

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
MARCH 15, 2021
MEETING MINUTES
(approved April 19, 2021)**

A regular meeting of the Board of Commissioners was conducted on March 15, 2021 at 5:28 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided via electronic participation:

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

Members of the Board Absent:

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

FINANCIAL REVIEW

A. Analysis of Revenue and Expenditures Report

Michele Holton, Finance/H.R. Director, informed the Commission that being through the end of February, Merrimack Village District (MVD) is a 66.67% through the fiscal year. The overall revenues are at 66.1%. Director Holton expressed hope that as COVID restrictions begin to lift water usage will increase. She noted that an additional \$4,700 was added to Water Sales (Mercantile), Account 40200, and taken from Service Charge (Miscellaneous), Account 40411. Director Holton informed the Commission that the Backflow testing has resumed, and related revenue is expected to be in line with past years as most comes in during the later portion of the fiscal year. MVD will be resuming collection of late fees as well as the disconnect process on July 1, 2021.

Director Holton noted that expenses are a bit ahead compared to the prior year, with a difference of roughly \$175,000. Account 81900, Engineering, is at roughly \$80,000, which is 90.6% of the budget for the year. Director Holton informed the commissioners that later in the meeting the board will review the request to change expenses coming out of the budget to instead come from the New Well / Source Development Funds. This change would lower the expenses from account 81900 by roughly \$37,000. Chairman D. Provencher asked if water sales were down strictly due to COVID. Director Holton noted that it is related to COVID and an improvement is being seen in mercantile sales. She did note that there will likely be shifts as people move from work-from-home status to in-person. (Note: There have also been drought restrictions throughout the year.) Vice Chairman W. von Schoen stated that in Summer 2020, MVD made a claim that due to COVID the water usage in homes increased. He noted that he does not recall seeing account 40100 increase enough over budget to support this claim. Vice Chairman W. von Schoen noted that he would be interested in having this reviewed to see if the billing is in line with the metering. Chairman D. Provencher noted that while people were home more, irrigation was also stopped due to drought conditions. Director Holton stated that an analysis can be done. Vice Chairman W. von Schoen noted that he would like to see a correlation between billing and meter readings in the

future. This will be discussed among MVD staff and brought back to the Commissioners. It was clarified that the shown deficit is also accounting for the remainder of the budgeted year. Vice Chairman W. von Schoen stated that a budget-to-date column would allow for better comparison of actual versus budget.

A. Bank Account Summary Review

There were no questions on the bank account summary.

B. ESR #54 – Water Source Option Evaluation & Update

Director Holton explained that ESR #54, which is the master plan related to all MVD’s source options, was originally \$33,000. A follow up decision was made to take the master plan piece from ESR #50 (task 3), in the amount of \$16,900, and combine it with the master plan for sources (ESR #54). This totals \$49,900. Director Holton proposed that the Commissioners approve paying for these funds out of the New Well/Source Development funds rather than the Budget. She stated that there are ample funds available in the New Well/Source Development funds. It was noted that the amount of \$16,900 has already been approved to be moved. ESR #54 details the change.

**MOTION BY COMMISSIONER W. VON SCHOEN TO APPROVE AMENDED ESR #54 WITH A TOTAL OF \$49,900, WITH FUNDS TO COME FROM NEW WELL/SOURCE DEVELOPMENT FUNDS
MOTION SECONDED BY COMMISSIONER J. LYONS**

A Viva Voce was conducted, which resulted as follows:

Yea:	Donald Provencher, Wolf von Schoen, John Lyons, Kenneth Ayers, Paul McLaughlin	5
Nay:		0

**MOTION CARRIED
5-0-0**

REGULAR SESSION

1. Board of Commissioners to hear project updates from Jamie Emery of Emery & Garrett Groundwater/GZA to include:

a) Well #6 and the Brownfields Program

J. Emery explained that MVD Well 6 is a well owned by MVD that is currently not being utilized because of concerns of contamination, including PFAS and chloride, among others. Emery noted that it is a high-capacity site, at one point producing roughly 1,200 - 1,500 gpm. Merrimack Metals was deemed the source of contamination for some of the known contaminants. Emery informed the commissioners that he believes it is time to get the State of NH involved and to apply for grants for remediation. Brownfield grants are intended to provide financial assistance to investigate remediate a contaminated property. It does provide liability protection for future owners. The property is currently an orphan property. Emery informed the commissioners that the state has \$50,000 in an escrow account allocated for that particular project. The Brownfields can be used to remediate contamination at a given site, but it requires agreement from the town that

they would like the work to be performed. This would require the MVD board to send a letter to the town informing them that they would like to pursue a Brownfields grant to begin to investigate and clean up the particular site. It requires a conceptual plan for the reuse of the property and a work scope from a firm to investigate and remediate the property. Emery reminded the commissioners that a draft letter had been sent to the board to be considered to be sent to the Town of Merrimack. He would like to revise this letter and send it to the commissioners for review to be considered to be sent to the Selectmen for consideration of applying for Brownfields. Emery stated that he will modify the current letter at no cost. The original letter was also written at no cost. Commissioner J. Lyons stated that he felt this was a generous offer and the board should take him up on it.

b) Wells 4 & 5 Wellhead Protection Area

J. Emery, of Emery and Garrett, informed the commissioners that the concern was raised that the current Wellhead Protection Area (WHPA) that is identified for Wells 4 & 5 is less conservative than a zone of capture that was presented in the 1980s. Emery stated that in 2003 a very detailed study was done, commissioned by MVD, to do a pumping test to assess the sustainable yield of the Wells. Between 1997 and 2001, roughly 600,000 gallons per day were being pumped through that system. There was a pump test on the pre-existing permit, which was 216 gpm for Well 4 and 660 gpm for Well 5, for a total of 1.26M gpd. That pumping test ran for an extended period of time and it was clear that 1.26M gpd is not sustainable. Roughly 600,000 gpd is a sustainable limit. Emery concluded that drilling another production well at Wells 4 & 5 was not reasonable. Emery, shared a map and informed the commissioners that they took all of the data from the models, including the production wells, and were able to identify a zone of capture. He noted this to be a conservative zone of capture. The WHPA is based on real data and encompasses a rate that is not currently achievable. The information showing a larger WHPA from the 1980s was done without pump test data. Emery informed the commissioners that the WHPA that was identified in 2003 is the most accurate.

c) Opportunity for a future well site on Wilson Hill Road

Emery stated that he was asked to discuss a property that has come up as available for further investigation as an additional source for MVD. Emery shared a map with the commissioners and showed a parcel that was investigated around 2008. The test borings that were drilled were fair – moderate. Emery stated that it was not something they wanted to pursue at the time. Two landowners have come to MVD to present land that MVD may be interested in investigating. Emery pointed out an additional parcel that Emery & Garrett may be interested in investigating as a combined resource. Emery noted that it was worthy of thinking about this for the future. Superintendent R. Miner informed the commissioners that he had a conversation via email with the owners of the property. They own both 69 Wilson Hill Road and 70 Wilson Hill Road, but were looking only at 69 Wilson Hill Road in regard to MVD. Emery stated that he would be interested in testing the well. Chairman D. Provencher asked if there was town land in that area. Superintendent R. Miner showed the commissioners where the town land was located.

Vice Chairman W. von Schoen asked if MVD would easily be able to feed water from a well at this location easily into the distribution system or if there would be a need to consider large investments in addition to the well. Superintendent R. Miner answered that there would be a need for a main line extension, as well as other costs. However, there are private well issues in that area and if the source is good, it may be beneficial to expand in that area.

d) Well 9 Update

Emery informed the commissioners that the development on Well 9 started on March 15, 2021. The initial specific capacity is 300 gpm per foot of draw down, which is highly favorable.

2. Board of Commissioners to hear project updates from Underwood Engineers, Inc to include:

a) UEI project status report

K. Pratt noted that a status report was requested at the last Board of Commissioner's meeting. The status report captures all the active projects that Underwood has ongoing with MVD. It identifies the job numbers, MVD PO numbers, name of the projects, the contract balance, current status, and pending actions. Pratt informed the commissioners that the status report will be updated periodically. Pratt reviewed the four-page status report with the commissioners. The outlined projects were the Water Audit & Conservation rates, Master Plan Supplement, Corrosion Control Optimization, Water Asset Management, Short Term Caustic Improvements – Wells #7&8, Res. Apartments 360 DW Highway Review, Wells 4 & 5 WTP, Wells #7/#8 WTP, Wells #2 WTP, SCADA and Radio Evaluation, and the Turkey Hill Booster Pumping Station.

It was noted that a work session regarding rate increases should be scheduled within the next month or two in order to implement the increase by July 1, 2021. Pratt informed the commissioners that a draft report for the Corrosion Control Optimization is a draft report that UEI is targeting for April of 2021. This report will deal with both corrosion control and disinfection. Pratt stated that the Water Asset Management Plan is a requirement for the SRF Funding. MVD received a 50% grant. This project is ongoing and will be done when the assets are done. The final report is due in May of 2022. Short Term Caustic Improvements – Wells #7 & 8 was put on hold when the Wells 7 & 8 design started moving forward because of PFAS. Pratt noted that UEI is closing this project down, stating that it was done because of Wells 7 & 8. This balance will be returned. Pratt informed the commissioners that Residential Apartments 360 DW Highway Review was a design review related to a significant water line extension. There is currently no other action needed and the escrow can be returned to MVD. Pratt noted that UEI owes MVD O&M record drawings for the Wells 4 & 5 WTP.

Chairman D. Provencher asked if MVD had had column tests on anion resin, particularly at Wells 4 & 5. Peter Pitsas stated that he believed they did, but the chloride levels were too high for the resin.

Pratt informed the commissioners that Well 2 is out to bid and there's a pre-bid scheduled for March 16, 2021. The SCADA and Radio Evaluation has been done and the new equipment has been incorporated into the Well 2 bid.

Pratt stated that the listed contract balance represents what is left on the contract that has been billed. It does not include work or progress that has yet to be billed. It was done this way for easy comparison to MVD records.

Pratt informed the commissioners that UEI has been paying attention to the recent COVID Relief bill and some of the infrastructure money that may come from it. UEI has submitted a few projects on Merrimack's behalf should an infrastructure stimulus project happen.

b) Wells 7 & 8 update

Peter Pitsas informed the commissioners that their BOC packet included a copy of Change Order #4. This change order includes miscellaneous items and a time extension request. The vessels are scheduled to be delivered on June 7, 2021. Initially they were scheduled to arrive June 2, 2021, but the Memorial Day holiday will delay that. Before the vessels are to be installed, the contractor is moving forward with all work not impacted by the vessels. The Well 7 chem feed and caustic feed systems are almost complete. Well 8 has been cleaned, a new pump and new VFD have been installed. They will proceed with the Well 7 cleaning and then setting the new pump. The VFD is on site for Well 7 and will likely be online by the end of March 2021, or April 2021. The contractor also has the pipe supports in and will likely finish the piping inside before the vessels arrive. Once the vessels arrive, he will have to set up temporary custom staging to work around the vessels. Pitsas informed the commission that he misspoke at the January BOC meeting while talking about the contractor's schedule. He noted that he misunderstood what the contractor had said and believed he would be finished earlier than planned. This project currently has an early November 2021 substantial completion date. The time extension comes down to the time the contract is signed and the time the vessel gets delivered. Pitsas noted his belief that measures to avoid this delay have been taken for the Well 2 project. Vice Chairman W. von Schoen asked if the 84 days of changed contract time are changing the critical path. Pitsas answered that they were changing the critical path because it is the vessel. Vice Chairman W. von Schoen asked if there were any steps that could be worked in parallel to cut down on the number of days requested for the time delay. Pitsas answered that there is potential for that, but the general outcome is the same. He noted that the contractor is doing a good job doing as much as he can concurrently.

Pitsas informed the commissioners that he provided them with a change order summary and as of yet there had not been a formal change order budget approved. All the items in the change order summary add up to just shy of \$56,000. Pitsas informed the commissioners that change orders 2 & 3 have been awarded and change order 4 is in draft mode. Change orders 1, 2, & 3, have been approved by Superintendent R. Miner and are within the contingency. Superintendent R. Miner asked Pitsas where this project currently fell within the contingency. Pitsas answered that because this project has been lumped in with the Well 2 project it is hard to determine what the available contingency is until the bid price for Well 2 is determined. Vice Chairman W. von Schoen stated that the cost over run was under 0.3% and was within expectation for a project of this magnitude. However, the time extension is almost a 20% overrun. He noted his frustration with the lack of visible effort by the contractor to cut down on the necessary time extension. Vice Chairman W. von Schoen asked if each line item on the extension offered a breakdown to be sure that overrun costs (costs plus) were not being moved into the line items. Pitsas answered that he was not understanding the question, but the contractor did mark up the overrun costs per the contract. Superintendent R. Miner noted that there was some "back and forth" with the contractor if MVD is not comfortable with the numbers that are provided. This process may require the contractor to provide more information on how he came up with the numbers that were presented.

Chairman D. Provencher stated that he would prefer not to give a board approved contingency because it feels like giving permission to spend the money. Pitsas explained that this was somewhat of an internal contingency between MVD and UEI, giving Superintendent R. Miner the ability to approve. Vice Chairman W. von Schoen stated that he would be comfortable moving forward with a contingency cap and approving a small fund for change orders so there are no additional delays while waiting for a board meeting.

**MOTION BY COMMISSIONER W. VON SCHOEN TO INCREASE THE
CONTINGENCY CAP TO \$75,000 FOR WELLS 7 & 8
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN**

A Viva Voce was conducted, which resulted as follows:

Yea: Donald Provencher, Wolf von Schoen, John Lyons, Kenneth Ayers, Paul McLaughlin 5
Nay: 0

**MOTION CARRIED
5-0-0**

3. Board of Commissioners to discuss letter from Frank Goodspeed inquiring if the MVD would like to sell him land on Hutchinson Road

Superintendent R. Miner informed the commissioners that Frank Goodspeed approached him about purchasing land owned by MVD. Goodspeed is interested in purchasing land in the area of the MVD water tower on Hutchinson Road and decided to inquire about also purchasing land owned by MVD in the same area. Superintendent R. Miner reviewed a property map with the commissioners. If the property were to be sold it would require an easement for MVD. Commissioners J. Lyons, K. Ayers, and P. McLaughlin all voiced that they had no interest in selling the property. Superintendent R. Miner noted that he agreed.

4. Board of Commissioners to discuss and assign Warrant Articles and review the Budget Memo from the March 30, 2021 Annual Meeting

Chairman D. Provencher informed the commissioners that the Warrant Articles would be read aloud at the Public Hearing and any questions that arise would be answered. The Moderator will read the articles and the Commissioners will read the descriptions. Together, the board assigned a commissioner to present each Warrant Article. The following assignments were made:

- Article 1:* Commissioner K. Ayers
- Article 2:* Vice Chairman W. von Schoen
- Article 3:* Chairman D. Provencher
- Article 4:* Commissioner J. Lyons
- Article 5:* Commissioner P. McLaughlin
- Article 6:* Commissioner P. McLaughlin
- Article 7:* Chairman D. Provencher
- Article 8:* Vice Chairman W. von Schoen

5. Board of Commissioners to review the minutes from the January 25, 2021 Regular Meeting, February 22, 2021 Regular Meeting, and the February 22, 2021 Public Hearing.

APPROVAL OF MINUTES

No amendments were offered.

**MOTION BY COMMISSIONER J. LYONS TO ACCEPT THE MEETING MINUTES OF THE
JANUARY 25, 2021 BOARD OF COMMISSIONERS PUBLIC SESSION 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, Paul McLaughlin
4
Nay: 0

Commissioner P. McLaughlin abstained

**MOTION CARRIED
4-0-1**

Board of Commissioners Public Session February 22, 2021
No amendments were offered.

**MOTION BY COMMISSIONER P. MCLAUGHLIN TO ACCEPT THE MEETING MINUTES
OF THE FEBRUARY 22, 2021 BOARD OF COMMISSIONERS MEETING AS PRESENTED
MOTION SECONDED BY COMMISSIONER W. VON SCHOEN**

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

Yea: Donald Provencher, Wolfram von Schoen, Kenneth Ayers, John Lyons, Paul McLaughlin
5
Nay: 0

**MOTION CARRIED
5-0-0**

Board of Commissioners Public Hearing February 22,
2015
No amendments were offered.

**MOTION BY COMMISSIONER P. MCLAUGHLIN TO ACCEPT THE MEETING MINUTES
OF THE FEBRUARY 22, 2021 BOARD OF COMMISSIONERS PUBLIC HEARING AS
PRESENTED**

MOTION SECONDED BY COMMISSIONER K. AYERS

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

Yea: Donald Provencher, Kenneth Ayers, Paul McLaughlin,
3
Nay: 0

Commissioners W. von Schoen and J. Lyons abstained

MOTION CARRIED

3-0-2

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

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

7. Old Business

Superintendent R. Miner informed the commissioners that he did resend the letter for the Salt Mitigation Committee membership to NH DOT (no reply). The committee will include Deputy Chief Matthew Tarleton (Merrimack Police), Chief Matthew Duke (Merrimack Fire, and Erin Olsen (Merrimack's Health Officer).

Superintendent R. Miner stated that Richard Radwanski of NH DOT has read his emails but has not responded. The other contact at NH DOT has not read the emails.

8. New Business

None

9. Superintendent's Report

Superintendent R. Miner informed the public that the Annual Meeting is March 30, 2021, at 7 p.m. at the James Masticola Upper Elementary School All Purpose Room, located at 26 Baboosic Lake Road, Merrimack, NH.

10. Questions from the Public/ Press

None

ADJOURNMENT

MOTION BY COMMISSIONER W. VON SCHOEN TO ADJOURN

MOTION SECONDED BY COMMISSIONER K. AYERS

MOTION CARRIED

5-0-0

The March 15, 2021 meeting of the Board of Commissioners was adjourned at 8:15 p.m.

Submitted by Amanda McKenna, Recording Secretary