

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

A regular meeting of the Board of Commissioners was conducted on October 18, 2021, at 5:03 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

Members of the Board present: Wolfram von Schoen, Vice Chairman
 Kenneth Ayers
 Paul McLaughlin
 John Lyons, Finance Liaison (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 - September

Michele Holton, Finance/H.R. Director, informed the Commission that the reports being viewed are still in development and there are changes that will be made in the upcoming months, with allocations of both revenue and expenses that will need to be adjusted. Having completed the month of September, Merrimack Village District (MVD) is 25% through the fiscal year. Current year revenues are at 30.78% of the overall budget and expenses are at 22.95%. The net ordinary income totaled \$350,000 as compared to last year being slightly over \$259,000.

Director Holton explained that overtime was due to multiple factors, including covid related employee coverage and the implementation of new programs. Only nominal overtime is anticipated through the end of the calendar year.

Chairman D. Provencher asked Director Holton about the \$22,000 for the purchase of water. Superintendent R. Miner explained that at the beginning of the season the connection to Pennichuck Water Works (PWW) was opened for the Well 7 cleaning and was also opened for Memorial Day. As noted before, account 60500, Motor Vehicle Maintenance, is a matter of timing as the vehicle registrations are done in the first quarter. Director Holton noted that R&M for the watershed was over 25% of the budget. This was due to a blockage at the culvert at Greens Pond that needed to be cleared. Account 80100, Postage, is also over 25% of the budget because there were three billing cycles processed in July.

B. Bank Account Summary Review- September

Director Holton informed the commissioners that the Kinsmen Corporation escrow account has been set up. The first transfer should happen the week of October 17th, in an amount slightly above \$54,000. Director Holton informed the commissioners that there is a discrepancy seen in the reports from September 2021 and October 2021 with the balance for the Operating Account (August 31,

2021 balance). This was due to an issue in Quickbooks with the reconciliation for the September 1st payroll reporting on August 31st. This has been corrected.

REGULAR SESSION

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

a) Well 9 pump test

J. Emery informed the commissioners that the pump test has been completed. The well was pumped for 6 days at 1,000gpm. Over this period of time, the well experienced 7.15 feet of drawdown, which Emery stated to be “remarkably minimal.” The top screen of the well is set at 87’ and there was roughly 40’ of available drawdown after the pumping test was complete. There was roughly 1.8’ of interference with MVD Well 2 during the pump test period. MVD Well 2 pumped continuously during this time period. Emery noted that the iron and manganese in Well 9 is extremely low. Chloride was at 70 milligrams per liter, while sodium was at 45 milligrams per liter. Emery informed the commissioners that PFOA did rise slightly after the first day of pumping. After the first day of pumping there was 23ppt of PFOA and at the end of day 3 there was 30.8ppt of PFOA. He informed the commissioners that it is possible that the PFOA would decrease or stabilize after the last day of pumping. Emery stated that he feels the targeted goal for the treatment plant of 2,000 gpm is still reasonable. Emery voiced that if he were asked in this moment if it were worth MVD proceeding with the treatment plant for Well 9, he would say yes. A more formal opinion can wait until November’s meeting and more information will be available at that time, but Emery stated that he feels the current information is sufficient. Emery noted that Well 9 may not be approved by DES for 1,000 gpm and this may be due in part to the impact to the wetlands. Emery stated that he is encouraged by the performance of the well. Chairman D. Provencher asked Emery when he anticipated having a report into NHDES. Emery answered that he is still collecting data, but he hopes to have a report to NHDES by the end of 2021 or early 2022. Emery informed the commissioners that he would likely come before the board to ask for additional funds to offset the cost of the monitoring. He noted that this would be entirely up to MVD as he had given a price and did not include provisions for the extensive amount of monitoring that has taken place. Emery explained that the value of the monitoring is to provide correlations with the precipitation.

b) Mitchell Woods permit renewal

J. Emery explained that Mitchell Woods was permitted March 15, 2017, and there has never been PFAS detected in this well site. There was concern as to whether this information was accurate. Emery stated that he would provide the commissioners with confirmation of the information. Emery noted that the well is permitted for 432,000 gpd (300 gpm), or 45M gallons per year, making it a great source. The permit expires on March 22, 2022. According to Emery, the permit is required to be submitted 3-4 months in advance for review. Unfortunately, this timeline will not be met. Emery submitted a proposal to the commissioners, which outlines the re-permitting process. He included a contingency in case NHDES has unexpected requests. The permit is good for five years if the well is not being used, and the permit is extended to ten years if the well is turned on in the interim. The total to renew the permit with a pump test, water quality sampling, and report is \$42,500. It was clarified that PFAS has been non-detect.

**MOTION BY COMMISSIONER J. LYONS TO GO FORWARD WITH THE
ACCEPTANCE OF PROPOSAL #33.P000051.22, DATED OCTOBER 15, 2021, WITH
FUNDS TO COME FROM THE SYSTEM DEVELOPMENT CAPITAL RESERVE
ACCOUNT**

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

A Viva Voce was conducted, which resulted as follows:

Yea: Donald Provencher, John Lyons, Paul McLaughlin

3

Nay: Wolf von Schoen, Kenneth Ayers

2

MOTION CARRIED

3-2-0

c) Salt Reduction meeting

Jamie Emery noted the great meeting with Fidelity regarding salt mitigation. He informed the commissioners that Chuck Carberry and Ken Dodd of Fidelity Investments put together and presented a zoom presentation to demonstrate that they are serious about the sustainability of their environmental programs and how that would impact their reduction of salt use. Fidelity's targeted goal is to be salt free by 2024. Fidelity has hired a group that has put together a sustainable winter management program. Emery stated that this is the beginning of a \$30,000 investment by Fidelity. The sustainable winter management program will be looking at heating walkways, using brine, getting snow pro certifications for all of their operators, using non-chloride products, using cameras to monitor their applications, among other measures. Superintendent R. Miner asked Fidelity if MVD would be able to use Fidelity property for signage designating the Well Head Protection Areas (WHPA). Fidelity would be willing to do so as long as MVD uses the Fidelity platform (coupled with MVD's content). Emery stated that he hopes Fidelity will become the model for others in Merrimack to follow. At this time, Emery informed the commission that the Source Water Protection Grants are coming up, due November 1, 2021. He believes that MVD may be eligible for \$30,000 from the State of NH to help with the signage. Superintendent R. Miner told Emery that MVD would like him to move forward with creating a proposal. Vice Chairman W. von Schoen asked if a press release highlighting Fidelity's commitment would be beneficial in encouraging others to participate in salt mitigation. It was noted that Fidelity would likely appreciate that as well.

At this time, P. Pitsas, of Underwood Engineers, asked J. Emery if he and MVD were waiting until November to make a decision about Well 9. He stated that the contractor will need to be notified by December 31, 2021. Pitsas informed the commissioners and Emery that the contractor is preparing to move forward with under-slab conduit work and it would be ideal to do the conduits for Well 9 under there as well and there is a long lead time on those. The contractor also noted that the VFDs will be challenging to get into the building and was hoping they could be delivered before the roof is placed and can be craned in. Pitsas stated that letting the contractor know sooner rather than later is best in order to coordinate. Pitsas stated that it would be great if the commissioners could make a decision in November to allow the contractor some additional time. Chairman D. Provencher asked the board for their opinions and stated that he would be in favor of building out the plant as if Well 9 was a permitted, active, water supply. Vice Chair von Schoen asked if the conduit would add much

cost. Pitsas answered that it would not be a high cost but ordering the VFDs would add some cost. Vice Chair von Schoen stated that he would be in favor of approving the conduit and asked about the cost. Pitsas explained that he did not have the exact cost, but it would low. Approval could not take place without a number. If Well 9 is up and running prior to the summertime peak usage, MVD could save money on purchase of water from PWW. Emery stated that there would be no information making this a better decision for today versus November and would concur with saying to move forward with the project. He stated that while the permit will not be available until March or April 2022, he has no serious concern that the well will not be permitted for what MVD is pursuing.

At this time, Pitsas explained that he was speaking with Keith Pratt, also of Underwood Engineers, about MVD's emergency connection to PWW and noted that Wells 4 & 5 have a maximum permitted annual volume. The well was run higher during the winter months of 2021. He stated that if it is turned up again to 625gpm, MVD could possibly exceed the annual permitted volume, but this year was a wet year and the aquifer may not have been too stressed. He questioned checking in with J. Emery and NHDES for approval to exceed. The maximum use for the aquifer was 800gpm on short term pumping and 625gpm on long term pumping. It was noted that the commissioners would like an understanding of the permitted threshold of Wells 4 & 5 and to seek approval to exceed the threshold.

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

a) Wells 7 & 8 update

Peter Pitsas informed the commissioners that the vessel left on October 18, 2021 and was due the following Friday. When asked about the amount of time it was going to take, Pitsas explained that certain states, such as New York, have particular driving regulations. The contractor is ready to move forward with the project. Pitsas noted that the contractor has been proactive in doing what he can, such as painting interior walls. Chairman D. Provencher asked Pitsas what the outcome was regarding the "lack of fusion" comment in the inspection report. Pitsas explained that there is lack of fusion in the vessel near the damage. They did not determine the amount of lack of fusion. They can do a test and determine the amount. Pitsas noted that it does still pass ASME specs. An additional pressure test was recommended, and Underwood is recommending doing that on site, when the vessel is in its final location. Passing the hydrostatic test is a great indication that the well is okay. Repairs can be done on site, if needed. Underwood is proposing a phased array test be done on site, with the coating on. This will provide a baseline of the well prior to it being online. There will also be a five-year maintenance bond from the manufacturer. Pitsas stated that after 4 years a second phased array test could be performed, and necessary maintenance could be done. It was noted that because the vessel passed ASME specs, it is unlikely that Evoqua will provide a phased array test, and it would be the responsibility of MVD. Pitsas explained that this is roughly \$5,000.

Pitsas noted that the vessel is rated for 75psi and will be seeing between 22 and 30 psi. The 30 psi is on the inlet side of the GAC when there is a maximum head loss across the greensand. Vice Chairman W. von Schoen stated that the problem with lack of fusion is not the initial pressure, but rather corrosion.

Chairman D. Provencher asked if anyone had discussed with Evoqua that MVD is now in a position of needing to purchase water from PWW and had the vessel not been damaged and

was up and running as planned, MVD would not be incurring much of the additional costs. It was confirmed that no one has spoken to Evoqua about this issue.

b) Well 2 Update

Peter Pitsas informed the commissioners that the work for Well 2 started around September 1, 2021. Most of the site is cleared, the building has been excavated, all of the foundation walls and footings have been poured, and the under-slab piping in the GAC room has been started with the goal of pouring the slab in the near future. The vessels are expected to be shipped December 15, 2021. It is unknown if the vessels will be shipped all together.

At this time, Pitsas explained that he was waiting for the information regarding Well 9. MVD will need to make the decision to move forward with Well 9 by December 31, 2021 or face a likely increase in cost if the decision to move forward is made after that date. The Permit for Well 9 will not be available until roughly March or April of 2022. It was noted that the VFD will be a long lead item, and the size of the pump will be unknown until the report is returned. Discussion about Well 9 ensued and Chairman D. Provencher expressed that an additional emergency connection with PWW will cost well above just the monthly rate when cost to build and dismantle are factored in. The hope is that Well 9 will prevent the need for the second connection to PWW. Pitsas informed the commissioners that the contracted substantial completion date is September 11, 2022, but they hope to be completed earlier.

Vice Chair W. von Schoen asked what the termination clause would be should they award bid item #2 for the Well 9 contract. Pitsas answered that the return would likely not be dollar for dollar, but MVD would have some funds returned.

At this time, Vice Chair von Schoen explained to the public that MVD received a violation notice from NHDES regarding PFAS in the water. This was due to MVD having four consecutive quarters with PFAS levels above the MCLs. MVD serves water to PWW customers in Cabot Preserve, making PWW a customer of MVD's. PWW reached out to MVD upon notice with the goal of aiding in the solution. MVD was happy to accept the help. PWW suggested that MVD temporarily turn off Wells 7 & 8, which are the most contaminated wells, possibly turn off Wells 2 & 3, and PWW will supply MVD with 1M to upwards of 3M gpd. He explained that there is an existing connection to PWW in the area of Pennichuck Square that can provide 1M gpd to MVD. To receive 3M gpd from PWW, it would require a \$120,000 - \$150,000 investment that would only serve as a temporary additional pump station near route 3. This pump station would then need to be dismantled when the agreement is dissolved. Vice Chairman W. von Schoen estimated the initial investment and teardown cost to be around \$220,000. These funds will not be recovered. This will only provide the ability to serve PWW water for 6-12 months. Chairman D. Provencher explained that approving this tonight could get MVD the completion of the treatment plant, and Wells 2 & 9 connected to the treatment plant, at an earlier date in order to realize the savings by providing treated water versus building an additional pump station to purchase water.

It was noted that the contractual date of substantial completion for Wells 7 & 8 is March 30th.

MOTION BY COMMISSIONER D. PROVENCHER TO AWARD BID ITEM #2 FOR THE WELL 9 CONTRACT IN THE AMOUNT OF \$690,000 TO KINSMEN

**CORPORATION, WITH FUNDS TO COME FROM THE FUNDING FOR THE
WARRANT ARTICLES**

MOTION SECONDED BY COMMISSIONER K. AYERS

A Viva Voce was conducted, which resulted as follows:

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

MOTION CARRIED

5-0-0

3. Board of Commissioners to vote regarding request of Richard Boles for a waiver of connection fees (tabled from the 9/20/21 meeting).

Superintendent R. Miner provided the commissioners with an update on this situation, stating that Richard Boles will be on the agenda for a Merrimack Town Council board meeting. It was noted that at this time Richard Boles' water is compliant with the MCLs. Vice Chairman W. von Schoen noted that he would turn down the request, with regret, as it is not fair to the other rate payers and MVD is the least responsible party in this situation.

**MOTION BY COMMISSIONER W. VON SCHOEN TO DENY THE REQUEST OF RICHARD
BOLES FOR A WAIVER OF CONNECTION FEES**

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

A Viva Voce was conducted, which resulted as follows:

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

MOTION CARRIED

5-0-0

4. Board of Commissioners to discuss request of Carmel Bechard to waive a late charge.

Business Manager J. Lavoie explained to the commissioners that Carmel Bechard came to the MVD office and requested a manager to address a late charge. C. Bechard explained that she mailed a check on the 8th of the month for the due date of the 10th. Payment was received on the 15th of the month and was processed the same day. Business Manager J. Lavoie explained to C. Bechard that she could write a letter to the board in hopes to have her late charge waived. The letter was included in the board packet. It was explained that MVD by-laws allow a one-time forgiveness of a carrying charge, however C. Bechard has previously had a late charge waived.

MOTION BY COMMISSIONER W. VON SCHOEN TO REJECT THE REQUEST OF CARMEL BECHARD TO WAIVE A LATE CHARGE DUE TO MVD’s FORGIVENESS OF CARRYING CHARGES POLICY NUMBER 08-01-B
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

A Viva Voce was conducted, which resulted as follows:

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

5

Nay:

0

MOTION CARRIED
5-0-0

5. Board of Commissioners to discuss the recent visit of EPA Administrator Mike Regan and Congress Representatives Chris Pappas and Annie Kuster.

Chairman D. Provencher informed the public that this visit was at Wells 7 & 8 the week prior to the Commissioner’s meeting. Vice Chairman W. von Schoen stated that he felt the visit was good for the cause of PFAS regulation and the impact PFAS has on communities, and he greatly appreciates any support that has been shown to MVD, however, he noted that MVD has always made it a point to be apolitical and he would like that to continue in the form of members of both political parties being included in events. Vice Chairman W. von Schoen stated that he did not like how the event ended up being perceived and thinks there should be better control of who gets nominated to become additional invitees. Vice Chair W. von Schoen stated that he would like to see a Public Event Policy. He would like the policy to outline that MVD is an apolitical organization and should public events occur on the MVD flag, MVD and MVD’s guests are obligated to invite cross-party. He also stated that he believes the policy should state that elected officials or public figures should be announced to the MVD prior to the event.

It was explained that Chris Pappas’s office contacted the MVD about a visit. This visit was going to include Chris Pappas, Annie Kuster, Mike Regan, Laurene Allen, Rosemarie Rung, and MVD. Business Manager J. Lavoie noted that it was her understanding that Pappas’ office and Kuster’s office invited additional people and staff members. The roundtable discussion was intended to be led by Mike Regan, the EPA Administrator, but was instead led by Annie Kuster. The morning before the event, someone from the EPA informed Business Manager J. Lavoie that they were unable to gather tables and chairs, leaving the burden on MVD.

Chairman D. Provencher stated that he likely would not be in favor of putting the burden on the staff of creating a policy. Commissioner P. McLaughlin stated that he is less concerned with who is holding events than he is with MVD being used as a “party supply company,” being left with the burden of organization. Superintendent R. Miner echoed that he would like MVD to have a full list of attendees prior to an event. It was also noted that the liability is on MVD should someone get hurt and it was suggested that legal counsel write up a policy.

6. Board of Commissioners to review the minutes from the 6/21/21 Public Hearing, 7/21/21 Regular Session, 9/20/21 Regular Session and the 9/27/21 Emergency Meeting. (Note: 8/16/21 meeting cancelled – no minutes)

APPROVAL OF MINUTES

Board of Commissioners Public Hearing June 21, 2021

No amendments were offered.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING MINUTES OF THE JUNE 21, 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, Wolf von Schoen, Kenneth Ayers, John Lyons,

4

Nay:

0

Commissioner P. McLaughlin abstained

MOTION CARRIED

4-0-1

Board of Commissioners Regular Session July 21, 2021

No amendments were offered.

**MOTION BY COMMISSIONER J. LYONS TO ACCEPT THE MEETING MINUTES OF THE JULY 21, 2021 BOARD OF COMMISSIONERS REGULAR 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 Regular Session September 20, 2021

The following amendments were offered:

Page 5, Line 18, “...he met with someone to discuss...” should read, “...he met with Kyle Fox to discuss...”

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING MINUTES OF THE SEPTEMBER 20, 2021 BOARD OF COMMISSIONERS REGULAR MEETING AS AMENDED
MOTION SECONDED BY COMMISSIONER J. LYONS**

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

Yea: Donald Provencher, Wolf von Schoen, John Lyons,
3
Nay: 0

Commissioners K. Ayers and P. McLaughlin abstained

MOTION CARRIED

3-0-2

Board of Commissioners Emergency Meeting September 27,
2021

The following amendments were offered:

Page 3, Line 30, reads “...he stated that he does not want to commit to a \$64,000 cost for the next 8-months.” And should read “...a \$64,000 monthly cost for the next 8-months.”

MOTION BY COMMISSIONER P. MCLAUGHLIN TO ACCEPT THE MEETING MINUTES OF THE SEPTEMBER 27, 2021 BOARD OF COMMISSIONERS EMERGENCY MEETING AS AMENDED

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
5
Nay: 0

MOTION CARRIED

5-0-0

7. 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.

8. Old Business

Chairman D. Provencher asked the status of the treasurer position. Business Manager J. Lavoie answered that Director Holton is speaking to a few candidates. The treasurer position is currently held by Kathy Stack.

9. New Business

Commissioner J. Lyons informed the commissioners that he spoke with Laurene Allen regarding making a change to the current standing of a physical quorum being necessary for a meeting. L. Allen spoke with the Attorney General’s office, who confirmed the current standing. L. Allen expressed that she would be willing to sponsor a bill to make the change but is unable to. She referred J. Lyons to two separate Senators. He expressed gratitude for the commissioners who are willing to be in-person. The use of a larger venue to allow for social distancing was suggested.

It was noted that neither D. Provencher nor P. McLaughlin are available to meet in-person in November.

10. Superintendent's Report - CIP

Superintendent R. Miner informed the commissioners that the results from the lead and copper test came back and were favorable.

Superintendent R. Miner stated that the commissioners should have the CIP in front of them. It was a request from the planning board. He noted that Director Holton reviewed the CIP. This was initially intended to be presented to the planning board on October 19, 2021, but Superintendent R. Miner deferred the presentation due to a prior commitment.

11. Questions from the Public / Press

Dave Fredrickson, Field Staff Operations Manager for MVD, asked Superintendent R. Miner and the Commissioners to consider a SCADA integration on the connection to PWW. The commissioners noted that this would be beneficial.

ADJOURNMENT

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

**MOTION CARRIED
5-0-0**

The October 18, 2021 meeting of the Board of Commissioners was adjourned at 8:55 p.m.

Submitted by Amanda McKenna, Recording Secretary