

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
MAY 18, 2020
MEETING MINUTES
(approved August 17, 2020)**

A regular meeting of the Board of Commissioners was conducted on May 18, 2020 at 5:02 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided, via electronic participation:

Members of the Board present: Joseph Comer, Vice Chairman
 Wolfram von Schoen, electronic participation
 Kenneth Ayers

Members of the Board Absent: Anthony Pellegrino, Personnel Liaison

Also in Attendance: Ron Miner, Superintendent
 Jill Lavoie, Business Manager
 Michele Holton, Finance/H.R. Director

FINANCIAL REVIEW

Michele Holton, Finance/H.R. Director, informed the Commission that being through April, Merrimack Village District (MVD) is 83.3% through the fiscal year. The total income and revenues are at 92.9%. It was pointed out that account 40412 (Service Charge- Backflow), looked off from the previous year. Director Holton noted a new system has been put in place to handle the backflow and is attaching it to the customers' future bills. Chairman D. Provencher noted that accounts 40100 (Water Sales- Domestic) and 40200 (Water Sales- Mercantile) were at roughly 79.5% and asked why they were coming in below budget. Director Holton noted that there were several things contributing to this including needed adjustments. It was also noted that usage has decreased a bit in varying degrees.

Director Holton noted that expenses are at 73.2% of budget, compared to last year at 74.7%. She noted that account 81900 (engineering) shows as overbudget but does need reclassification. It was noted that several EGGI bills had come in that were related to the Well 3 treatment alternative and the Well 4 replacement that have posted to the engineering account. Director Holton noted that she will look back through to see how the funding should be placed and whether funds can be against the capital budget expense as well as posting it to the asset. Reclassifications will take place in the next few days.

Director Holton informed the commission that the net income is roughly \$761,000, compared to last year at roughly \$138,000. Overall, the expenses are in check with the previous year and for revenue MVD has seen the rate increase as well as the Meter, Hydrant and Sprinkler increase in numbers.

REGULAR SESSION

1. Board of Commissioners to discuss Capital Projects with Underwood Engineers to include:

a) Wells 4 & 5 treatment plant progress

Pete Pitsas, of Underwood Engineers, informed the commission that the contractor is proceeding with the work for the Wells 4 & 5 treatment plant. He noted that aside from the electrical components, things are somewhat on schedule. P. Pitsas informed the commission that there is a Board approved contingency of \$80,000 for change orders, which are currently totaling roughly \$75,000. Underwood would like to increase this in order to add items as they arise. He noted that change order #5 has not yet been signed. The first five items and item number 7 listed on Change Order #5 have been approved by Superintendent R. Miner. Pitsas informed the commission that item number 8, Remove Well #4 Cleaning, will be a credit to MVD and is waiting on the final dollar amount.

MOTION BY COMMISSIONER W. VON SCHOEN TO ADD \$20,000 TO THE CONTINGENCY, RAISING IT FROM \$80,000 TO \$100,000.

MOTION SECONDED BY COMMISSIONER J. COMER

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Donald Provencher, Joe Comer, Wolfram von Schoen, Kenneth Ayers,

4

Nay:

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MOTION CARRIED

P. Pitsas reminded the commission that the Variable Frequency Drives (VFD), the drives that run the well pumps, are delayed, and are expected to arrive late June. He also noted that there are other electrical components, such as the main circuit breaker and the LP panel, that have been delayed and are expected in July. The delay was reported to be COVID related. The manufacturing plant is in Mexico and had been shut down due to COVID-19. The manufacturing plant will be coming back online at a reduced capacity. Underwood has issued a letter requesting documentation to back up these claims. A follow up email was sent by Underwood on May 18, 2020, requesting specific information, including correspondences about the delay, what has been done to mitigate the delay, and whether additional manufacturers have been sought. At this time, Commissioner W. von Schoen noted his dissatisfaction with the representative he spoke with, noting his lack of information and concern regarding the delay, which is roughly two months. Commissioner W. von Schoen questioned his understanding of the penalties that can be imposed on the General Contractor, Penta Corp., of up to \$1,000 per day. The penalties are for liquidated damages. Damages will need to be produced and are not contractual for a specific dollar amount per day. Commissioner W. von Schoen noted that producing damages will cost time and money. P. Pitsas stated that the imposed penalties typically cover engineering costs. Commissioner W. von Schoen noted that due to the delay there are contractors that will likely be remobilized, creating additional costs such as extended equipment rentals. P. Pitsas informed the commission that those extra costs are typically incurred by the General Contractor, Penta. Chairman D. Provencher questioned if the equipment was ordered in an

appropriate time frame. P. Pitsas answered that he was not sure but will reach out to gather that information.

At this time Commissioner D. Provencher asked if there was any information on the new well screen. P. Pitsas answered that the new Well 4 has been drilled, a sieve analysis has been done, a screen was designed and ordered, and should be in shortly. It was noted that NH DES is not in office.

b) Wells 7 & 8 treatment plant progress

K. Pratt informed the commission that the bid for Wells 7 & 8 treatment plant were delayed. Bids were originally due on May 20, 2020 and have been delayed an additional week to May 27, 2020. Feedback from Evoqua, the named carbon supplier, objected to the way the warranty was written, causing Underwood to delay the bids. Evoqua ran an independent Rapid Small-Scale Column Testing (RSSCT) and found that their results differed from those received by Underwood from the third-party vendor's RSSCT. Evoqua informed Underwood that they cannot meet the warranty stated in the contract bid documents. Evoqua offered to run an additional RSSCT to confirm their results. K. Pratt informed the commission that at this point Underwood has decided not to change the warranty and is keeping the bid documents whole while awaiting the results of the new RSSCT.

K. Pratt noted that the bidding pool will likely differ from those in the past as some of the usual bidders, like Penta, PRB, and Apex, have reported being too busy. Bids can be rejected if MVD is not satisfied.

c) Wells 2 & 3 design progress

P. Pitsas informed the commission that Underwood is working towards the 60% design submittal for Well 2.

Pitsas noted, as discussed in a previous BOC meeting, that a property owner in the area of Well 2 had done work that impeded MVD property. The property owner showed Underwood the location of a stump dump located on MVD property, which was outlined for the commissioners. Underwood had a surveyor come out and stake out the property line. This was shared with the property owner. Pitsas stated that according to the property owner, he did not direct the person doing the clearing. It is believed that the person who did the clearing is not licensed in the state of New Hampshire. Commissioner W. von Schoen asked about the appearance of the property where trees were cleared and Pitsas noted that it looks decent with the stump dump. Vice Chairman J. Comer asked what the impacts on the well were. Pitsas stated that at this time impacts are unknown. J. Emery noted that the stump dump is outside of the protected radius. He stated that this deserves more research with so many unknowns, including the possibility of equipment left behind.

Commissioner W. von Schoen stated that it was his belief that a letter clearly stating MVD's property line be sent to the abutting property owner. The letter should include that

trespassing and usage of MVD's land is unacceptable due to the public water supply. It was noted that there is a three-year statute of limitations to act on this property infringement.

Chairman D. Provencher asked if town approval was needed for a stump dump and if stump dumps are allowed in the Well Head Protection Area (WHPA). J. Emery noted that a stump dump cannot be placed within the sanitary radius. Commissioner K. Ayers asked if it was best to have the stump dump removed sooner rather than later to prevent possible damage, as the stump dump is only a few months old. Chairman D. Provencher and Commissioner W. von Schoen agreed with these sentiments. Business Manager J. Lavoie will investigate the Town of Merrimack's requirements for a stump dump, and whether a permit was obtained for the current stump dump as noted. Chairman D. Provencher requested that a letter be drafted to the abutting land owner, and available for review at the next BOC meeting, to request the abutting land owner to remove the stump dump located on MVD property.

Additionally, P. Pitsas informed the commission that Underwood is working on the site design. They are working on refining the building size. Underwood is holding off on the proposed leach field design, which can be reviewed with the state within a week's timeframe. Space has been left between the infiltration basin and proposed leach field in case a separate building is needed.

d) Turkey Hill booster progress

K. Pratt informed the commission there is activity on the site. The foundation and retaining wall are being prepped. The Turkey Hill booster is on schedule. There is not yet information on whether there will be additional costs related to the water main break.

2. Board of Commissioners to discuss updates to current projects with Emery & Garrett Groundwater Investigations/GZA to include:

a) Review of the Naticook Brook exploration results to date

J. Emery shared two figures (Figure 2 and Figure 4) with the commissioners at this time. Figure 2 was a lidar image and location of potential test well locations in the vicinity of abandoned Production Well MVD-1. Figure 4 was a lidar image and locations of proposed test wells in the vicinity of Production Well MVD-3. J. Emery shared some of the location options for drilling with the commissioners.

Emery asked the Commissioners' opinions as to how hard the Board would like him to push for a replacement well near the location of Well 1 or if that should remain as a last option after pursuing other routes. Chairman D. Provencher asked which test well J. Emery believed would have the chance for a better yield. Emery answered that it would likely be 1B and 2B, however 1A has not yet been tested and has favorable sand. Emery & Garret will be drilling, evaluating, reassessing and making determinations throughout the week of May 18, 2020.

b) Update on Well #4 replacement

J. Emery informed the commissioners that they are waiting on the well screen for Well #4.

c) Results of the Testing at Well #6 for PFAS

J. Emery informed the commission of the PFAS results for Well #6. Well 6 had 29 PFOA and 2.9 PFAS. In comparison to Wells 7 & 8, Well 6 had higher levels. He reported that iron and manganese were low, while sodium and chloride were high. These numbers will likely drop when pumped at a higher capacity. J. Emery stated that the data shows that this option should stay on the back burner for the time being.

d) Final report “Review of Groundwater Quality Monitoring Data Collected from MVD Production Wells (through 2019)”

J. Emery of Emery & Garrett provided the commissioners with the final report “Review of Groundwater Quality Monitoring Data Collected from MVD Production Wells (through 2019).” J. Emery noted there was slight increase in sodium and chloride in Well 2, but additionally found an increase in hardness, particularly in Well 3. The hardness is a result of calcium and magnesium in the groundwater. This is associated with de-icing treatments used in the winter.

J. Emery stated that the intermittent changes in the level of iron and manganese in the wells 3, 7 & 8 are the result of the proximity to surface water and wetlands in both cases. This natural condition is likely to continue indefinitely, but the overall concentrations of dissolved iron and manganese can be partially mitigated by reducing groundwater production/withdrawals from these wells periodically. This will be easier to manage once Production Wells 4 & 5 are put back into service.

J. Emery noted again that there is no other reason for the hardness to increase aside from the application of road salt and salt mitigation efforts are crucial.

At this time Chairman D. Provencher requested that Emery & Garret pull out the data for PFOA and additional PFAS compounds for the Nashua Pennichuck system that MVD’s booster pump is connected to. J. Emery noted that he had been unable to find the data that Chairman D. Provencher was requesting but could reach out and ask for it. He will follow up with an email.

e) Proposal to move forward with Salt Mitigation efforts

J. Emery informed the commission that he produced a change order (Change Order #2 dated 5/14/2020) for the existing salt mitigation project, adding additional work. Emery reviewed the scope of services, as seen in the chart below.

TASK DESCRIPTION	ESTIMATED COST
Task 1 - Conduct Meeting with Selected Stake Holders- Prepare meeting materials and letter report of findings	Completed
Task 2 – Provide Input on Groundwater Protection Strategies for the Merrimack Planning Board’s Consideration	\$3,800
Task 3 – Provide Key Information to Individual Key Property Managers/Information and Conduct Follow-up Conference Calls/presentations	\$4,700
Task 4 – Review Existing Plow Routes with the Town and NHDOT Within Each WHPA, Determine Whether Reduced Salt or No Salt Application Areas Can Be Expanded Meet with NHDOT	\$3,750
Task 5 – Coordination with Neighboring Municipalities and Submittal of Requests	To be Performed by MVD Staff
Task 6 – Send out a mailing with educational materials (beyond which has been sent to date) to inform all MVD customers about the problems associated with road salt use, identifying reduced or low salt zones, and provide recommendations to reduce salt use at home/businesses	Completed
Task 7 – Prepare and present an educational PowerPoint presentation on the sodium and chloride groundwater issue and present it to interested citizens groups and property owners	Completed
Task 8 – Generate a map (or maps) of sodium chloride levels within the WHPAs using existing monitoring wells, conductivity datalogger information, and the collection of additional sodium and chloride water quality data at strategic locations within the MVD monitoring network	Completed
Task 9 – Generate alliance and support from NHDES for mitigation Salt Load in MVD WHPA areas – includes multiple conference calls and a presentation to key top level NHDES official with MVD Board/staff members.	\$7,600
ESTIMATED COST:	\$19,850

Chairman D. Provencher stated that he felt it was best to get NHDES involved prior to meeting with any property managers, as feedback from NHDES may present as a high level of priority. He noted that he believed Task 9 should happen before Task 4. J. Emery noted that he agreed and had failed to mention that these tasks are not outlined in chronological order.

MOTION BY COMMISSIONER W. VON SCHOEN TO MOVE FORWARD WITH CHANGE ORDER #2 OF MAY 14, 2020 IN THE AMOUNT OF AN ADDITIONAL \$19,850 FROM THE OPERATING BUDGET

MOTION SECONDED BY COMMISSIONER D. PROVENCHER

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Donald Provencher, Joe Comer, Wolfram von Schoen, Kenneth Ayers,
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Nay: 0

MOTION CARRIED

J. Emery noted that this may take until the end of October. Commissioner W. von Schoen noted that he would like to have something tangible before the snow comes.

- 3. **Board of Commissioners to review the minutes from the April 20, 2020 Public Session and May 1, 2020 Special Meeting video conference call meetings.**

APPROVAL OF MINUTES

Board of Commissioners Public Session April
20, 2020

No amendments were offered.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING
MINUTES OF THE APRIL 20, 2020 PUBLIC BOARD OF COMMISSIONERS MEETING
AS PRESENTED**

MOTION SECONDED BY COMMISSIONER K. AYERS

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Donald Provencher, Wolfram von Schoen, Kenneth Ayers,
3
Nay: 0

Vice Chairman J. Comer abstained

MOTION CARRIED

3-0-1

Board of Commissioners Special Meeting. May
1, 2020

No amendments were offered.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING
MINUTES OF THE MAY 1, 2020 BOARD OF COMMISSIONERS SPECIAL MEETING
AS PRESENTED**

MOTION SECONDED BY COMMISSIONER J. COMER

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Donald Provencher, Joe Comer, Wolfram von Schoen, Kenneth Ayers,
4
Nay: 0

MOTION CARRIED
4-0-0

4. Board of Commissioners to review Action Items from previous meetings and those to be added from this meeting.

The Commissioners reviewed Action Items from previous meetings, striking those that have been completed. Additionally, Action Items from the May 18, 2020 meeting were reviewed at added. Please see Action Items attached.

5. Old Business

Business Manager J. Lavoie informed the commission and the public that the MVD Annual Meeting will take place at 7:00 pm on June 9, 2020 at The Upper Elementary School in the Smith Gym. Social Distancing practices will be in place.

6. New Business

Commissioner W. von Schoen referenced a comment from the Audit Report noting the lack of a Disaster Recovery Policy as well as the lack of Data Retention and Security Policy. It was noted that there is no direct policy but there is a backup in the cloud. Commissioner W. von Schoen asked what would happen if the MVD system were hacked. Chairman D. Provencher asked if there were templates available to start outlining a policy. Business Manager J. Lavoie noted that HR Director M. Holton has a network she can access for assistance. Director Holton and Commissioner W. von Schoen have been tasked with investigating templates for these policies.

7. Superintendent's Report

None

8. Questions from the Public

None

9. Questions from the Press

None

ADJOURNMENT

MOTION BY COMMISSIONER D. PROVENCHER TO ADJOURN
MOTION SECONDED BY COMMISSIONER J. COMER

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Donald Provencher, Joe Comer, Wolfram von Schoen, Kenneth Ayers,
4
Nay: 0

MOTION CARRIED

The May 18, 2020 meeting of the Board of Commissioners was adjourned at 8:25 p.m.

Submitted by Amanda McKenna, Recording Secretary

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
MAY 18, 2020
PUBLIC
ACTION ITEMS**

February 24, 2020 BOC Meeting

- ~~1. Board of Commissioners to discuss next steps for Emery & Garrett/GZA Sodium and Chloride Reduction Project. Tabled from the February 24, 2020 BOC Meeting.~~

March 26, 2020 BOC Meeting

2. R. Miner to create a summary table of outstanding ESRs from Underwood and Emery & Garret, to include:
 - Bill-to amounts compared to the ESR budgets
 - Which ESRs are applicable to the engineering amount that was included in warrant articles
 - Budget reports that align with each project

This is to be done quarterly.

April 20, 2020 BOC Meeting

3. Underwood Engineers to investigate any warranty consequences should there be a mixing of vessels and media manufacturers.
4. Underwood Engineers to inquire whether radio transmission is a state requirement or if there is a more appropriate, state of the art, technology. *Reference ESR #50*
5. Follow up with Jamie Emery to graph the water quality, particularly the PFOA and PFOS, for the Pennichuck system that feeds MVD's interconnection booster pump. This will allow MVD to have a better understanding of what to expect should the need to use the Pennichuck connection ever arise.
- ~~6. Publish an update to Facebook regarding Wells 4 & 5, posting a photo with the vessels in place.~~
- ~~7. Publish an update to Facebook with a link to the article by Mike Metcalf.~~

May 18, 2020 BOC Meeting

8. P. Pitsas to follow up on the dollar amount of the Well 4 cleaning credit.
9. J. Lavoie to find out about the Town of Merrimack's regulations regarding stump dumps.
10. Compose a draft letter to the landowner regarding the removal of the stump dump incorrectly placed on MVD property.

11. D. Provencher to follow up on the PFOA results for the Nashua Pennichuck System.
12. R. Miner to follow up on the Capital Reserve Funds for Emery & Garrett's Change Order #2 (dated 05/14/2020).
13. M. Holton and W. von Schoen to investigate templates for a Disaster Recovery Policy and a Data Retention and Security Policy.