additional water will come within the contingency for this project. He estimated that the cost for this additional withdrawal will be \$12,500.

D. Provencher noted that this is money well spent to optimize media selection.

A motion was made by D. Provencher and seconded by J. Comer to move that the Board of Commissioners authorize Underwood Engineers to collect additional water samples to extend the Rapid Scale Small Column Tests (RSSCT) at wells 4 and 5 with the total not to exceed \$12,500. The motion passed 4-0-0.

R. Miner noted that he would check to see whether the testing being done in house would be the same as an independent lab.

**4. Board of Commissioners to discuss acceptance of the *Source Water Protection Grant for the PFAS Assessment Proximal to MVD Production Wells #7 and #8* in the amount of \$20,000 with a \$12,500 MVD match.**

D. Provencher noted that Emery and Garrett Groundwater (EGGI) will look at PFAS testing around well 7 & 8 to see if the peat deposits in this area are affecting wells 7 & 8. The matching funds from the MVD were originally expected to be \$10,000, but there was a cost of \$2,500 to fill out the grant application. He noted he was pleased to see that the grant was awarded. This project will help to determine whether the contamination in this area is from the air or a plume from Witches Brook.

W. von Schoen noted that this is a job for NHDES. G. Keller noted that this is important information to have based on information from NHDES. D. Provencher stated that this question can be put to J. Emery at the next Board meeting. R. Miner noted that he would like the Board's acceptance of this grant to be given prior to the meeting of the Governor and Executive Council. He noted that a Public Hearing would need to be held before the money can be formally accepted after approval by the Governor and Executive Council.

J. Comer noted that he thinks this would be money well spent. D. Provencher noted he would like to get further information from J. Emery, but is in favor of going forward at this time with information forthcoming from J. Emery at the next meeting of the Board. The Commissioners can reject this money at a later date.

A motion was made by D. Provencher and seconded by G. Keller to move that the Board of Commissioners of the Merrimack Village District accept the Source Water Protection Grant in the amount of \$20,000 with the MVD match of \$12,500 for the *PFAS Assessment Proximal to MVD Production Wells #7 and #8* project. The motion passed 4-0-0.

**5. Board of Commissioners to review the *2018 Water Quality Sampling Results – 80 Continental Boulevard* prepared by Emery & Garrett Groundwater Investigations.**

R. Miner noted that this information is basically for the information of the Board. He noted that Sodium and Chloride are still high, probably from the salting at the intersection. He noted that it is good to keep monitoring this situation and that such monitoring is done around other wells in town, including those at Atrium the Merrimack Outlets. It was noted that there is an overall upward trend in Sodium and Chloride in the District's water.

**6. Board of Commissioners to discuss Warrant Articles and make assignments for presentation at the Public Hearing on February 25, 2019.**

Two petitioned Warrant Articles have been added to the Warrant (Articles 2 and 3). The last sentence in each of the articles concludes with the words “and to raise and appropriate the required sum of money for the purpose of 2019/2020 interest on said bond or notes?”. There was some concern expressed regarding the fact that a specific amount is not included in this sentence. R. Miner noted that this can be amended on the floor of the Annual Meeting. R. Rung noted that if these articles can be amended on the floor that is good, otherwise the articles will need to be rewritten with the specific amount included in the articles and the articles will need to be resubmitted to the District. R. Miner noted that the design fees are outside of the bond amount required and, therefore, no interest is required in the 2019/2020 fiscal year. R. Rung noted that if the article is amended on the floor of the meeting a simple majority is needed to pass the amendment, but the 2/3 ballot vote will be needed to pass the amended article. W. von Schoen noted he would like to see the numbers on the articles before the Board votes to approve the petitioned Warrant Articles. R. Rung noted she would prefer to have numbers available. D. Provencher noted it is in the District’s best interests to have accurate numbers in the articles whether the Board approves the articles or not. He questioned whether a change of date is needed for the interest payment. W. von Schoen noted that a decision cannot be made at the Annual Meeting for a payment to be made in future years.

Assignment of the articles to Commissioners for moving and seconding will be taken up at the next meet of the Board.

**7. Old Business**

**Fill at wells 4 & 5** – R. Miner noted this site falls within the Groundwater Management Zone of the Saint Gobain facility. According to NHDES, PFOA levels 1.5ug/kg or greater should be left on site. Soil samples were done with EGGI’s work on the Artificial Recharge Project as well as the Barr Engineering report. It was determined that soils from the sewer line would need to remain on site but on the other cut areas the soil can be removed.

**8. New Business**

W. von Schoen noted a question from a member of the public regarding the District’s liability regarding the current litigation and how much of this liability is covered and what is not covered. This information will be provided at a later date.

**9. Superintendent’s Report**

**Future dates** – R. Miner noted the following dates: February 6-15: filing for elected position and Petitioned Warrant Articles; February 11: final budget workshop; February 18: MVD closed; and February 25: regular Board meeting at the MVD office with Public Hearing to follow at the Merrimack High School Little Theater.

## **10. Questions from the Public**

Rosemarie Rung noted that the media suggested previously (coconut fiber) to be added to the list of media to be tested for the treatment plant at well 4 & 5 has previously been determined to be a poor performer. She questioned why this media will be tested if it has been found to be inferior.

R. Rung noted there are methods to use to reduce salt on roads. She noted that the turnpike might have its own resources to apply salt and may not use the same resources as those used to treat state roads. D. Provencher noted that NHDES does offer courses on salt management. The challenge is to get non-certified people to get certified. Nancy Murphy questioned how sites are grandfathered to not follow current rules of salt application. R. Miner noted that this would happen if construction was done before restrictions were put into place. There is a question of whether the District can make a by-law regarding salt use in the Wellhead Protection Area. W. von Schoen noted that this is a question for the District's attorney about standards and any leverage to enforce these standards. D. Provencher suggested that MVD could send letters to grandfathered properties to request proactive alternatives to salt for deicing.

N. Murphy questioned the legal fees paid for the negotiations with SGPP. M. Holton noted that these fees were \$70,000 for last year.

## **11. Questions from the Press**

There were no questions from the press at this time.

## **Adjourn**

A motion was made by W. von Schoen and seconded by D. Provencher to adjourn the meeting at 7:05 PM. The motion passed 4-0-0.

Respectfully submitted,  
Rita Pointon, Recording Secretary