

**MERRIMACK VILLAGE DISTRICT  
BOARD OF COMMISSIONERS  
JULY 21, 2021  
MEETING MINUTES  
(approved October 18, 2021)**

A regular meeting of the Board of Commissioners was conducted on July 21, 2021, at 5:00 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

Members of the Board present:        Wolfram von Schoen, Vice Chairman (electronic participation)  
   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

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**FINANCIAL REVIEW**

**A. Analysis of Revenue and Expenditures Report**

Having completed the month of June, Merrimack Village District (MVD) is 100% through the fiscal year. Michele Holton, Finance/H.R. Director, informed the Commission that the reports in front of them are preliminary as there are still expenses that have yet to come in and year end entries to be posted. She noted there will also be a year end audit that may result in adjusting entries. At this time the overall revenues are at \$4.276M, although MVD is researching some meter, hydrant, and sprinkler charges that looked high while comparing year end billing to the previous year. She explained that this would not bring MVD below the revenue budget. With the preliminary numbers MVD revenues are at 103.9% of budget. Director Holton noted that MVD is seeing the water sales for Mercantile and Industrial returning to normal, as well as the water sales for Domestic. Meter, hydrant, and sprinkler charges have remained steady. She stated that MVD anticipates other revenue items that were impacted by the pandemic will begin to return to typical levels.

Chairman D. Provencher asked if something changed for Communication Tower Rental (account 40406), which was under budget. Director Holton explained that a new contract was anticipated to be signed but the vendor has not yet finalized with MVD. Chairman D. Provencher also asked about Administrative Salaries (account 50100) being slightly below budget. Director Holton answered that the secretary position fluctuates and is an estimated budget, whereas the commissioners, treasurer, and clerk positions are all a set stipend.

Director Holton informed the commissioners that the expenses are currently at \$3.663M, resulting in a net ordinary income of \$613,000. Roughly \$150,000 will be encumbered against this budget's net income funds. She explained that there are signed agreements that were not completely fulfilled by the end of the year but were in this year's budget. These will be reviewed at the next Board of Commissioners meeting. This will bring MVD's preliminary net ordinary income to \$463,000.

Director Holton explained that for the expense line items she used \$2,500 as a threshold to review items that were over budget. She noted that Purchase of Water (account 60300) was a little over \$3,100 and noted that this is an unpredictable expense. Director Holton reminded the commission that a Capital Reserve Fund has been created to help address this issue. Office Equipment (account 70010) was overall under budget, but the subcategory for software was \$2,500 over budget. This was due to a conscious decision to upgrade the cyber security in the fall of 2020. Director Holton noted that Main Line Entrance Enhancements (account 70200) is showing at \$14,000 over budget but this does have corresponding entrance fees. Director Holton explained that MVD is currently working on inventory reporting and there were some items that were not picked up from the work order system to the reporting system. Estimates for those items were then split between R&M Meters (account 70450) and Main Line Entrance Enhancements (account 70200). She noted that more items may have actually belonged under R&M Meters, which was under budget. Director Holton noted that Professional Fees- Legal (account 81950) was overall under budget but the PFAS line item was \$15,000 over budget. The new year budget has been adjusted accordingly.

Director Holton reminded the commissioners that the June 2021 BOC meeting had both the IT policy and Credit Card policy on the agenda, and those were tabled. Those will be on the August 2021 agenda. Director Holton asked the commissioners to review the IT policy prior to the commissioners meeting.

## **REGULAR SESSION**

### **1. Board of Commissioners to hear project updates from Underwood Engineers, Inc to include:**

#### **a) ESR 60 – PFAS WTP WQ Monitoring and Technical Assistance**

Keith Pratt of Underwood Engineers reminded the commissioners that he had presented them with ESR 60 at a recent meeting. ESR 60 has two parts, the first being for the pilot testing protocols at Wells 4 & 5. This part was authorized by the commissioners. He noted that the commissioners had questions regarding the second part of ESR 60, which had to do with long term monitoring. Underwood connected with Jamie Emery from EGGI and found that EGGI is under contract to monitor raw water quality for this year. With this information, the ESR was adjusted down, and the scope adjusted slightly. The ESR was reduced by \$2,000 and is now \$8,000.

**MOTION BY COMMISSIONER P. MCLAUGHLIN TO APPROVE ESR 60, DATED JULY 16, 2021, WITH FUNDS TO COME FROM THE BUDGET**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

*A Viva Voce was conducted, which resulted as follows:*

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

5

Nay:

0

**MOTION CARRIED**

**5-0-0**

**b) Wells 7 & 8 update**

Keith Pratt informed the commissioners that there have been phone calls with the contractor and the vessel manufacturer regarding the vessel that hit the bridge. Pratt noted that they are close to what he feels is a resolution. Despite delays, Wesley Wixon, the general contractor believes this will be a no-cost solution for MVD. Per Pratt's insistence with the contractor, there is consideration for there to be a cost reduction in the change order. The delays may delay putting the treatment plant online until spring of 2022. Pratt stated that Underwood is comfortable with this plan. Pratt informed the commissioners that it is unlikely the vessel will receive the "R" stamp signifying a repair. He explained that the tanks are lined with coating systems on the inside after certain testing. Hydrostatic testing can be done on the lining, but certain tests cannot be run after a hydrostatic test in order to prevent potential damage to the coating. This prevents Evoqua from issuing the R stamp. Evoqua is requesting that a representative from the MVD go to the facility to view the tank prior to shipping the vessel to NH. Evoqua will cover the cost. There will also be a third party to look at the tank at the facility in Iowa. This same third party will look at the tank upon its arrival in Merrimack, NH, to make sure the condition is consistent to when the vessel left the facility. Evoqua initially offered a 3-year maintenance bond, but due to push back from Wesley Wixon Underwood believes MVD will be granted a 5-year maintenance bond. Vice Chairman W. von Schoen asked about the value of the bond. Pratt answered that he believes it to be \$1M.

Pratt informed the commissioners that he had personally reached out to another vessel manufacturer and explained the repair plan, to which the manufacturer acknowledged that it could go with or without the "R" stamp and noted that the vessel being back at the manufacturer's for repair was the best case scenario.

Pratt stated that he would like MVD to make a decision by the end of the week. Chairman D. Provencher asked if he was waiting on anything from MVD. Pratt answered that he was not, he was waiting on Evoqua.

Vice Chairman W. von Schoen asked if the deflection at the indent was known. Pratt explained that it was less than one inch and Evoqua claims it is well within the tolerances of the code. Vice Chairman W. von Schoen asked what kind of material the steel is because depending on the type, strain hardening could present no issues or a very large issue. It was noted that Underwood is still looking for an independent third party to inspect the vessel. Pratt stated that the hydrostatic testing would take place once the vessel arrives in Merrimack. Vice Chairman W. von Schoen expressed that if the vessel fails testing the plan will have to be reconsidered. Vice Chairman W. von Schoen stated that the vessel still needs to meet the contractual obligations. Commissioner J. Lyons expressed feeling that a reconditioned vessel should come with a significant discount. Pratt stated that Evoqua was not offering that at this point. They did offer a new tank option but did not provide a cost. The cost was supposed to have been provided already since it was previously requested at the initial discussion with Evoqua.

Commissioner P. McLaughlin noted the goal to close the building before winter and asked if this was realistic. Vice Chairman W. von Schoen noted that there had been discussion surrounding a removable roof to aid in future vessel replacement and stated that he would be in favor of the added cost for this feature. Commissioner K. Ayers asked if it would be realistic to purchase a new vessel elsewhere. K. Pratt answered that the entire system was

designed around the Evoqua system, and he would discourage MVD from exploring that route due to the risks and unknowns. Pratt stated that he feels the only options are to accept the repaired tank or purchase a new Evoqua tank. The timeframe of the repair will not be open-ended, there will be a clear deadline listed in the change order. The contract will still account for liquidated damages should Evoqua go beyond the deadline.

**c) Updated Wells 4 & 5 vessel performance and current status**

Keith Pratt noted that Underwood had given the commissioners the trend charts for the performance of the PFAS removal through the vessels at Wells 4 & 5. He explained that breakthrough of one of the short chains in the lead vessel is being seen. The lead vessel is still seeing significant PFAS reduction. Pratt shared his screen and explained the charts for any public who may be interested. He explained that there are two types of charts that Underwood is tracking. The first chart shows the total PFAS removed at each port of the lead vessel. As of July, 40% of the PFAS is being removed at the 25% port. There is roughly 90% removal at the 50%, 75%, and 100% ports. Underwood is also tracking the performance of the regulated compounds. As of roughly nine-months of operation Underwood and MVD are still seeing 100% removal of the regulated PFAS compounds at the 100% port. There is breakthrough at the 25% port, and at the 50% there is only one compound (PFBA) breaking through in the lead vessel. It was noted that the warranty for regulated compounds was 60,000 bed volumes.

**d) Wells 4 & 5 vessel changeout criteria discussion**

Keith Pratt presented the commissioners with a chart outlining the comparison and estimates for different operational criteria. He noted there were two options for operation. The first option is to change out the carbon upon breakthrough of the regulated compounds. The second option is to change out the carbon to work towards non-detect of all PFAS. It was noted that some commissioners believe the intent of the Warrant Article was to work towards non-detect of all PFAS. The chart shared by Pratt attempts to predict the cost of each option. Pratt informed the commissioners that operating with the second option, working towards non-detect, will likely triple the carbon costs for MVD. Chairman D. Provencher suggested the possibility of operating the change out on regulated PFAS compounds (option 1) in order to gain increased data, while PFAS is still going into the system through other untreated wells, with the ability to switch to option 2 once all wells are being treated for PFAS.

**2. Board of Commissioners to review Change Order #1 as proposed by Emery & Garrett Groundwater/GZA for additional exploration work at 70 Wilson Hill Road.**

Superintendent R. Miner informed the commissioners that he received email correspondence from the landowners, and they approve of the additional work.

The commissioners were presented with a Change Order from Emery & Garrett Groundwater Investigations (EGGI) that states EGGI recommends expanding the groundwater exploration effort to Phases II and III. Phase II, Geophysical Surveys, is \$12,800 dollars and Phase III, Exploratory Test Wells (2 wells with preliminary yield and quality testing), is \$14,000. If the results of the geophysical surveys (Phase II) are favorable, EGGI will proceed with phase III. The change order totals \$26,800, on top of the original contract price of \$5,900. The new contract total is \$32,700.

It was noted that the commissioners would like to look into a purchase and sale agreement for the land in the near future.

*\*Vice Chairman W. von Schoen entered the meeting via electronic participation at 5:17 pm. He stated that he is in York, Pennsylvania for business.*

**MOTION BY COMMISSIONER J. LYONS TO ACCEPT CHANGE ORDER #1 FOR PROJECT NUMBER 33.0083056.09, DATED JULY 13, 2021, IN THE AMOUNT OF \$26,800, WITH FUNDS TO COME FROM THE BUDGET**

**MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN**

*A Viva Voce was conducted, which resulted as follows:*

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

5

Nay:

0

**MOTION CARRIED**

**5-0-0**

Chairman D. Provencher informed the public that Jamie Emery had sent an email stating that GZA had conducted a step test at Well 9 that was exceptionally successful, with rates between 500 and 1,100 gallons per minute (gpm). It only drew down 8’ when pumping 1,100 gpm, showing a specific capacity of 138 gpm per foot. In his email, Emery indicated that this is likely to be one of the highest yielding wells in the state of New Hampshire. Emery also informed the commissioners that the schedule for doing the permanent pump test is still an issue due to standing surface water in wetlands. This test may take place in mid-August but is still to be determined.

Commissioner J. Lyons asked if the increasing rain has allowed MVD the opportunity to cut back on some of the production at wells where PFAS levels are very high. Superintendent R. Miner explained that it has and adjustments have been made accordingly.

**3. Board of Commissioners to hear an update from Superintendent Ron Miner regarding the noise complaint relative to the Turkey Hill Booster.**

Superintendent R. Miner informed the commissioners that in their packets they should have a copy of the sound meter readings that they did as a baseline. Noise modifications have not yet been done. Superintendent R. Miner stated that a landscape area that was damaged has been reseeded, the lights have been changed out, and the gate has been moved. Additional signage has been placed on the gate. Superintendent R. Miner noted that the noise does seem louder in the back where there is a larger gap. He noted that sealing the gap may lower the noise. Superintendent R. Miner will reach out to the abutting property owners.

**4. Board of Commissioners to review the minutes from the June 21, 2021 Regular BOC Meeting, and the June 21, 2021 Non Public Meeting.**

**APPROVAL OF MINUTES**

Board of Commissioners Regular Meeting ..... June 21, 2021

*No amendments were offered.*

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT THE MEETING MINUTES OF THE  
JUNE 21, 2021 BOARD OF COMMISSIONERS REGULAR MEETING AS PRESENTED  
MOTION SECONDED BY COMMISSIONER J. LYONS**

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

Yea: Donald Provencher, Kenneth Ayers, John Lyons,  
3  
Nay: 0

*Commissioner P. McLaughlin abstained*

**MOTION CARRIED**

**3-0-1**

Board of Commissioners Non-Public Meeting ..... June 21,  
2021

*No amendments were offered.*

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT THE MEETING MINUTES OF THE  
JUNE 21, 2021 BOARD OF COMMISSIONERS NON-PUBLIC 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  
3  
Nay: 0

*Commissioners J. Lyons and P. McLaughlin abstained*

**MOTION CARRIED**

**3-0-2**

**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. Old Business**

*None*

**7. New Business**

*None*

**8. Superintendent’s Report**

Superintendent R. Miner informed the commissioners that there has been quite a bit of rain over the last twenty days, and it is no longer considered to be abnormally dry in Southern New Hampshire. Business

Manager J. Lavoie stated that the monitoring wells are not filling up very quickly, but the levels are maintaining rather than dropping.

**9. Questions from the Public / Press**

*None*

**NON-MEETING**

**MOTION BY COMMISSIONER W. VON SCHOEN THAT THE COMMISSION RECESS TO GO INTO NON-MEETING WITH LEGAL COUNSEL  
MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED  
5-0-0**

*The Commission went into a non-meeting session at 7:19 p.m.*

*The Commission came out of non-meeting at 8:50 p.m.*

**ADJOURNMENT**

**MOTION BY COMMISSIONER W. VON SCHOEN TO ADJOURN  
MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED  
5-0-0**

The July 21, 2021 meeting of the Board of Commissioners was adjourned at 8:53 p.m.

Submitted by Amanda McKenna, Recording Secretary