

Keith Pratt clarified for the commissioners that Underwood is asking to move forward with the \$7,867,000 Construction Contract and the \$745,000 for Construction Services for Well 2. Chairman D. Provencher informed the public that roughly \$4.5M was put into the Warrant Articles for an iron and manganese treatment for Well 3 that is no longer in the scope of the project, along with roughly a mile of transmission line from Well 3 to Well 2. Chairman D. Provencher stated that if those items hadn't been removed, MVD would be significantly over budget. He also noted that the hope is for Well 9 to replace the capacity of Well 3, and that is being funded differently, which is why it is not included in the Project Budget sheet. Pitsas stated that the Well 9 drilling and approval that is being done by Emery & Garrett is included under a new well funding source. He explained that the project being reviewed during this meeting covers the water line out to Well 9, the pump in Well 9, the VFD for Well 9, and the conduit for Well 9. Pitsas stated that this project includes everything but the well itself. Pratt informed the commissioners that the cost of included for the Well 9 work is \$690,000. Superintendent R. Miner also noted that the original number did not include the lag vessels.

Pratt informed the commissioners that when rates are discussed in more detail at the next meeting, Underwood will bring forward an adjustment that will be recommended immediately and then a rate update the following year. Pitsas noted that Wells 4 & 5 are pumping in the 625 range to get as much PFAS treated water into the MVD system compared to non-PFAS treated water. Pitsas stated that he wants the commission to think about whether or not they want to cut back on the flow rate of that well due to the lack of rain. This would hopefully allow the aquifer to start to replenish leading up to peak usage in the summer. Chairman D. Provencher stated that he believes they will shut Well 3 only after Well 9 is brought into the pump station with Well 2, keeping Well 3 for emergency purposes. Commissioner J. Lyons asked if MVD will be affected by the new manganese rule. Chairman D. Provencher answered that MVD would have been for Well 3. Superintendent R. Miner agreed. Pratt noted that he was unaware of a compliance date, but typically time is given to correct the situation and MVD is already on that track. Pitsas stated that Well 3's remaining life is likely short.

At this time, Pitsas directed the commissioners back to page 1 of the letter Underwood sent recommending Kinsmen Corporation. He noted that they were the low bidder with a cost of \$7,867,000 for bid items 1-10. Bid item 2 was for the work to connect Well 9 (\$690,000). Bid item 10 was to have them install 50-year asphalt shingles in lieu of 30-year asphalt shingles (\$3,000). Underwood felt \$3,000 was a good value. Underwood is recommending awarding the project to Kinsmen Corporation for the full amount but only signing a contract for \$7.17M, which is less the \$690,000. MVD has until December 31, 2021, to add in bid item 2 to the contract via change order. It was reported in an earlier meeting that Emery & Garret should be able to provide guidance by that time. Chairman D. Provencher informed the commissioners that NHDES has come back with comments indicating they will want some additional wells identified and monitored, which may cause a delay in starting the pump test. Chairman D. Provencher asked what it would mean if bid item 2 was not awarded by December 31, 2021. Pitsas explained that per the contract, if it was awarded by December 31, 2021, the cost of \$690,000 would be honored. If it was awarded after that date Kinsmen is not contractually obligated to honor that cost. Chairman D. Provencher asked if anyone had any answers from Jamie Emery, of Emery & Garret, about the possible impact on the timeline by adding in additional well monitoring. Superintendent R. Miner answered that he had spoken with Dan Tinkham, who explained that things have changed, and he would be reaching out to NHDES for clarification.

Pitsas informed the commissioners that Underwood is looking at signing the contract for Kinsmen. He noted that Underwood would like to discuss advancing payment to the contractor in the amount of \$10,000 to move forward with the shop drawing process. Pitsas stated that Director Holton has entered Kinsmen's information in to the MVD system. Business Manager J. Lavoie informed the commissioners that Director Holton is ready to cut the \$10,000 check for the shop drawing process

and asked the commissioners to keep an eye out for the approval request. Pitsas stated that after the commissioners' approval to award the project, Underwood would need Superintendent R. Miner to send a concurrence letter. A package would then be sent to NHDES for authorization to award the project. Then a notice of award, along with the \$10,000, would be sent to Kinsmen Corporation. Pitsas informed the commission that Underwood is being allowed to award the project, but the contract cannot be signed until a comment period for the environmental review is complete. The 30-day period expires on May 11, 2021. Commissioner K. Ayers asked when completion is expected if all goes smoothly. Pitsas answered that substantial completion is 14-months after contract signing. If contract signing takes place mid-May, substantial completion will be mid-June, but could be pushed out do to shop drawings. It is likely that substantial completion will be in the August 2022 time frame. It was noted that Wells 2 & 3 will be online during this construction period.

Pratt wanted to clarify that choosing to award the project to Kinsmen does indicate that MVD intends to do the Well 9 work, but will not yet be authorizing bid item 2, and the contract is being awarded on the full amount.

**MOTION BY COMMISSIONER K. AYERS TO AWARD KINSMEN CORPORATION
\$7.867M FOR THE CONSTRUCTION OF WELL 2 TREATMENT, TO INCLUDE THE
\$10,000 DISBURSEMENT FOR THE SHOP DRAWINGS
MOTION SECONDED BY COMMISSIONER J. LYONS**

A Viva Voce was conducted, which resulted as follows:

Yea:	Donald Provencher, Paul McLaughlin, John Lyons, Kenneth Ayers
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Nay:	0

**MOTION CARRIED
4-0-0**

2. Board of Commissioners to discuss Underwood Engineer's ESR #58.

ESR #58 is for the Well 2 PFAS Treatment Facility Construction Phase Engineering Services. Pratt noted that Underwood is below the average percentage of the construction costs for the Construction Administration Services, at roughly 9.1%. Pratt stated that there is a lot of overlap between projects, which contributes to the lower costs. Chairman D. Provencher asked if Underwood would be sharing personnel between the two sites to an extent. Pratt answered that Pitsas included some funds for an assistant if Joel cannot keep up with both sites. Pitsas noted that Task 10, NHDES Administration, for \$27,500, was not included in the Wells 7 & 8 project, but when the funding came through the Trust Fund, additional requirements were included.

Chairman D. Provencher referenced "work not included," specifically the boundary survey, easements, etc., and questioned if the project Well 2 Treatment Plant has already been approved by the Planning Board. Pitsas explained that it has been presented to the Planning Board, but approval was not required. Chairman D. Provencher asked if any of the five bullet points listed under "work not included" were known to be required or not required. Pitsas answered that none of the bullet points are anticipated to be required.

MOTION BY COMMISSIONER J. LYONS TO APPROVE ESR #58 FOR UNDERWOOD ENGINEERS' CONSTRUCTION MANAGEMENT IN THE AMOUNT OF \$745,000, WITH MONEY TO COME FROM THE WELLS 2, 3, 7 & 8 PROJECT FUNDS

MOTION SECONDED BY COMMISSIONER K. AYERS

A Viva Voce was conducted, which resulted as follows:

Yea: Donald Provencher, Paul McLaughlin, John Lyons, Kenneth Ayers

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Nay:

0

MOTION CARRIED

4-0-0

At this time, Chairman D. Provencher informed the commissioners that Jamie Emery had sent out a letter regarding the brownfields letter for the Merrimack Industrial Metals site. He questioned if there was any urgency in needing to approve this. Superintendent R. Miner noted that Emery was referencing the regularly scheduled board meeting on April 19, 2021.

Chairman D. Provencher asked if anyone had anything they would like to add to the agenda for the BOC meeting on April 19, 2021. He noted that he would like to discuss an email exchange with Underwood regarding water supply availability. Chairman Provencher informed the commissioners that one questioned that was brought to his attention was the change to Flatley's development project. Business Manager J. Lavoie stated that she believed the question was referencing the change to the number of apartments in the area of Merrimack Premium Outlets. Commissioner P. McLaughlin clarified that there are two developments in Merrimack that are being amended. He noted that he would be abstaining from the MVD side of voting on this topic. Commissioner P. McLaughlin also clarified that Kevin Walker is referring to the possible addition of two more apartment buildings in the area of Gilbert Crossing. This would be an additional 96 units. They also want to nix the retail space and possibly the parking garage to place another one or two apartment buildings in the area of Merrimack Premium Outlets. Chairman D. Provencher noted that it is his understanding that all of these requests are typically run through Underwood to confirm capacity analysis. He stated that he thinks this should be reconfirmed if they are requesting more water than previously allocated for. Superintendent R. Miner stated that for Flatley's project, that would be the case. For the project in the vicinity of Merrimack Premium Outlets, he stated that as long as they could stay within the parameters of the original allotment, they would not need an additional review. Chairman D. Provencher stated that he would like to understand this better. Pratt informed the commissioners that MVD typically receives the developer's opinion on what their flow needs are and if there is any phasing. Underwood makes sure the data is reasonable and compares it against MVD's available supply and lists all things that have already been previously accepted, to be sure they are calculated in the demand to be sure MVD is not over allocating. Commissioner J. Lyons voiced that MVD clearly does not have enough capacity to cover these potential apartments if they are already purchasing water from Pennichuck Water Works (PWW). Pratt noted that MVD does have the right to say no. Chairman D. Provencher stated that MVD is losing money on every gallon of water purchased from PWW. Superintendent R. Miner noted that issues typically arise during drought conditions. He also stated that excluding lawn watering, MVD has the water for the additional connections. Chairman D. Provencher stated that he was a little concerned that existing customers are suffering for the benefit of new developers. He asked if the Planning Board waits to see a letter from MVD on every pending project on whether or not water can be allocated. Commissioner P. McLaughlin, who also sits on the Planning Board, answered that he has never seen a letter from MVD, those matters are usually handled on a staff level. Superintendent R. Miner clarified that staff would look for a water

availability letter from MVD. Commissioner K. Ayers asked Superintendent R. Miner if two additional buildings were approved for Flatley, would that mean additional connection charges. Superintendent R. Miner answered that it would be additional connection charges and would also warrant a review.

Chairman D. Provencher asked about the PFBA at Wells 4 & 5. He asked for clarification of the sampling at the 75% sample tap of the lead filter. The last samples were collected in March 2021. Samples were taken at the 25% and 50%, with some breakthrough at the 50%. Breakthrough has not yet been seen at 75%. Superintendent R. Miner will have the results sent to the commissioners. Commissioner J. Lyons asked if overall MVD is over the MCL. Chairman D. Provencher answered that MVD is absolutely over the MCL on the untreated wells. Commissioner J. Lyons voiced that he does not feel MVD should be approving additional developments if MVD is not providing safe, clean water to the residents first. Circling back, Chairman D. Provencher asked if action needed to be taken now in order to schedule a changeout of the filter in June (June being an estimated date). Superintendent R. Miner answered that his understanding is that there is a three-week turnaround. Commissioner J. Lyons stated that the media being used should be fully vetted, noting that there could be unintended byproducts from the resin that could be of concern. Commissioner J. Lyons asked if MVD has a strong legal opinion as to their ability to enforce this Warrant Article at more stringent levels than the state is requiring. Chairman D. Provencher clarified that the Warrant Article said to “reduce PFAS,” with the background information stating that the goal was non-detect. He noted that he does not want to undo that, as many voters used that information as the premise of their vote. Because the document does not state the will of the people, Commissioner J. Lyons voiced that he feels the question should be put in front of the legal team. He stated that it should be reviewed under the pretense of MVD feeling concerned that they are taking the Warrant Article too strongly and will be criticized for spending millions of dollars going from the state approved levels (of PFAS) to non-detect. He is looking for clarification on whether MVD is at risk for taking those actions or if they are within their rights to do so. Chairman D. Provencher stated that he thinks it puts MVD at greater risk not to change the media out when there is breakthrough because MVD represented that the goal was non-detect. Commissioner J. Lyons asked why the warrant article was not written that way. It was clarified that it was a petitioned article, and the presentations that were made clearly stated the goal as non-detect.

ADJOURNMENT

MOTION BY COMMISSIONER J. LYONS TO ADJOURN MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

A Viva Voce was conducted, which resulted as follows:

Yea: Donald Provencher, Paul McLaughlin, John Lyons, Kenneth Ayers,
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Nay: 0

MOTION CARRIED 4-0-0

The April 12, 2021 meeting of the Board of Commissioners was adjourned at 6:15 p.m.

Submitted by Amanda McKenna, Recording Secretary