

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
JULY 20, 2020
MEETING MINUTES
(approved August 17, 2020)**

A regular meeting of the Board of Commissioners was conducted on July 20, 2020 at 4:30 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

Members of the Board present: Wolfram von Schoen, Vice Chairman
 John Lyons, Personnel Liaison, (electronic participation)
 Paul McLaughlin

Members of the Board Absent: Kenneth Ayers

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

NON-PUBLIC SESSION

**MOTION BY COMMISSIONER W. VON SCHOEN THAT THE COMMISSION GO INTO NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II (a); RSA 91-A:3, II(d); and RSA 91-A:3, II(e)
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN**

A Viva Voce was conducted, which resulted as follows:

Yea:	Donald Provencher, Wolf von Schoen, John Lyons, Paul McLaughlin,
	4
Nay:	0

MOTION CARRIED

The Commission went into non-public session at 4:32 p.m.

The Commission came out of non-public session at 5:04 p.m.

FINANCIAL REVIEW

Analysis of Revenue and Expenditures Report

Michele Holton, Finance/H.R. Director, informed the Commission that being through June Merrimack Village District (MVD) is 100% through the fiscal year. She noted the numbers presented are preliminary and show most of the revenue, however there is miscellaneous income from COVID expense reimbursements that will be reported to fiscal year 2020 in the amount of roughly \$15,000

and there are June invoices the District is still waiting on. The total income and revenues are at 116.1%, which includes the System Development charge (SDC - Account 40600). The System Development charge is typically moved the following year into the System Development Capital Reserve account. Upon deducting SDC, revenue is at 109.6% above the operating budget.

Director Holton noted that Domestic Water Sales (account 40100) came in at 108.4% of budget, Mercantile Water Sales (account 40200) came in at 94.8%, and Industrial Water Sales (account 40300) came in at 74.3%. It is assumed that Water Sales were impacted by the COVID-19 Stay at Home Order. Director Holton noted that the budget is showing roughly \$620,000 above budget, of which \$248,000 comes from the System Development charge. Director Holton informed the commission that Meter Charges (account 40400), Hydrant Charges (account 40403), and Sprinkler Charges (account 40404) all came in above 110% of budget.

Director Holton noted that overall, the payroll expense items are at 92.8% of the payroll budget. Health insurance (account 50500) is at 82% of budget, coming in at roughly \$72,000 under budget for the fiscal year. Electricity (account 60000) came in at \$15,000 under budget. Director Holton noted that the purchase of water (account 60300) came in \$56,000 above budget from the time of May-June while using the interconnect system, connecting to Pennichuck Water Works (PWW). Motor Vehicle Maintenance (account 60500) came in at almost \$11,000 over budget. It was noted that some older vehicles needed repair throughout the year and some vehicles needed plowing damage repair. Upon the next budget, the District will evaluate lease options. Director Holton informed the Commission that many of the Repairs & Maintenance (R & M) accounts (Meter, Hydrant) came in under budget. She explained that when preparing budget, allowances must be made for what R&M expense may occur. There is quite a bit of variability from year to year and fluctuation is expected.

Chairman D. Provencher asked about the Engineering account (account 81900). Director Holton noted that the Well 3 Alternative Source money has come from this account and that she has reached out to inquire about using the well development bond proceeds, which would replace some money back into account 81900. She is waiting to hear back from bond counsel on the matter.

Director Holton informed the Commission that Professional Fees (account 81950) came in at roughly \$21,000 under budget and Capital Budget Expense (account 90000) came in at roughly \$130,000 under budget, though Capital Budget Expense still needs to be evaluated for funds to encumber into the next fiscal year. She noted that the total expenses came in under budget at 90.3%.

Director Holton stated that the audit prelim would take place on July 24, 2020. She also informed the commission that MVD will be offering payment arrangements for those experiencing financial hardship due to COVID-19.

REGULAR SESSION

1. Board of Commissioners to elect Chairman, Vice Chairman and Personnel Liaison for 2020-2021

Chairman D. Provencher called for nominations for Chairman of the Merrimack Village District Board of Commissioners for the 2020-2021 term.

COMMISSIONER W. VON SCHOEN NOMINATED COMMISSIONER D. PROVENCHER

SECONDED BY COMMISSIONER J. LYONS

VOTE ON ELECTION OF D. PROVENCHER TO THE POSITION OF CHAIRMAN OF THE MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2020-2021 TERM

MOTION CARRIED

3-0-1

D. Provencher abstained

Chairman D. Provencher called for nominations for Vice Chairman of the Merrimack Village District Board of Commissioners for the 2020-2021 term.

**CHAIRMAN D. PROVENCHER NOMINATED COMMISSIONER W. VON SCHOEN
SECONDED BY COMMISSIONER J. LYONS**

VOTE ON ELECTION OF W. VON SCHOEN TO THE POSITION OF VICE CHAIRMAN OF THE MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2020-2021 TERM

MOTION CARRIED

3-0-1

W. von Schoen abstained

Chairman D. Provencher called for nominations for Personnel Liaison of the Merrimack Village District Board of Commissioners for the 2020-2021 term.

**VICE CHAIRMAN W. VON SCHOEN NOMINATED COMMISSIONER J. LYONS
SECONDED BY COMMISSIONER P. MCLAUGHLIN**

VOTE ON ELECTION OF J. LYONS TO THE POSITION OF PERSONNEL LIAISON OF THE MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2020-2021 TERM

MOTION CARRIED

3-0-1

J. Lyons abstained

2. 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 pump test for well 4 is complete. The site work is nearing completion and the process piping should be done by July 24th or early the following week and the HVAC is nearly complete. He also noted that all the electrical equipment has been delivered to the site and installed. The schedule notes a completion of the electrical work on August 4, 2020. Start up will commence directly after. Pitsas informed the

commission that Penta noted they are having a difficult time getting power to the site. Penta has contacted Eversource multiple times and are asking for assistance from either Underwood Engineers or MVD. Superintendent R. Miner noted that he would make a phone call to Eversource. The substantial completion date did slide slightly. Penta noted that reasons for this include no power to the site. Pitsas noted that during an initial startup coordination meeting the possibility of having MVD assist with some of the startup testing due to their ability to access better pricing than Penta is able. This would be roughly half the cost. Penta noted that this could possibly delay the project. Penta has shared a substantial completion date of September 24, 2020 (which includes a time extension request). Pitsas informed the commission that Penta has submitted a fifty-five-day time extension request along with a dollar value increase of \$1,100 per day for general conditions. Underwood Engineers contacted Penta to gauge the ability to compromise. Penta is concerned about additional delays and informed Underwood that they feel the need the fifty-five-day extension, but they were willing to decrease the additional cost to \$0. Pitsas informed the commission that Underwood does feel there is a basis for Penta's claim due to COVID-19, despite being unsuccessful in retrieving supporting documents from Penta. Pitsas informed the commissioners that Underwood believes it is in the best interest of the MVD to accept this extension. He noted that if the extension is not granted and later ends in arbitration, Penta will likely stand firm to a dollar value increase. In response, Vice Chairman W. von Schoen noted his dissatisfaction that there was a request for monetary increase at all.

At this time, Chairman D. Provencher read Penta's request for an extension to the public. Peter Pitsas noted that the change order presented by Underwood encompasses the delay for VFD approval/delivery as well as COVID-19. Chairman D. Provencher noted that the reason to advance this was to circumvent the position MVD is currently in. It was noted by Vice Chairman W. von Schoen that we will likely be past the drought come September. Vice Chairman W. von Schoen stated that if MVD were to agree to the extension, he would like a commitment that Penta will not come forward with additional damages, extensions, or financial claims. Pitsas noted that he could modify the wording to state that this covers all COVID and time extension claims to date. Vice Chairman W. von Schoen asked if Penta was working overtime. Pitsas answered that Penta is not working on the weekends but was unsure if they were working past noon on Fridays. Pitsas noted that Penta could have done better with their attempt to catch up. Commissioner J. Lyons asked Pitsas what can be done, and if finding another contractor was an option. Pitsas answered that finding someone else is not an option at this point and noted that Penta is just about done with the project. Vice Chairman W. von Schoen stated that Penta may not be the partner MVD initially thought they would be and that should be kept in mind for future projects. Chairman D. Provencher noted that Penta was also awarded the contract for the Turkey Hill Booster Station, which is just kicking off.

Chairman D. Provencher stated, for the public, that MVD had omitted a planned three month shutdown mid-winter due to the difficulties it would present to the masons, paying \$30,000 extra to tent and heat the area so they could continue to work through the winter. He noted that MVD has done all that they can to prevent delays.

Chairman D. Provencher noted that he would be in favor of moving forward with granting the extension. Pitsas informed the commission that while there is no additional cost from Penta, there would be an additional cost for the time needed to have Underwood on site. He believes this can be covered with the existing budget, noting a line item for QAQC, which has not yet been touched. QAQC was put in place to cover the costs of additional testing and unplanned necessities.

b) Wells 7 & 8 treatment plant progress

P. Pitsas stated that the warrant article passed at the 2020 Annual Meeting to combine the two warrant articles from the 2019 Annual Meeting, allowing MVD to proceed with signing a contract for the Wells 7 & 8 addition. He noted that the contract is ready to award upon approval of the warranty. Underwood has proceeded in reviewing shop drawings. The contractor is ready to start on July 27, 2020, if the warranty can be ironed out. The contractor will start with clearing, relocating the antenna and demoing the backwall of siding and insulation. Lynnette Carney, of Underwood Engineers, informed the commission that Underwood drafted their warranty using numbers from the Rapid Small-Scale Column Test (RSSCT) that EPS had run. Evoqua ran their own RSSCT using a slightly different method from that of EPS. Evoqua informed Underwood that due to the results of their RSSCT they were not willing to agree to the warranty presented by Underwood and offered much less. Evoqua ran their RSSCT a second time, resulting in a similar outcome to their initial test. Evoqua offered to make the warranty based on MCLs but would not provide a warranty on the short chains. Evoqua presented a warranty that offers 38,000 bed volume on the long chains, and no warranty on the short chains. This is for the lead vessel. Chairman D. Provencher informed the public that the warranty only covers the initial fill, and MVD can explore other options in the future. The new warranty would need to be accepted to move forward with awarding the contract.

**MOTION BY COMMISSIONER W. VON SCHOEN TO AWARD THE BID FOR THE PROJECT KNOWN AS WELLS 7 & 8'S TREATMENT ADDITION FOR PFAS TO INFRASTRUCTURE CONSTRUCTION CORPORATION (ICC) OF BOW, NH, IN THE AMOUNT OF \$3,536,000 BASED ON THE BID RESULTS, A SUMMARY OF BIDS AS PREPARED BY UNDERWOOD ENGINEERS, AND AS REVIEWED BY THE MVD BOARD OF COMMISSIONERS ON JULY 20, 2020, FUNDS TO COME FROM DRINKING WATER GROUNDWATER TRUST FUND AND SRF
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN**

**MOTION CARRIED
4-0-0**

c) Wells 2 & 3 design progress

P. Pitsas informed the commission that Underwood has made a 60% submission for Well 2 in early July, which the District reviewed. A new floor plan will be presented to MVD. Once the floor plan is approved, Underwood will continue to work towards the 90% submission, due at the end of September. Pitsas noted that the 60% cost opinion also needs to be submitted.

Chairman D. Provencher asked for an update on the issue with the stump dump. It was noted that the board will continue to work on a letter to the property abutter, but this does not stand in the way of work to be done.

Pitsas explained that the Well 2 pump station would be able to support the electrical needs of another well should an additional well come to fruition within the general vicinity. This would avoid the cost of constructing another pump station building. The Well 2 location offers the area for a building expansion if needed.

d) Turkey Hill booster progress

Tim Puls informed the commissioners that Turkey Hill booster project is on a standstill. The foundation and piping are in. The project is waiting on the booster pump station to prefabricated and delivered. Carlson Systems has requested an extension which in turn has caused Penta to need an extension. That twenty-seven-day extension was a part of change order #1, which has previously been approved. The pump station delivery date is October 15, 2020. In the meantime, Underwood will be working with Penta to get the site work done. The paving is being pushed to the spring of 2021.

e) Mitchell Woods

Chairman D. Provencher explained that Mitchell Woods is an aquifer in the North section of town, in the high-pressure zone. This is a limited aquifer, capable of 300 gallons per minute. This well would not be for year-round use, but rather to help meet peak demand in the summer months. It is unlikely that Mitchell Woods would be up and running for summer 2021.

Mike Metcalf, of Underwood Engineers, informed the commission that arsenic has been found in this area, however no arsenic was present in the water quality from the three tests taken for the pump test. He expressed his thought that a 30% design is the right way to go before jumping into a full design.

J. Emery, of Emery & Garret, noted that the Mitchell Woods production well is approved for a groundwater withdrawal of up to 45M gallons of groundwater each year, not to exceed 432,000 gallons per day. The number of consecutive days of pumping should not exceed sixty days.

Vice Chairman W. von Schoen asked if there was a cost estimate to get Mitchell Woods up and running. M. Metcalf noted that a conceptual design had been done and based on that the construction cost was roughly 1.2M, with a total of 1.9M (in 2015). The Engineering Service Request (ESR #54) presented by Underwood Engineers includes preliminary design for the Mitchell Woods Well, Pumping Station and Connecting Water Main to the MVD system. The purpose is to establish a basis of design, opinion of cost, and schedule. The work will build off previous work and will be coordinated with GZA.

Chairman D. Provencher asked about the feasibility of using water from Manchester Water Works (MWW) in the north end of town. Metcalf asked the commissioners if they would like him to re-write the ESR to include further investigation into the MWW alternative. The commissioners decided to leave the ESR as written and have Underwood investigate MWW, separately, for the next Board of Commissioners Meeting. Chairman D. Provencher asked J. Emery to put together a scope of work for a preliminary water chemistry on Mitchell Woods

3. Board of Commissioners to discuss Capital Projects with Emery & Garret Groundwater to include:

- a) *The Groundwater Quality of Existing Well MVD-6, relative to Well 6 which was tabled at the June 22, 2020 Board meeting.***

Jamie Emery shared the history of well 6 with the new commissioners. Well 6 is located east of Wells 7 & 8. It was installed in 1981 and was a high producing well, capable of producing 1,000 + gallons per minutes. It was found to be contaminated with volatile organic compounds (VOCs) in 1985. Previous investigations have demonstrated that a plume of chlorinated VOCs (CVOCs) and 1,4 dioxane originating at the former Merrimack Industrial Metals (MIM) site is present northeast of Production Well 6. Under raw water conditions, well 6 shows 29 (ng/L) of PFOA, which is higher than both wells 7 & 8. The NHDES Proposed Ambient Groundwater Quality Standard is 12 ng/L. While iron and manganese levels were low, both sodium and chloride were exceptionally high. At this point, J. Emery does not recommend that MVD pursue well 6 any further.

b) Replacement Well #4R

J. Emery informed the commission that the discharge pipe for the pump test at replacement well 4 has been run down to the sandpit. NHDES came out to the site to assure the way water was being discharged was correct. The pump test was concluded on July 20, 2020. The well was pumped at 224 gallons per minute. There was about seven feet of draw down. He noted good stabilization and good recovery. J. Emery stated that this well has been well developed and he believes the pump is going in during the week of July 19, 2020. Everything is on target.

c) Exploratory drilling along Naticook Brook

J. Emery explained that the exploratory drilling along Naticook Brook is an event focused on trying to replace Well 3. Well 3 has PFAS, PFOA, elevated iron and manganese, as well as issues with sodium and chloride. J. Emery presented a map showing four drilled test wells (1B, 1A, 1D, and 2B). They found 1B and 1D to be exceptionally productive. The total depth of well 1A was 60 feet and the total depth of 1B 106 feet deep. Well 1D is 70 feet deep. In well 1A iron and manganese were non detect, sodium was 29 mg/l, and chloride was 55 mg/l. Well 1A had excellent water quality. Well 1D had 31 mg/l of sodium and 50 mg/l of chloride. Emery noted that these are all great options. J. Emery informed the commission that he had brought forth a change order in the amount of roughly \$16,000 to complete the drilling and testing. It was questioned whether the allowed rate of pumping would be the same as it was in the past. Emery answered that because the initial well-1 had been abandoned this would not be considered a replacement well and would require a new permit.

MOTION BY COMMISSIONER W. VON SCHOEN TO MOVE FORWARD WITH CHANGE ORDER NUMBER 1 FOR EMERY & GARRET PROJECT NUMBER 33.0083056.05 DATED JULY 16, 2020, WITH AN INCREASE IN THE AMOUNT OF \$15,850, TO COME OUT OF WELL DEVELOPMENT MOTION SECONDED BY COMMISSIONER J. LYONS

**MOTION CARRIED
4-0-0**

d) Artificial Recharge (Wells 4 & 5)

J. Emery informed the commission that there is a small action item on the Artificial Recharge. A study was previously done to determine whether bringing water in from a surface water body to

the groundwater and recharging the groundwater system would make sense in this location. The study was done in 2017 and found that the site did have favorability to be considered for artificial recharge. J. Emery noted that they did feel that artificial recharge could bring the MVD wells back to producing their full potential. It is also believed that artificial recharge could reduce the concentrations of sodium and chloride, which have been rising significantly, and help reduce the PFOA and PFAS concentrations, which would extend the lifetime of the GAC vessels in the PFAS treatment plant. J. Emery presented the commissioners with multiple pathways for artificial recharge. J. Emery asked if the MVD is interested in having Emery & Garrett put together a proposal for a pilot test.

Vice Chairman W. von Schoen asked J. Emery if there would be a system in place to alert MVD should there be a contaminant through the river. J. Emery noted that a system could be developed. He noted that heavy metals will likely not be picked up using artificial recharge. He stated that it would be beneficial to have a monitoring system and alert program set up with any potential waste that gets disposed into the river. He noted that he does not think it is a high risk, but it is an option. J. Emery stated that artificial recharge addresses three potential water quality issues: sodium chloride, PFAS (in terms of dilution), and iron and manganese.

4. Board of Commissioners to review the minutes from the May 18, 2020 Public Session and June 9, 2020 Special Meeting, June 22, 2020 Public Session and July 7, 2020 Annual Meeting.

TABLED

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

The Commissioners reviewed the list of Action Items, removing tasks that have been completed.

6. New Business

At this time, Chairman D. Provencher shared with the public an email from Rosemarie Rung, NH State Representative. Rung asked the Commissioners if there were any bills they would like filed on behalf of MVD. Also asking if there were any laws the commissioners felt needed to be changed, revoked, or added. Chairman D. Provencher stated that he expressed to Rung that he would like to assure that laws are / will be set up to allow any future settlements or award moneys from the state's pending litigation against the PFAS polluters, or from any other possible state PFAS treatment funding that becomes available, can be disbursed retroactively to MVD. Chairman D. Provencher also informed Rung that there is currently no law preventing excessive absenteeism by a sitting commissioner. Commissioner J. Lyons informed Rung that he would like to see strict discharge levels enacted for PFAS emissions in air and PFAS wastewater discharges.

7. Old Business

Vice Chairman W. von Schoen asked if the FAQs regarding the water ban had been posted. Superintendent R. Miner answered that they had been posted to the MVD [website](#). Vice Chairman W.

von Schoen noted that there are a few edits to the FAQs sheets that he would like to see. He will make the edits and present them back to the MVD.

At this time, Chairman D. Provencher brought up the irrigation ban, noting that Merrimack, NH, is still currently experiencing a drought. He stated that the tank levels played a role in the irrigation ban, but the tank levels have been replenished due to the success of the ban. Superintendent R. Miner reviewed the diver log with the commissioners. It was stated that the aquifers are in decent shape. Chairman D. Provencher noted that there was less water in the summer of 2019 than what is currently available and questioned when the district can lessen the restrictions. The commissioners discussed the option to modify the water restrictions. Superintendent R. Miner noted that the data loggers provide a constant read, retrieved by MVD staff. Chairman D. Provencher stated that he would like to keep a gauge on the information provided by the data loggers so the MVD can place higher restrictions if needed.

At this time, the commissioners agreed to change the level of restriction. The modified restriction will be effective July 23, 2020. Outside watering will be allowed from 5:00 am – 8:00 am only on odd/even days based on house number and date. Overuse and outside watering on incorrect days could cause the MVD to impose further restrictions on outside watering.

Chairman D. Provencher noted that when the treatment plant for Wells 4 & 5 is done, it will be the only PFAS free treated water in the Town of Merrimack. Previously, Chairman D. Provencher proposed a water filling station open to the public at no cost. He noted that MVD's insurance carrier did not fully support the filling station. Chairman D. Provencher will continue to pursue related costs.

Superintendent R. Miner informed the commission that he received a phone call from a gentleman at Veteran's Furniture out of Concord, NH. He asked Superintendent R. Miner if the MVD would be willing to advertise their rain barrels on the MVD Website. The commissioners did not agree to endorsing a company or product.

Vice Chairman W. von Schoen informed the commission that he mistakenly released the zoom link to the June BOC meeting, not realizing that the link itself is not given out, but rather the call-in number. He noted that the lack of a live stream presents a challenge for those wishing to call in for public comment. Vice Chairman W. von Schoen stated his belief that finding a way to connect the public to the zoom meeting would be beneficial.

8. Superintendent's Report

None

9. Questions from the Public

None

10. Questions from the Press

None

ADJOURNMENT

**MOTION BY COMMISSIONER J. LYONS TO ADJOURN
MOTION SECONDED BY COMMISSIONER W. VON SCHOEN**

**MOTION CARRIED
4-0-0**

The July 20, 2020 meeting of the Board of Commissioners was adjourned at 9:54 p.m.

Submitted by Amanda McKenna, Recording Secretary