

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
JANUARY 31, 2023
MEETING MINUTES
(approved February 23, 2023)**

A regular meeting of the Board of Commissioners was conducted on January 31, 2023, at 5:02 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

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

Members of the Board Absent: Kenneth Ayers, Vice Chairman

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

FINANCE/HUMAN RESOURCES REVIEW – Kristen Maher

A. Analysis of Revenue and Expenditures Report

It was noted that Director Holton was unavailable, and the finance review would be given by Kristen Maher.

K. Maher informed the commissioners that having completed the month of December, Merrimack Village District (MVD) is 50% through the fiscal year. She noted that the interest income was of particular interest. She explained that Director Holton had negotiated better interest rates for MVD, which will cause the budget and the year-to-date to be significantly different. Maher further explained that the bank will now be looking at MVD's full account, rather than the individual accounts, which allows MVD to earn a higher interest rate. Maher directed the commissioners to look to account 40408 (Service Charge – New Mains) and explained that a service charge for a new development had been collected, which put the account significantly over the budget. Maher informed the commissioners that a lot of new growth in Merrimack is coming to completion and the entrance fees are being collected. This is reflected in account 40413 (Service Charge – Entrances). Commissioner W. von Schoen asked if the Service Charges were immediate revenue. Maher confirmed that they were immediate revenue. Commissioner W. von Schoen stated that the service charge is really meant for the new customer to buy into the assets of the District. Maher confirmed. Commissioner W. von Schoen stated that the assets have long term impact on the balance sheet, noting deferred write offs, but noted that the revenue of the service charges are being recognized immediately. He asked if this was imbalanced. Superintendent R. Miner explained that any new person coming in fills out the entrance application for the size of the entrance they are getting. On top of this, there is an SDC charge based on the meter size. This charge gets put into a capital reserve account. Commissioner W. von Schoen stated that he just wanted to be sure MVD was not artificially padding this year, when the money would be needed a few years down the road. Chairman Provencher asked if the budget included the rate increase that was implemented. Superintendent R. Miner stated that he believed it did. Commissioner W. von Schoen noted that the rate increase was implemented months after the budget was approved and he was unsure of how it could be included in the budget. He suggested the answer be provided at the next BOC meeting.

At this time, K. Maher informed the commissioners that the sick payout, which took place at the end of December, was roughly \$10,000 less than expected. This was due to illness amongst MVD employees, causing employees to utilize their sick time. Maher also noted that account 70550 (R&M Pump Stations) shows a roughly \$66,000 expense, which throws off the budget for the year. This is due to Wells 4 & 5 being struck by lightning twice. Both insurance claims were denied. Commissioner W. von Schoen asked if why it was declined had been discussed with legal counsel. Business Manager J. Lavoie informed the commissioners that nothing underground is covered, per the contract. The insurance covers the building.

K. Maher informed the commissioners that in terms of revenue expenses MVD is in line with and doing slightly better than the budget.

B. Bank Account Summary Review

C. Sick time and paid time off

K. Maher informed the commissioners that Director Holton had surveyed other municipalities to see how other communities handle sick time and paid time off at the end of employment. Fourteen municipalities responded to the survey. Of those municipalities, the breakdowns were as follows:

- **4** Payout 100% of vacation & sick payout at the end of employment (1- 100% of sick time is gifted to other employees)
- **2** Payout 100% of vacation & various percentages up to 100% sick payout at the end of employment. *It was noted that sick payout in this group is based on longevity and the reason for departure.*
- **5** Payout 100% of vacation & various percentages less than 100% sick payout at the end of employment
- **3** Payout 100% of vacation & no sick payout at the end of employment

K. Maher stated that she believed this was on the agenda to open the discussion of how the commissioners would like to proceed with MVD's policy. It was noted that there is a cap of 240 hours for sick time. Anything over and above is paid out at the end of the year. Maher explained that paid time is done by calendar year and new employees are prorated at the time of hire, however there is nothing in the guidelines to outline prorating when an employee leaves. Maher noted that MVD turnover is low. Commissioner W. von Schoen asked if the accumulated sick time from previous years is being used before short term disability, if needed. Maher confirmed that it is. It was explained that the available sick time needs to be maxed out before short term disability is used. Short-term disability would then be available for up to six weeks, depending upon need. Commissioner W. von Schoen asked if the short-term disability was self-funded or if MVD used a third-party insurance company. Maher answered that it is a third-party insurance company. Commissioner W. von Schoen suggested comparing the cost of MVD self-funding short term disability versus paying a premium when it is rarely used. Commissioner J. Lyons stated that in his experience it is not expensive to pay the premium. Chairman Provencher asked if they could have the cost information for the Budget work session. Superintendent R. Miner agreed. Commissioner W. von Schoen stated that his concern is not for the accumulation, but rather the payout at the end. He noted that sick days are a contingency for when you're sick, they are not a guaranteed time off. Commissioner P. McLaughlin asked Commissioner W. von Schoen if he meant at the end of employment or at the end of the year. Commissioner W. von Schoen clarified that he meant that to include both. K. Maher stated that the handbook is ambiguous, which is why this was coming to the commissioners. Commissioner W. von Schoen stated that he would like to see MVD staff make a recommendation. He went on to say that MVD knows their market, as well as how the board feels, but he

does not feel it's the right approach for the board to take the decision away from management. The other commissioners expressed agreement.

D. Juneteenth discussion

At this time, K. Maher informed the commissioners that June 19th, Juneteenth, was declared an official holiday in 2022. It is a working holiday for the federal government, as of 2022. In 2023, all non-essential federal buildings and offices will be closed the Monday after, as Juneteenth falls on a Sunday. In the State of NH, all governmental buildings will be open, however the state does offer three floating holidays. MVD currently offers one floating holiday. A floating holiday at MVD is treated as an additional personal day but is assigned if Christmas falls on either a Tuesday or a Thursday. Commissioner W. von Schoen asked how many holidays the MVD has. Maher answered that the MVD currently has 9 or 10. This number is dependent upon which day Christmas falls on and whether the floating holiday is assigned. Commissioner von Schoen stated that he believes this number of holidays to be fairly common. Commissioner von Schoen asked what the cost of a holiday is. K. Maher answered that she is unsure of the cost. Chairman Provencher stated that he does not feel another paid holiday needs to be added. He suggested trading another holiday for the summer holiday. It was noted that Juneteenth is not the problem. The commissioners expressed that they would rather give Juneteenth as a holiday than pay out unused sick time and feel that something has to give. At this time, K. Maher offered a correction and informed the commissioners that there are 10 official holidays and three personal days, one of which that can be assigned (a floating holiday). This is in addition to sick days. Chairman D. Provencher stated that he feels this to be excessive. Commissioner von Schoen agreed. Commissioner W. von Schoen stated that MVD management knows the labor market and knows the staff, has heard the board's concerns, and can make a suggestion. He stated that it shouldn't be the board that is put into the position to be the bearer of bad news. He suggested putting a proposal together for one of the budget sessions.

E. Monthly billing

K. Maher informed the commissioners that MVD currently bills quarterly. Moving to monthly billing will assist MVD considerably with the new billing system, as it was intended to be used for monthly billing. MVD is currently using workarounds for quarterly billing. K. Maher expressed that switching to monthly billing would remove the significant burden that a rate change brings to billing. She also noted that a rate increase spread out over monthly billing would feel like less of an impact to rate payers. Chairman D. Provencher pointed out that one of the benefits listed by the MVD staff of monthly billing was an opportunity for more frequent communication with customers. Chairman Provencher indicated that he would expect MVD to use that opportunity to communicate important information, and asked if customer communications are possible for those who use the E-bill and Auto-pay, and it was indicated that electronic communications are possible. Maher informed the commissioners that one con of switching to monthly billing is the cost. It would cost \$54,671 per year, above the current cost, to switch to monthly billing. These numbers are built into the budget that has already been discussed. If the board were to vote yes to switching to monthly billing, there is an MVD bylaw that would need to be changed from billing quarterly to billing monthly. It was noted that the software company has said they would be able to modify the software to fit MVD's current needs, but it would be expensive as it would require significant changes. Commissioner W. von Schoen suggested that there may be an annual maintenance cost on the modification as well. Maher confirmed this. It was noted that the increase in cost with a switch to monthly billing is due to an increase in printing and postage costs, as well as the cost of a lockbox due to an increase in paper check payments. This will be lowered with the E-bill and Auto-pay campaign. The cost of the lockbox will eventually go away as customers switch to autopay, and the volume of paper checks decreases. Commissioner W. von Schoen stated that he would like to revisit

whether or not MVD can implement a penalty for those who choose not to use paperless billing. It was suggested that an administrative fee be implemented for paper billing. Commissioner P. McLaughlin asked if there was a fee associated with paying online. Maher answered that there was if a credit card is used. If an account is attached and autopay is used, there is no fee associated. Commissioner W. von Schoen requested that an action item be added to further discuss with legal counsel, the possibility of implementing benefits associated with paperless billing along with penalties for those who do not opt into paperless billing / autopay.

MOTION BY COMMISSIONER W. VON SCHOEN TO MOVE TO MONTHLY BILLING WITH THE ASSUMPTION THAT THE ADDITIONAL ANNUAL COST IS PROBABLY LESS THAN \$54,671

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

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

Yea: Wolfram von Schoen, Paul McLaughlin, John Lyons

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Nay: Donald Provencher

1

MOTION CARRIED

3-1-0

REGULAR SESSION

1. Board of Commissioners to receive an update from Jamie Emery of Emery & Garrett/GZA on salt reduction efforts.

Jamie Emery informed the commissioners that the grant he is currently working on, through the Source Water Protection Program, is one that included putting up signs. He shared a picture of one of the new signs and noted that great progress is being made, with roughly 30 new signs already in place.

At this time, Emery stated that he wanted to share the conversation he had with Fidelity, with the commissioners. He shared that Fidelity has set up their own weather station to use for their onsite salting events. This is geared towards trying to use less salt. They are also testing the effectiveness of using calcium magnesium in several parking areas and walkways as an alternative to salt and brine. Fidelity has developed heated entries to both buildings, which are now fully operational. All snow applicators are SnowPro certified. Fidelity is also monitoring all of their ice melt applications. Fidelity shared with Emery that they have converted to using brine in all of their parking lots. Emery suggested some spot checks within the next few weeks to confirm that the brine is being used in all of the parking lots. Emery stated that he believes this to be wonderful for MVD. They currently have closed 20% of their parking lots for the time being. This is in response to their remote working program but they are unsure how long they will be able to hold that. Fidelity will provide Emery with a total number of pounds of salt used for the year. Emery clarified that when he says salt he is referring to the conversion to brine. Emery stated that Fidelity still retains their no salt goal within the next 3-4 years. It was stated that this is a broad sustainability goal that is not written in stone. Emery found this conversation to be very encouraging.

Emery informed the commissioners that MVD had received a grant. He received notice that the application for the Source Water Protection Grant has been approved. Emery stated that it's a \$25,000 grant and MVD will be required to put \$20,000 in their budget as a matching portion. This grant incorporates installing conductivity meters in all of MVD's production wells to continuously monitor conductivity of the water being pumped. This will provide information of how salt is moving through the aquifer at varying times of the year.

Emery informed the commissioners that Emery & Garrett would be looking at the storm water pond near Wells 4 & 5 in order to determine how to reengineer or redirect the surface water that is draining all of the salt from the parking lots down into Wells 4 & 5. Part of the grant is to take an active look at that particular storm water pond. He noted that all storm water ponds in the well head protection area (WHPA) will be looked at. There will be a report and presentation delivered to the State on this matter. Emery informed the commissioners that not everyone who applied was awarded the grant, and he feels that Merrimack was chosen in part because of how much they have involved NHDES with their process.

Emery will provide a scope of work to the commissioners. Chairman Provencher asked how frequently the sampling would take place. Emery answered that there would be three sampling rounds in the year, with the goal of spring, winter, and fall seasons. Timing could be dependent upon funding. Once the grant is signed, there will be fourteen months to complete the work.

At this time Emery informed the commissioners that he will need to get them the proposal for the monitoring requirements of the large groundwater withdrawal permit. The first round of the sampling was covered under the large groundwater withdrawal permitting program. Chairman Provencher asked if Emery was referring to Well 9, which Emery confirmed. Emery stated that for the next year there will be another large groundwater withdrawal monitoring program that has to be funded by MVD. He noted that it will not be substantial.

Emery informed the commissioners that he will need to know if MVD wants Emery & Garrett to put in a proposal for Artificial Recharge (AR), which was discussed in November 2022. He stated that this question does not need to be answered tonight. He stated that he believes Keith Pratt, of Underwood Engineers, had submitted a scope for the preliminary engineering design, but that Emery himself had not yet submitted a scope for the pilot test. He informed the commissioners that this would be a large number, somewhere in the \$250,000 - \$300,000 range. Chairman D. commented on the high dollar amount. Emery stated that he understood and noted that it has been in the budget with those high dollar amounts for a while. Chairman Provencher asked where the high cost comes from. Emery explained that they will need to figure out how to get the water in from the Merrimack River, they will need to build temporary basins, bring the water in, install some monitoring wells, pump the water into the basins, do some analysis, and once they determine it to be effective, they will be doing a computer model to demonstrate the long term effect of this based on the data collected. From there, Emery & Garrett will present a report and then submit the report to the State for them to evaluate and determine whether or not they concur with the assessments. Chairman Provencher stated that he had once seen a presentation from Peter Garrett when AR first came about, and he recalled it being described as using test columns rather than on site loading. He asked if this was an option. Emery explained that it is an option and was done in Newmarket. Emery continued on to say that it was doable and there are potential savings that could be achieved. He stated that it would likely still be a high cost and gave an estimate of \$225,000. Emery informed the commissioners that the downside to using columns is that you can't see how effectively the recharge basins work. If the basins don't accept water at the rate that is needed, then you cannot calculate how much additional water can be withdrawn. Emery informed the commissioners that it would likely take 60 days for him to put the proposal together. Superintendent R. Miner stated that

this would qualify for use of the capital reserve fund. Commissioner W. von Schoen stated that he felt before spending \$250,000, the board should decide if they are actually looking to proceed with AR. Chairman Provencher stated that it was reviewed in detail during the December BOC meeting, but Commissioner W. von Schoen had been excused from that meeting. Chairman Provencher informed Commissioner W. von Schoen that while it has a high upfront cost, it does have one of the lowest O & M costs. Chairman Provencher stated that he believed the board was in agreement to move forward with AR. Commissioner W. von Schoen noted that the construction period was coming. With this information in mind, the board, in agreement, asked Emery to put the scope of work together. Peter Pitsas, of Underwood Engineers, asked Emery how he would cross the railroad tracks during the pilot testing. Emery stated that he was not sure and that would take some time to figure out. Chairman Provencher asked if there was a culvert that could be used, and Emery replied that there was not. Superintendent R. Miner stated that there was a culvert in the area of Parker Village. Emery and Pitsas discussed connecting regarding both size of sleeves and pricing if directional drilling will be used.

Circling back to salt reduction, Emery stated that he will connect with Business Manager J. Lavoie and Superintendent R. Miner to discuss the workload of encouraging businesses to reduce their salt use moving forward.

2. Board of Commissioners to receive an update from Underwood Engineers for ongoing projects to include:

a) Wells 2 & 9

Peter Pitsas informed the commissioners that the GAC is scheduled to be delivered on February 2, 2023. They are hopeful that this is a one-day job, but aware that it may take two. There will be a three-day wet out period. The GAC will be flushed on Monday. It will be backwashed, followed by a forward flow. A PFAS sample will be taken and sent off. Pitsas noted that it has been taking roughly three weeks for the sample results to come back. With this in mind, he expects the results to come back on or around February 28th. Pitsas stated that hopefully Wells 2 & 9 will be online the first week in March. Commissioner J. Lyons stated that he uses the same company and was informed this morning that rush processing is available. Business Manager J. Lavoie stated that she will reach out to confirm that rush processing is no longer being delayed, as previously reported. Pitsas informed the commissioners that there is still work being done, such as the start up of SCADA, and the training on the use of specific equipment. He stated that because of this, a three-week turnaround time would not set them back.

Chairman D. Provencher asked Pitsas how MVD is expected to know they won't receive a load of iron with this carbon, like what happened with Wells 7 & 8. Pitsas answered that Underwood is requesting a five-gallon pail of carbon from each truckload that is being delivered. This will allow Underwood to do testing if needed.

Pitsas informed the commissioners that both VFDs are in at Wells 2 & 9, the valves are in, and the generator is in. He noted that they are still waiting for the VFD cable for Well 9. When the plant goes online, it will go on with just Well 2. One of the design points of Well 2 was being able to pump 1,250 gallons per minute (gpm). Well 9 will also have the same capacity. This design feature was added in case one well needed to be shut down for any reason. Each well will run closer to the 1,000 gpm range on a normal basis. There is still no information from the contractor on when the

VFD cable for Well 9 will arrive. Pitsas stated that he believes the VFD cable was ordered in June of 2022.

b) Wells 4 & 5 media changeout

At this time, P. Pitsas informed the commissioners that the regenerated GAC media got from Wells 4 & 5 was brought back last week and put back into the vessel 1. It was flushed out on Monday, January 30th, and bacteria samples were taken. Pitsas stated that it will hopefully be ready to go back online once the results are received. Superintendent R. Miner informed Pitsas that the results are back, and Wells 4 & 5 are back online. Commissioner W. von Schoen asked if MVD received a certificate of destruction. Chairman Provencher stated that a letter had been received, and Pitsas added that the letter had some “weasel-y words.” Pitsas stated that based on the language of the letter there were “definitely lawyers involved” in the writing.

Pitsas informed the commissioners that Underwood received the December data for Wells 4 & 5 and are compiling that now. He made the commissioners aware that with the flipping of the lead and lag vessels they just want to be sure the data is correct.

c) Wells 7 & 8

Pitsas informed the commissioners that the iron analyzer has arrived, and the contractor is going to be coming in to install that in February. Underwood will need to coordinate some SCADA upgrades for that and do some training. Underwood is hoping to be able to finalize everything with the contractor in March. Chairman Provencher asked if backwashing is still taking place monthly or if it is becoming more frequent. Pitsas answered that it is roughly every month. Superintendent R. Miner added that the second vessel is starting to get a pressure differential as well. He noted that his thought is to shut off Wells 7 & 8. Chairman Provencher stated that he wished they could change out the lead vessel in the near future. Pitsas stated that Underwood was looking to have a meeting with Superintendent R. Miner and his operators to determine the best approach. He stated that he would not recommend changing it out too quickly in case they wanted to run some testing on it. Pitsas stated that it would be nice to be able to get a sample off of the top. It was noted that Well 7 is next to be cleaned and will likely be in April. Well 8 was cleaned in the fall of 2022.

3. Board of Commissioners to discuss Lead Vessel GAC Media Changeout Policy and possibly engaging an expert to review the *IRIS Toxicological Review of Perfluorobutanoic Acid (PFBA)*.

At this time, Chairman D. Provencher informed the public that he gathered some information on PFBA and explained that PFBA is listed as a product of other PFAS breakdowns. He stated that studies have associated PFBA with thyroid/hormone diseases, birth outcomes, amongst many other concerns. He also stated that he did find a notation about the lack of studies on humans. Chairman Provencher stated that a toxicological profile was just done on PFBA. He stated that he reviewed this profile and found it to be very confusing. Chairman Provencher stated that he read an additional report, produced in part by Katie Pelch, that was a review of the toxicological profile. The review explained that the toxicological review supports the conclusion that developmental, thyroid, liver effects in humans were caused by PFBA exposure in utero or during adulthood.

Chairman Provencher stated that the main point of this agenda item was to discuss whether the board wants to change the lead GAC vessel media out based on PFBA breakthrough. He stated that he believes the budget has factored in changing out the media every 8 months. Superintendent R. Miner

confirmed this. Chairman Provencher asked if MVD would entertain a policy that says to change lead vessel GAC media at the first breakthrough in the lead vessel (PFBA), or after 8 months, whichever occurs later. He stated that all of the data that MVD has collected up until this point has been on two brand new, fresh carbon vessels. Now MVD has the former lag vessel operating as the lead vessel. PFBA has already broken through that and Chairman Provencher expressed concern that the run life will not be the same. He stated his concern that if MVD implements a policy with the expectation that there will be a media changeout as soon as PFBA breaks through, this may commit MVD to something much more frequently than 8 months and therefore more costly than what is budgeted for. Commissioner W. von Schoen stated that he would assume that the moment a certain substance breaks through the lead vessel it would shorten the lifespan of the lag vessel. He stated that nothing would be gained by delaying the lead vessel's replacement. Commissioner von Schoen stated that it would be a question for the engineers to predict the change out based on what is currently being seen. He stated that the only thing he could see to save the day would be to add a filtration methodology that takes care of the short chains. It was noted that PFBA cannot be ignored.

Chairman Provencher asked if MVD would entertain a policy that says to change PFBA at the first breakthrough in the lead vessel, or after 8 months, whichever occurs later. He stated that all of the data that MVD has collected up until this point has been on two brand new, fresh carbon vessels. Now MVD has the former lag vessel operating as the lead vessel. PFBA has already broken through that and Chairman Provencher expressed concern that the run life will not be the same. He stated his concern that if MVD implements a policy with the expectation that there will be a media changeout as soon as PFBA breaks through, this may commit MVD to something much more costly than what is budgeted for. Commissioner W. von Schoen stated that he would assume that the moment a certain substance breaks through the lead vessel it would shorten the lifespan of the lag vessel. He stated that nothing would be gained by delaying the lead vessel's replacement. Commissioner von Schoen stated that it would be a question for the engineers to predict the change out based on what is currently being seen. He stated that the only thing he could see to save the day would be to add a filtration methodology that takes care of the short chains. It was noted that PFBA cannot be ignored.

Commissioner W. von Schoen reminded the commissioners that there is the option to be cautious now, and change out the media as it breaks through, while waiting for the new EPA guidelines. He pointed out that it would be less expensive to replace the media proactively than to fight potential lawsuits. Chairman D. Provencher stated that MVD did receive word from legal counsel that there is not any real legal exposure as a policy.

Commissioner J. Lyons asked what would happen at 8 months if nothing broke through. It was clarified that the media would not be changed out at that time.

Superintendent R. Miner will draft a policy for the board to review and vote on.

4. Board of Commissioners to discuss draft Warrant Articles for the 2023 Annual Meeting and Public Hearing.

At this time, the commissioners reviewed the Warrant Articles for the 2023 Annual Meeting. Business Manager J. Lavoie explained to the commissioners that at this meeting the Commissioners need to vote on whether or not the Warrant Articles are substantially written. This is because the DRA will not finalize their review without the Board recommendations. Articles 1 and 2 are regarding elected officials. Business Manager J. Lavoie noted that Article 3 was written by legal counsel. Article 3 reads: *Shall the Merrimack Village District vote to enter into a multi-year contract with Pennichuck Water Works in the total amount of \$(TOTAL) paid over a term of 3 years starting on July 1, 2023 in the 2023-*

2024 fiscal year and ending on June 30, 2026 in the 2025-2026 fiscal year with each annual payment in the amount of \$300,548.00, and to raise and appropriate the sum of \$300,548.00 for the first year's payment for that purpose. Commissioner W. von Schoen stated that he would like to see an explanation along the lines of "for supplemental water supply," added. He stated that it is more transparent with the explanation added. It was noted that the word "TOTAL" in parenthesis will be filled in with a dollar amount once the amount is confirmed. Chairman Provencher noted that this Warrant Article states that it requires a 3/5 majority vote. It was noted that it may be this way because it is over \$100,000. He asked Business Manager J. Lavoie to confirm with legal what makes this a 3/5 majority vote. It was noted that Article 7, which reads, *Shall the Merrimack Village District vote to raise and appropriate the sum of one hundred fifty thousand dollars (\$150,000) to add to the District's Non-Capital Reserve Fund under provisions of RSA 35:1-c, for the purpose of emergency water and/or the operations and maintenance of GAC Treatment facilities (if Article 6 passes, then for the purpose of the purchase of water and/or the operations and maintenance of GAC Treatment facilities). This sum to come from unassigned fund balance;* will allow the funds for Warrant Article 3 to be pulled from Non-Capital Reserve. Commissioner W. von Schoen asked if Article 7 should then be swapped into the position of Article 4. It was explained that the budget Warrant Article needs to come next. There were no other questions regarding Article 7. Article 6, which reads, *Shall the Merrimack Village District vote to change the purpose of the existing "emergency water and/or the operations and maintenance of GAC Treatment facilities" Non-Capital Reserve Fund created by Warrant Article 6 at the March 2021 Annual Meeting to the "purchase of water and/or the operations and maintenance of GAC Treatment facilities" Non-Capital Reserve Fund and to name the Commissioners as agents to expend from said fund;* is removing the "emergency" aspect of water purchase. This is to make it more consistent. Commissioner W. von Schoen stated that he does not feel the word emergency should be removed, but rather simply add "the purchase of water." Chairman Provencher stated that "purchase of water" would encompass all water purchases, including emergency water purchases. Commissioner W. von Schoen stated that by removing the word "emergency" MVD is losing the ability to respond to an emergency that is not resolved by the purchase of water. Superintendent R. Miner stated that he will discuss this with legal, but he believes MVD would be covered under "equipment and facilities." Commissioner W. von Schoen expressed agreement and stated that he just did not want to take away MVD's ability to respond.

Commissioner J. Lyons stated that he wants to be sure that Director Holton is going to be able to speak on the moving of funds, how much money is in each account, and why that amount of money is needed in each account. Superintendent R. Miner stated that he has spoken with Director Holton, and they are confident in the numbers. Commissioner Lyons stated that he recalled being asked very specific financial questions at the 2022 Annual Meeting that he was unable to answer. Director Holton was able to provide the information to answer the questions.

At this time, the Board of Commissioners determined that they had no further questions regarding the Warrant Articles.

MOTION BY COMMISSIONER W. VON SCHOEN TO APPROVE THE WARRANT ARTICLES, AS DRAFTED WITH PROVISIONS BY LEGAL AND APPROVAL BY THE DRA, TO MOVE FORWARD TO THE PUBLIC HEARING

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

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Nay:

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MOTION CARRIED

4-0-0

5. Board of Commissioners to discuss Verizon Wireless Lease change proposal.

The Commissioners were presented with a proposed lease change from Verizon Wireless in their Board packets. Commissioner W. von Schoen stated that he struggled with the proposal. Chairman Provencher expressed agreement, stating that there were a few things he noticed that were not in MVD's favor. Commissioner W. von Schoen noted that Verizon is proposing a significant reduction in payment and with inflation the way it is, and cost increases left and right, he does not feel comfortable with this. The proposal would bring the lease payments from \$2,626.92 down to \$2,000. It was noted that the current lease expires in 2025. If Verizon were to choose not to extend the contract, they would be required to give MVD 60 days' notice. If they fail to do so, the contract automatically renews for an additional 5 years. Commissioner W. von Schoen stated that his comment on the matter is the cost of everything has gone up and the Board is not in a position to explain to the rate payers that they are dropping the rent on a commercial lessee. Commissioner P. McLaughlin expressed his agreement.

**MOTION BY COMMISSIONER PAUL MCLAUGHLIN TO DENY THE LEASE
MODIFICATION PROPOSAL PUT FORTH BY VERIZON WIRELESS IN THE LETTER
DATED DECEMBER 27, 2022 FOR SITE ID 146399**

MOTION SECONDED BY COMMISSIONER W. VON SCHOEN

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

4

Nay:

0

MOTION CARRIED

4-0-0

6. Board of Commissioners to authorize acceptance of grant funds through the *Lead and Copper Service Line Grant, the Local Source Water Protection Grant and the PFAS Remediation Grant.* (Public Hearings to follow after Governor and Council approval)

Business Manager J. Lavoie explained to the commissioners that when MVD applies for a grant an authorization form needs to be signed before it can move forward with Governor and Council approval. Each of these grants were approved by NHDES. It was noted that these will need to be three separate motions.

Motion to accept Lead and Copper Service Line Grant:

**MOTION BY COMMISSIONER W. VON SCHOEN THAT THE BOARD OF
COMMISSIONERS OF THE MERRIMACK VILLAGE DISTRICT VOTE TO ACCEPT THE
LEAD AND COPPER SERVICE LINE GRANT IN THE AMOUNT OF UP TO \$50,000 FOR
THE REQUIRED *LEAD AND COPPER SERVICE LINE PROJECT* SHOULD IT BECOME
AVAILABLE WITH GOVERNOR AND COUNCIL APPROVAL. THIS MOTION WILL ALSO**

BE CONSIDERED AUTHORIZATION FOR THE SUPERINTENDENT, RONALD MINER TO EXECUTE GRANT DOCUMENTS AS NECESSARY

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

4

Nay:

0

MOTION CARRIED

4-0-0

Motion to accept Source Water Protection Grant:

MOTION BY COMMISSIONER PAUL MCLAUGHLIN THAT THE BOARD OF COMMISSIONERS OF THE MERRIMACK VILLAGE DISTRICT VOTE TO ACCEPT THE SOURCE WATER PROTECTION GRANT IN THE AMOUNT OF \$25,000 WITH THE MVD MATCH OF \$20,000 FOR THE CONTINUATION OF THE SALT REDUCTION/MITIGATION EFFORTS PROJECT SHOULD IT BECOME AVAILABLE WITH GOVERNOR AND COUNCIL APPROVAL. THIS MOTION WILL ALSO BE CONSIDERED AUTHORIZATION FOR THE SUPERINTENDENT, RONALD MINER TO EXECUTE GRANT DOCUMENTS AS NECESSARY.

MOTION SECONDED BY COMMISSIONER J. LYONS

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

4

Nay:

0

MOTION CARRIED

4-0-0

Motion to accept PFAS Remediation Grant:

MOTION BY COMMISSIONER J. LYONS THAT THE BOARD OF COMMISSIONERS OF THE MERRIMACK VILLAGE DISTRICT VOTE TO ACCEPT THE PFAS REMEDIATION GRANT FOR TWO PROJECTS IN THE AMOUNT OF \$1.5M FOR EACH PROJECT FOR THE MAINLINE EXTENSION PROJECT FOR HOMES AFFECTED BY PFAS CONTAMINATION OF PRIVATE WELLS SHOULD IT BECOME AVAILABLE WITH GOVERNOR AND COUNCIL APPROVAL. THIS MOTION WILL ALSO BE CONSIDERED AUTHORIZATION FOR THE SUPERINTENDENT, RONALD MINER TO EXECUTE GRANT DOCUMENTS AS NECESSARY.

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

Nay: 4
0

**MOTION CARRIED
4-0-0**

7. Board of Commissioners to review and vote on the Cost of Living Adjustment (COLA) of up to 7%.

At this time the commissioners moved forward with a discussion on the Cost of Living Adjustment (COLA). Commissioner W. von Schoen asked if this vote included merit increases or was strictly COLA. It was clarified that this was in regard to only COLA. Chairman Provencher asked if a COLA increase also increases the salary range for each position, to which Commissioner P. McLaughlin answered that it does bump the ceiling of each salary range. Business Manager J. Lavoie informed the commissioners that it was her understanding that a 7% COLA increase was mentioned in a previous discussion, but the Social Security COLA was 8.7%. Commissioner P. McLaughlin confirmed that it was in the high 8%. Chairman D. Provencher stated that he felt a 7% COLA might be a little excessive. He stated that on years with a negative COLA he would not expect staff to take a pay cut. He noted this would be under the premise that in the years following, if there were a negative COLA the board would not reduce the wage. Commissioner von Schoen stated that the current board cannot speak for future boards. It was noted that there have been years that MVD staff has not received a COLA. Chairman Provencher stated that he would be more in favor of a 5% COLA. Superintendent R. Miner informed the commissioners that the average COLA in NH towns was 5.9%. Commissioner W. von Schoen stated that in the interest of keeping this short, he would propose a COLA of 6%. Commissioner W. von Schoen stated that he would like this to reflect that a 6% COLA, while not the 7% or 8.7% that some may have been hoping for, is not nothing. He referenced the earlier discussion of holidays and PTO, and leaving some decisions up to management, and stated that something has to give, for example the 14 days of holiday a year.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT A COST OF LIVING INCREASE OF 6%, WHICH ALSO HAS AN IMPACT ON SALARY RANGES
MOTION SECONDED BY COMMISSIONER J. LYONS**

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

Yea: Donald Provencher, Wolfram von Schoen, Paul McLaughlin, John Lyons

Nay: 4
0

**MOTION CARRIED
4-0-0**

**Let the record show that at 8:00 PM Commissioner J. Lyons was excused from the BOC meeting.*

8. Board of Commissioners to discuss timeline to review minutes.

At this time, the commissioners discussed the timeline to review the minutes. It was discussed that minutes must be made available for public inspection within five business days after the meeting. Chairman Provencher asked if this meant the meeting minutes needed to be published as draft within five business days. Business Manager J. Lavoie stated that they do need to be available upon public request within five business days. She also noted that Legal has made MVD aware that the RSA does not yet recognize the video publication as an acceptable form of meeting minutes. Commissioner W. von Schoen commented that they had previously heard otherwise from different legal counsel. Chairman D. Provencher stated that if the normal meetings typically take place on a Monday, they will need to be available to the public by the following Monday. He requested to have the minutes circulated to the commissioners by the Friday following the meeting. It was noted that the Recording Secretary relies on the weekend time to complete the meeting minutes. Chairman Provencher expressed understanding. It was determined that the minutes do not need to be posted within five business days, but they do need to be available upon request. This would allow the commissioners to make edits they deem reasonable. It was noted that the minutes can still be amended at the meetings before approval. Business Manager J. Lavoie informed the commissioners that the minutes can take anywhere between 12 and 14 hours to complete. Commissioner W. von Schoen asked if the recording secretary was paid by the hour. This was confirmed. Chairman D. Provencher asked if the recording secretary uses the video to transcribe the meeting minutes. It was explained that a recording is uploaded into a software program and the minutes are transcribed during play back. Chairman Provencher stated that the recording secretary does a terrific job. Commissioner W. von Schoen offered his agreement. At this time, it was determined that meeting minutes will be available for public inspection within five business days of a meeting. If there is a reason this cannot be accommodated, communication and transparency is expected.

9. Board of Commissioners to discuss draft Plan Review Policy.

At this time, Chairman D. Provencher read the following statement, “if irrigation demands are not supplied for review, irrigation is not to be allowed in excess of design average domestic demands.” He stated that he believes irrigation is where they were headed with this policy. He stated that he understands the policy to be saying that if a developer comes in and presents MVD with their water requests they need to include irrigation in their demand. He continued to read the following statement, “all existing demands, as well as planned demands, projects that are approved for construction, will be factored into the plan review process to determine water availability.” Chairman Provencher asked if this was on a site specific basis. Superintendent R. Miner explained that this piece is in regard to situations when new developments have come forward after approvals were given to those in the surrounding areas. This states that the developments that were previously granted approval need to be factored in when considering new applicants for water availability. Concern was expressed about developers who request above what they need for phase 1 of a project with the expectation of moving the extra allotted water to phase 2. The commissioners reiterated that MVD should always be considering the total water allocation of a project.

Commissioner W. von Schoen was concerned that something was missing but noted that it may be encompassed in part of the second to the last bullet, which reads, “the MVD water system model will be used to simulate the impact of a proposed development on the existing water distribution system.” He noted that there have been cases with some of the recent developments where MVD required the developer to add an additional section of piping to close a loop and avoid a dead end. He stated that this may already be encompassed in the policy and if Superintendent R. Miner is satisfied with it, he is as well. Superintendent R. Miner stated that that was the intent of the line Commissioner von Schoen read, which could imply that a dead end may need to be alleviated. Commissioner W. von Schoen suggested

adding something to state that if the model indicates that corrective action is needed, the corrective action will be at the expense of the applicant.

It was also suggested that something to the effect of “any changes from the original approved appropriation needs to come back for re-review,” be added.

Commissioner W. von Schoen stated that what he does not see in the policy is commercial applications and noted that the language seems very residential focused. He questioned how MVD would respond to a commercial applicant. Superintendent R. Miner stated that they would go through the same process. Commissioner von Schoen stated that the policy should mention that. It was suggested that the language change from number of units to a specific number of gallons per day to better encompass both residential and commercial applicants.

10. Board of Commissioners to discuss draft Variable Frequency Drive (VFD) Bypass Policy.

Superintendent R. Miner stated that he really did not have anything on the Variable Frequency Drive (VFD) Bypass Policy, and explained that he was putting together information to draft a policy. He asked the commissioners if a bypass policy was needed. Commissioner W. von Schoen stated that he had initially raised questions because it was not clear who knew how and when, and under what circumstances, a VFD can be bypassed. He stated that it was more of a work instruction than a policy. Peter Pitsas explained that at both the Wells 4 & 5 and Wells 2 & 9 Treatment Plants the VFDs do have a soft start bypass. Pitsas stated that there was training on the soft start bypass at Wells 4 & 5 and additional training will happen this month. The VFDs at the Wells 7 & 8 Treatment Plant are not set up with a soft start bypass. Pitsas explained that a soft start is at full throttle but starts up slow. From there the flow rate will need to be valved back. Commissioner W. von Schoen explained that a soft start prevents the current inrush. It creates artificial resistance for a short period of time.

Pitsas explained to the commissioners that while Wells 7 & 8 Treatment Plant high-lift pumps are not set up with a soft start bypass, there are two pumps. If a VFD were lost, the second pump would run simultaneously rather than alternating. Pitsas stated that there are also two backwash pumps. It was stated that the chance of both pumps going down is far less than the chance of one pump going down.

Superintendent R. Miner informed Pitsas that he had spoken with Brian, who had spoken with A&D regarding the VFD and was told it would be another 16 weeks out. The order was placed in June 2022. Chairman Provencher asked what this was regarding. Superintendent R. Miner explained that there is a VFD that is down at Wells 7 & 8, and it is down to one motor. If they were to pay a couple thousand dollars more through a different vendor MVD could have the VFD this week. Superintendent R. Minder stated that they will be going that route. It was noted that the cabinets were very small, and it was going to be a close fit. Chairman Provencher asked if this was a \$20,000-\$30,000 item. Superintendent R. Miner answered that it was closer to \$12,000-\$15,000.

Superintendent R. Miner asked Pitsas if the O & M manuals for Wells 4 & 5 and Wells 2 & 9 will have a procedure for the soft start bypass. Pitsas said they will have a video, but each should have their own O & M manual with a written procedure. He will double check this.

11. Board of Commissioners to review the minutes from the November 21, 2022 (tabled from the 12/19/22 meeting) and the December 19, 2022 regular BOC meetings.

APPROVAL OF MINUTES

Board of Commissioners Regular Meeting November 21,
2022

TABLED

Board of Commissioners Regular Meeting December 19,
2022

TABLED

12. Board of Commissioners to review Action Items from previous meetings and items to be added from this meeting.

The Commissioners reviewed the list of Action Items, removing tasks that have been completed, and making necessary additions. Of this numbered list, the commissioners addressed number 65, *Superintendent R. Miner to report on the hydrant investigation*. Superintendent R. Miner stated that he did not have an update above what was discussed during the December 2022 BOC meeting. Chairman D. Provencher asked if MVD was going to attempt to look inside the hydrant in question with a camera. He also asked if Superintendent R. Miner had responded to the residents that had raised concerns about the effectiveness of this hydrant. Superintendent R. Miner answered that he provided the residents with the flow data and answered all the questions that were submitted. An additional flow test throughout the neighborhood was done and the results were shared. Superintendent R. Miner informed the commissioners that they did attempt to look into the hydrant with the camera that was ordered but nothing was visible. The flow data indicates no reason to take the hydrant apart.

13. Old Business - None

14. New Business

Chairman Provencher stated that he was wondering if it makes sense to look into putting anion resin treatment following the carbon filters. Commissioner W. von Schoen stated that he thinks it should be investigated further. Chairman Provencher stated that he'd like Underwood to put together a cursory information sheet. This would include information regarding what would be required, what size vessel would be needed, etc. Commissioner W. von Schoen expressed that it would be good to know what kind of expense this would be. Pitsas said he would talk with Keith Pratt about this and look further into the cost. Pitsas stated that he would also wonder if new technologies will be coming out in the next few years. Chairman Provencher noted that he has heard that resin is better at short-chains and would be a nice compliment to the GAC. Commissioner W. von Schoen stated that this is something to keep in mind when considering the size of the polishing vessel. He reiterated that the resin would only be used to take the short-chains out because the traditional ones would already be held back by the GAC. Pitsas stated that at this time the piping is not set up to install a resin treatment vessel between the two GAC vessels, but he will look at the piping again. Chairman Provencher suggested doing a pilot test to see how resin performs on a small scale. Pitsas stated that he was aware piloting columns are going in at Wells 4 & 5 and asked if the commissioners would be interested at looking into putting piloting columns in at Wells 7 & 8, and 2 & 9. This went unanswered.

15. Superintendent's Report

Superintendent R. Miner informed the commissioners that the MVD will be assisting the town with snow plowing. The contract is done and there are two MVD staff members that are interested. The town will pay MVD, and MVD will pay the employees. MVD covers any compensation to the employee, including workman's comp. Superintendent R Miner stated that the liability falls to the town.

16. Questions from the Public/Press - None

ADJOURNMENT

**MOTION BY COMMISSIONER W. VON SCHOEN TO ADJOURN
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN
MOTION CARRIED
3-0-0**

The January 31, 2023 meeting of the Board of Commissioners was adjourned at 9:38 p.m.

Submitted by Amanda McKenna, Recording Secretary