

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
SEPTEMBER 20, 2021
MEETING MINUTES
(approved October 18, 2021)**

A regular meeting of the Board of Commissioners was conducted on September 20, 2021, at 5:07 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, Finance Liaison (electronic participation)

Members of the Board Absent: Kenneth Ayers
 Paul McLaughlin

Also in Attendance: Ron Miner, Superintendent
 Jill Lavoie, Business Manager

Please note: A quorum was not physically present as required by RSA 91-A so no votes or action was taken by the Commissioners.

Regular Session I

1. Board of Commissioners to hear updates from Jamie Emery of Emery & Garrett/GZA regarding the pump test for proposed Well 9.

Jamie Emery informed the commissioners that the pump test has been started after the delay. The pump test began on September 15, 2021. The pump test is pumping 1,000 gallons per minute and has roughly 7 feet of drawdown. Emery noted that MVD Well 2 was being pumped at 1,100 gallons per minute, twenty-four hours a day during this time. Emery informed the commissioners that the connectivity of proposed Well 9 is substantially lower than Well 3. Emery stated that he is seeing ¼ to 1/3 of the connectivity that is seen at Well 3. Emery informed the board that Iron is extremely low, at 0.06 milligrams per liter and noted that results of the other laboratory tests have not yet been returned. The water quality at proposed Well 9 is very high. Emery informed the commissioners that due to the delay, this is over budget, and he will be asking the commissioners to consider an additional \$10,000 - \$15,000. This is due to the equipment being on site longer than expected, however he did note that there was no provision in the contract for this and therefore there was no legal obligation. He stated that Emery & Garrett/GZA incurred expenses above and beyond the stated amount but will cover those.

At this time, Emery informed the commissioners that the permit for Mitchell Woods expires in March of 2022 and will need to be re-permitted before then. This will require a 48-hour pump test and an update on the contaminant threats, as well as a full water chemistry analysis on the well.

J. Emery referenced the salt mitigation efforts at this time and made the commissioners aware that Fidelity Investments have made some adjustments in an attempt to reduce their salt use. Fidelity will be meeting with Superintendent R. Miner and Business Manager J. Lavoie on September 24, 2021, to present their plan to reduce salt use. The commissioners discussed adding more signage regarding salt use restrictions and aquifer protection zones around Merrimack.

Vice Chairman W. von Schoen asked about Artificial Recharge (AR) at Wells 4/5. Emery noted that he was waiting on MVD to further explore this option. Vice Chair von Schoen asked if PFAS was being washed out in the topsoil and what effect would it have on the intended recharge. He also asked if AR would really dilute the PFAS in the groundwater or would it add to it. Emery answered that he is very confident the AR dilution would be significant.

Chairman D. Provencher stated that either the July or August test results for PFOA, he could not remember which, at Well 2, were at 25 parts per trillion (ppt). This is higher than it has ever been.

Finance/Human Resources Review

- A. Analysis of Revenue and Expenditures Report**
- B. Bank Account Summary Review**
- C. Approval of Encumbered Funds**

TABLED

Although the Finance Review was tabled due to the absence of the finance director, the commissioners did have some questions. Vice Chairman W. von Schoen noted that Administrative Over Time and Field Staff Overtime is high, at roughly double what the percentage should be compared to the budget progress. It was also noted that Purchase of Water is at 103% of the budget. Superintendent R. Miner explained that there was a need to purchase water around Memorial Day. It was stated that Director Holton had previously informed Business Manager J. Lavoie that if there were any questions, she would address them at a later time.

Vice Chair von Schoen asked about the percentages on account 90204 (loan principal) when there is nothing noted under actuals. He also questioned account 40401 (fines and penalties) on page 1 of the Profit & Loss sheet, July-August 2021, being incredibly high. Business Manager J. Lavoie noted that late fees were not being charged in 2020 due to Covid. Chairman D. Provencher asked about account 40407 (Miscellaneous Income) being over \$7,000, compared to the budgeted amount of \$833.

Regular Session II

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

a) Wells 7 & 8 update

Peter Pitsas of Underwood Engineers informed the commissioners that nothing has really been done in the last few months due to the vessel repairs. He noted that the contractor has been on site sporadically to address a few things. The damaged vessel is currently being repaired. The commissioners were provided a report from TEAM on the vessel repairs. Pitsas summarized the report, stating that TEAM agrees with the repairs and with the damage that was found. TEAM did discover an issue with the weld between the vessel body and the top. The weld did not fail the hydrostatic test, but TEAM did find a “lack of fusion” issue during their testing. They recommended an additional hydrostatic test. Vice Chair von Schoen asked if this was on the exterior or interior of the vessel. Pitsas responded that it was on the weld itself. Vice Chairman von Schoen noted that he would like to find out where the lack of fusion is in regard to the weld. He stated that he was worried about corrosion, and possibly erosion depending on the location of the problem. It was noted that the

warranty is a 1-year warranty, and should this cause a problem later on, it will be at MVD's cost. Pitsas stated that the vessel is not being 100% inspected, it is being tested at certain linear footages of welding. Delivery was set for November, however Pitsas noted that there have been difficulties getting the material for the interior coating. They are discussing shipping the vessel without the interior coating and coating it on site. Pitsas will follow up.

b) Well 2 update

Pitsas informed the commissioners that construction at Well 2 started at the beginning of September. They have cleared most of the area, stumped it, stripped the loam, and excavated for the foundation walls. The contractor has stated that he feels he is in a comfortable spot for the vessels to be delivered mid-December and be set around the end of the year / beginning of the new year. There was initially some delay to the start due to the requirement of the completion and approval of the Storm Water Protection Plan and the Ground Water Protection Plan.

3. Board of Commissioners to discuss the Flatley proposed site plan for mixed use at 685 DW Highway (Tax map 6E, Lot 3-4) with Kevin Walker of Flatley and Underwood Engineers, Inc.

Chairman D. Provencher informed the public that Kevin Walker of Flatley and Tom Page of Underwood Engineers were joining the meeting.

At this time Tom Page introduced himself and discussed the draft review letter Underwood has provided. The draft review letter summarizes the proposed development and estimated water demands. In the review Underwood looks at the total impact hydraulically on MVD's system, the ability for MVD to provide the water for domestic flows and potential fire flows, as well as the impact on supply, and provides further recommendations. The proposed development has two multi-family apartment buildings with 48 units each, three commercial flex units (100,000 +/- SF, each consisting of multiple units), and one high bay unit (120,000 +/- SF) for commercial use. Kevin Walker informed the board that at this meeting Flatley was just looking for services to the apartment building and the flex buildings / high bay warehouse, however he noted that they do have a roadway that was just conditionally approved by the planning board. This roadway runs behind Saint Gobain Performance Plastics (SGPP). The commissioners were given a proposed plan for the water mains.

Walker made the commissioners aware that Flatley did not have any estimated flows available when they first presented the apartments (in phase 1) to MVD, so they used the 145 gallons per day per unit. This came out to 35,000 gallons per day. Since then, Flatley has received actual flow rates from the MVD and the daily average is 18,400 gallons per day, which is significantly less than anticipated. Using this information, Walker stated that the flow needed at the two apartment buildings, three commercial flex units, and the high bay warehouse (all phase 2) is estimated to be 30,179 gallons per day. Vice Chair von Schoen asked about the occupancy of the buildings when actual flow was calculated. Walker stated that occupancy was 100% the entire time. Page noted that the original estimate of 145 gallons per day is consistent with his report, but informed Walker that going with a lower estimate limits Flatley's available water. Walker agreed with this. It was noted by Walker that irrigation is included in these metered flow numbers. Page clarified that no additional amount has been included in the estimated flow to account for irrigation, but rather the amount of actual water being used at phase 1 is under the allowance, and also includes irrigation. Chairman D. Provencher informed Walker that if he is averaging the four months of typical irrigation with the eight months that people typically do not irrigate, he is not presenting a valid number. MVD needs to know the peak flow in the summer months when irrigation is being supplied. If

this number is diluted, it will not provide necessary information on the demand to the system. Chairman D. Provencher stated that he would like to see an irrigation amount included. Walker stated that Flatley can provide that. He believes irrigation will only be used at the residential buildings. Superintendent R. Miner stated that having seen no information regarding irrigation demands, he was going to put in the agreement that no irrigation would be provided. Walker stated that they would like to have irrigation at the residential site and would provide the information to MVD. Vice Chairman W. von Schoen voiced that the commissioners need to be better versed in the approval process in the future.

It was noted that the Planning Board is looking for an “able to serve” notice. Superintendent R. Miner stated that he is not comfortable providing that until the numbers for irrigation are provided and reviewed by Underwood.

In regard to the provided water utility plan, Superintendent R. Miner noted that the loops shown are great, however, Walker had previously mentioned that the loop is dependent upon what may or may not eventually go into the unused space. Superintendent R. Miner would like a surety bond that the loops will be completed. Walker stated that Flatley can provide a letter of credit for that section, but would then also like an amount of (reserved) water approved for that section.

4. Board of Commissioners to review request of Richard Boles for a waiver of connection fees.

Business Manager J. Lavoie explained that Mr. Boles has been back and forth between MVD and the Town of Merrimack. J. Lavoie noted that there is an agenda item for the Town to discuss the American Infrastructure funds and what they would be used for at their meeting. It is being proposed that the funds would be used to help private well owners. The results of Mr. Boles private well water shows no PFAS of the four that are regulated. There are three additional unregulated compounds that showed up, PFBA (5.64), PFPEA (3.76), and PFHXA (3.09). Mr. Boles reported that he was informed by a toxicologist representing the State of New Hampshire that while his numbers are very low now, he is likely to have a “surge”, given his proximity to the dump. The toxicologist informed Mr. Boles that these unregulated contaminants are “just as bad.” He was advised to connect to MVD water once the water treatment plants were operational. Mr. Boles is requesting a waiver of his reported \$2,600 connection fee to connect to MVD water. Superintendent R. Miner stated that MVD does not typically waive connection fees. He also stated that if the contaminants are coming from the land fill Mr. Boles should consider bringing his request to the Town of Merrimack. Chairman D. Provencher explained that if MVD were to waive the fees for Mr. Boles, it would set a precedent for anyone else in a similar situation. Mr. Boles reported that according to the Town Manager, there is only one other home that has the exact situation. Vice Chair W. von Schoen expressed the unfortunate situation of this being the situation for all private well owners, and the law not being what it should be. By waiving the connection fees, MVD is essentially being asked to pay the damage created by the polluters. Mr. Boles requested the board to consider that things be done at a discount rate to allow private well owners to hook up to clean water. This would cover the cost of labor and materials, but not provide a profit. Vice Chair von Schoen noted that he would like to connect with the Town as MVD is the least involved party, not having contaminated the water and not having received the tax revenue.

5. Board of Commissioners to review the minutes from the June 21, 2021 Public Hearing and the July 21, 2021 Regular Session. (Note: 8/16/21 meeting cancelled – no minutes)

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6. 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.

7. Old Business – Wells 4 & 5 Open House vs. COVID

Chairman D. Provencher expressed that MVD may want to hold off on an open house at Wells 4 & 5 and do an open house at Wells 7 & 8. There was previously a very small open house at Wells 4 & 5 for legislative action. The possibility of a combined open house during the summer months, when covid rates have shown to be lower, was discussed.

8. New Business

None

9. Superintendent's Report

Superintendent R. Miner informed the commissioners that On September 23, 2021, NHDES will be down to perform a sanitary survey throughout the facilities and pump houses. He also informed the board members that he met with Kyle Fox from DPW to discuss signage in the Well Head Protection Area (WHPA).

Superintendent R. Miner will be on vacation from September 27th through October 11th.

Business Manager J. Lavoie informed the commissioners that lead and copper sampling is set for the last week of September.

10. Questions from the Public / Press

None

ADJOURNMENT

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

**MOTION CARRIED
3-0-0**

The September 20, 2021 meeting of the Board of Commissioners was adjourned at 8:10 p.m.

Submitted by Amanda McKenna, Recording Secretary