

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
DECEMBER 19, 2022
MEETING MINUTES
(approved February 23, 2023)**

A regular meeting of the Board of Commissioners was conducted on December 19, 2022, at 5:08 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided electronically:

Members of the Board present: Kenneth Ayers, Vice Chairman
 Paul McLaughlin

Members of the Board Absent: Wolfram von Schoen, Personnel Liaison
 John Lyons

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 November, Merrimack Village District (MVD) is 42% through the fiscal year. She noted that the major difference between the month of November and the month of October, in terms of expenses, will be seen under the R & M accounts. Maher stated that the R & M accounts used to be done on a year-end basis but will now be done monthly. Maher informed the commissioners that in terms of percentages, MVD is in line with the year. She noted that having the R & M accounts done on a monthly basis allows the commissioners to see that revenues are also in line.

Chairman D. Provencher asked about account 60600 (Chemicals), stating that it appears to be quite a bit below budget, coming in at 26 % of budget. K. Maher explained that this was due in part to using more water from Pennichuck Water Works (PWW). She noted that as the purchase of water from PWW declines, there will be a noticeable shift in this account. Chairman Provencher also asked about account 70010.2 (Office equipment software). He noted that there was \$14,000+ shown and asked if this was the upgrade of the existing accounting software or something else. K. Maher answered that the Lead & Copper service project requires specific software, and this reflects the 3-year lease of that software. At this time, Chairman Provencher asked what “WDS” stood for as he had never seen it referenced. K. Maher explained that it is an abbreviation for “Water District System.”

- B. Bank Account Summary Review**
- C. Sick time and paid time off – *TABLED***
- D. Juneteenth discussion – *TABLED***
- E. Monthly billing – *TABLED***

REGULAR SESSION

1. 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 VFD 2 has been wired, the well pump has been started up and all of the piping at the well has been installed. VFD 9 has not been hooked up yet because the electrical cable was ordered too late, and they are waiting for its arrival. He reminded the commissioners that they have not yet received approval for Well 9. Chairman Provencher informed Pitsas that MVD has been awarded approval by DES for the full 1,000 gpm. Pitsas informed the commissioners that the VFD is on site and in position. The generator is also on site and the contractor is looking to do the load bank test on that soon. The GAC is scheduled to be delivered the first or second week of January 2023. The building is closed in and weather tight. Chairman Provencher asked if the contractor had given Underwood a date of when the electrical wire is anticipated to arrive. Pitsas answered that the contractor is not forthcoming with information and Pitsas has not been given an anticipated arrival date.

Chairman Provencher asked if the well house building at Well 2 was gone. Pitsas answered that it was still there and will remain. Pitsas informed the commissioners that at the end of the contract the line feed building will remain but will not be needed. He noted that it could be used for storage, but it is not a flat building and has a pit area when you walk into it. It was noted that demolition was not included in the contract due to concerns of cost.

b) Source Alternative Cost Analysis

At this time, Keith Pratt informed the commissioners that this is just a reminder of where things stand and what Underwood's recommendations are moving forward. He reminded the commissioners that Underwood did a 2021 Water Supply Options update, which is a document that targeted the most cost-effective supply options to meet the needs of MVD. Per MVD's request, that document was most recently updated in July of 2022. New costs were established based on current construction cost issues and recent experience with biddings. Pratt stated that not much had changed aside from a proportional increase in costs and Underwood's recommendations had stayed the same. Pratt informed the commissioners that MVD has been searching for a supply for a long time. The supply needed could range from 0.5M gpd – 1M gpd, depending on inefficiencies, to meet max day demands in the summer months. The three options that came out of the study as the best options from a cost perspective were to finalize a wholesale arrangement with PWW, to advance Mitchell Woods, or advance Artificial Recharge (AR). These options came out on top because other options were either too costly or outside of the MVD boundaries. Pratt noted that historically there has been a desire to keep the supply needs within Merrimack and under the control of MVD. He explained that a wholesale agreement with PWW is being advanced because it will take at least three years to advance Mitchell Woods or AR. The near-term solution would be to advance PWW. Underwood is suggesting that MVD advances Mitchell Woods and AR from a preliminary design point view to update easements and details. Having PWW on the table allows MVD the time to do that. Pratt explained that in a year or two MVD will have advanced far enough with each option to better determine the long-term path. Pratt stated that Underwood believes MVD will move forward at that point with either AR or Mitchell Woods if the costs and yields are what they expect. At this time, Pratt

shared a table with the commissioners. He explained that AR, Mitchell Woods, and a wholesale agreement with PWW were generally the cheapest options for MVD, from both a capital point of view as well as a long-term operating point of view. AR and Mitchell Woods were the cheapest for O&M, which is why Underwood has been advancing them. Pratt explained that a wholesale agreement with PWW is low on the capital costs, but higher on the O&M costs, making it an okay short-term solution as MVD advances other options.

At this time, Chairman D. Provencher asked a question about the vessel capacity at Wells 4 & 5. Pratt explained that the vessels were selected to be able to pass 1,000 gpm, however, more media would need to be installed. This may require additional improvements, but there is potential to reach more than 870 gpm at this facility if AR is successful. The permitted withdrawal is 420 gpm on a 24-hour, 364-day, basis. It can be run at 625 gpm for periods of time, not to exceed an annual average of 420 gpm. To run this at 1,000 gpm would require a full re-permitting of the wells as the historic permit is for 870 gpm.

Vice Chairman K. Ayers looked to confirm that AR would cost roughly \$7M to get up and running and roughly \$70,000 annually to maintain it. Pratt confirmed these numbers and informed the commissioners that they were conceptual. He informed the commissioners that if this were to be taken to a warrant article Underwood would suggest preliminary engineering. Underwood's suggested next steps are to advance the PWW agreement, which MVD is doing, and to advance the preliminary design for both AR and Mitchell Woods. When those pieces of work are done Underwood will work with MVD on final decisions about what should be brought to a warrant article. It was noted that Underwood has worked on AR within the communities of Durham and Dover. Chairman Provencher noted that the Merrimack River water that would be used for AR has single digit PFOA in it, and the water that is in the aquifer right now is in the 40s-50s ppt, and therefore using AR would dilute the PFOA, and theoretically extend the life of the vessels. Pitsas noted that Emery had also mentioned it would dilute sodium and chloride levels as well.

Chairman D. Provencher noted that the Board of Commissioners should probably discuss budgeting for the initial studies for AR and Mitchell Woods. Pratt suggested the commissioners target \$70,000 for AR and \$30,000 for Mitchell Woods for budgeting purposes. Chairman Provencher stated that to start after the new year, this would need to come out of the present budget. He asked if there was any engineering budget available, or anything similar, or if this could be funded from one of the capital reserve accounts. Superintendent R. Miner stated that he would have to discuss this with Director Holton, as he was unsure. Chairman Provencher stated that he would rather not wait six months for the new budget to take effect. He asked Keith Pratt to put together a scope of work on AR and Mitchell Woods. Pratt agreed as long as there was commitment to wanting to proceed. The other commissioners expressed agreement with moving forward. Pratt stated that Underwood would put a scope together for each.

2. Board of Commissioners to discuss potential Warrant Articles for the 2023 Annual Meeting and possible date change for the Public Hearing.

At this time, Chairman D. Provencher posed the question as to whether or not MVD wanted a warrant article or some other means of finding out from MVD customers if their desire for non-detect of all

PFAS is something that is worth the commissioners investigating. He reminded the commissioners that when the warrant articles were initially contemplated and presented in 2019, Underwood had put together a slide show and did a rate study to evaluate what rate increases MVD customers would be facing based on the PFAS treatment warrant articles. In that presentation, it was stated that there was a goal of non-detect of all PFAS. This comes at an additional cost, which was factored into the rate study at the time. The warrant articles were written in a way that did not promise non-detect PFAS. The warrant articles were to approve treatment to reduce the amount of PFAS. MVD is required to provide drinking water that is under the MCL. Chairman Provencher stated that the only violation in the PFAS MVD has in the raw water is PFOA. He did note that PFBA and PFPrA are breaking through into the drinking water at Wells 4 & 5, and some customers have expressed concern. Chairman Provencher stated that MVD is not technically complying with the goal that they represented in the presentation of the warrant articles, but they are compliant with the MCLs of the regulated compounds. He asked if it makes sense for MVD to attempt to calculate what the additional rate impacts would be if MVD were to try to implement the prior goal of non-detect of all PFAS. He stated that he feels it might be better if there is not a binding warrant article. Vice Chairman K. Ayers asked if there has been discussion about either state or federal MCLs assigned to either PFBA or PFPrA. Pratt answered that he knows the EPA is looking at setting different limits on existing standards, and possibly adding one or two more, but he would need to look into that. At this time, Chairman D. Provencher corrected a statement he had made earlier, noting that it is not PFPrA that is breaking through, but rather PFPeA. He noted that he believes that the health advisory that was being discussed for PFBA was very high. He believes this to be the case because it is perceived to pass through the body faster. He did, however, state that he has heard from some customers that they would prefer not to be drinking any PFAS at all because that is what had been presented to them. Superintendent R. Miner informed the commissioners that he had forwarded them an email from Underwood Engineers regarding a 13-month double change out of media. Vice Chairman K. Ayers questioned if there was anyway for MVD to have non-detect PFAS. Superintendent R. Miner stated that he believes it was a 13-month change out to be PFAS non-detect based on what MVD currently tests for. Chairman D. Provencher stated that if it is just a small number of customers concerned about the small chains, it probably makes more sense for them to put in their own reverse osmosis system. He also stated that he was not saying that MVD should get involved with that, but it may be less costly in the long run to look into MVD potentially funding some in home reverse osmosis installations, versus changing out the media every 8 months. Pratt informed the commissioners that he has not seen a warrant article be presented to a legislative body at town or district level where they ask operational questions. His recommendation is for the commissioners to figure out a way to make a decision and get feedback from the voters, but he would shy away from putting a binding warrant article out regarding operational decisions. Pitsas also added that he would shy against using the term “PFAS free,” with the concern that as testing progresses PFAS free may be unattainable. Returning to Chairman Provencher’s thoughts on funding some in-home reverse osmosis systems, Vice Chairman K. Ayers stated that he does not feel that MVD should be responsible for this cost as they were not the polluter. Additionally, he asked if this would give the impression that MVD water is not safe to drink. It was also noted that there would be no way of tracking whether or not the funds were actually used for this, and if the homeowner continued with upkeep. Chairman Provencher noted that he had just been thinking out loud of ways to avoid spending hundreds of thousands of dollars annually to change out media to end up treating irrigation water in the middle of summer. K. Pratt stated that a lot of weight was being put on the presentation(s) from 2019. He asked how it was stated. Chairman Provencher stated that he is confident that a goal of non-detect was stated. He asked Pratt to look into the PowerPoint presentation. Pratt was able to pull up the presentation from 2019 and confirmed that the words “below detection” were used.

At this time, Chairman Provencher asked if anyone had anything to present on the potential warrant articles for the 2023 Annual Meeting and a possible date change for the Public Hearing. Superintendent R. Miner informed the commissioners that they should have a list of warrant articles from last year in

their board packets. He explained that these are the typical warrant articles that are seen every year, and the only thing that changes are dates and numbers. Superintendent R. Miner reminded the commissioners that they had discussed additional potential warrant articles, including the PWW wholesale agreement. Chairman D. Provencher asked if the wholesale agreement required the involvement of the legal team. Superintendent R. Miner stated that the legal team has been involved. He also noted that any warrant article that is drafted goes to DRA and the legal team to check the wording. Superintendent R. Miner stated that he will draft the warrant article and the Board of Commissioners will see it at the January meeting. Business Manager J. Lavoie informed the commissioners that the warrant articles are pretty standard, and the DRA now has templates and most of the wording is no longer original to MVD. Chairman D. Provencher noted that the only new warrant article would be the PWW's wholesale agreement and another, should MVD choose to add a nonbinding warrant article regarding short chain PFAS treatment. Chairman D. Provencher quickly reviewed the warrant articles:

1. Choosing two commissioners
2. District Clerk
3. The operating budget
4. The contingency fund
5. Non-Capital Reserve fund
6. System Development Capital Reserve fund
7. Equipment and Facilities Capital Reserve fund

Chairman D. Provencher asked if the Non-Capital Reserve fund (Warrant Article #5) needed to be replenished and if MVD had expended out of it at all. Superintendent R. Miner stated that he does not believe they expended it. Chairman D. Provencher asked if the water purchased from PWW at the emergency rate had been funded out of the budget. Superintendent R. Miner stated that it is currently being funded through the budget and he believes they will then move to the capital reserves if need be. Chairman D. Provencher asked if warrant article number 5 could be deleted or if there was a need/want to commit more funds to that. Superintendent R. Miner stated that there are options, including removing the warrant article. It was determined that warrant article number 5 will be kept as a place holder until it is determined where the budget lands. Chairman D. Provencher asked if anything had been expended out of the Equipment and Facilities Capital Reserve fund. Superintendent R. Miner answered that there are some expenditures that will come out of this. He explained that typically the money is spent first and then assigned to the capital reserve fund. He noted that there are some expenditures that the board has already approved to come out but have not yet been applied to that funding. Superintendent R. Miner suggested leaving article 7 in as a place holder. Business Manager J. Lavoie informed the commissioners that they would draft the articles and get them to the commissioners, but these were place holders for the commissioners to see. Vice Chairman K. Ayers asked when the public is allowed to submit warrant articles. Business Manager J. Lavoie stated that she does not have the dates in front of her, but they are posted. Chairman D. Provencher asked when the wording would need to be submitted if they chose to pursue a warrant article on the PFAS limits. Business Manager J. Lavoie answered that she did not have the dates available, but they were posted. Vice Chairman K. Ayers asked if they were planning on pursuing a PFAS warrant article. Business Manager J. Lavoie reminded the commissioners that P. Pitsas had advised against it. Chairman Provencher asked if the DRA would weigh in if MVD chose to do a PFAS article, even if it is non-binding. Business Manager J. Lavoie explained that they will only check it for legality. Superintendent R. Miner suggested doing a survey rather than an article regarding PFAS. Commissioner P. McLaughlin stated that he does not feel a warrant article would give much more information than MVD already has, especially if it is non-binding.

At this time, Chairman Provencher moved on to discuss changing the date of the Public Hearing. He stated that he would be away on the original scheduled date of the Public Hearing and was wondering if others would be open to changing the date. There is room availability on Thursday, February 23, 2023.

After some discussion, it was determined that the regularly scheduled Board of Commissioners meeting should also be moved to Thursday, February 23, 2023.

MOTION BY COMMISSIONER P. MCLAUGHING TO MOVE THE FEBRUARY 2023 BOARD OF COMMISSIONERS MEETING AND PUBLIC HEARING TO THURSDAY, FEBRUARY 23, 2023

MOTION SECONDED BY COMMISSIONER K. AYERS

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

Yea: Donald Provencher, Ken Ayers, Paul McLaughlin

3

Nay:

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MOTION CARRIED

3-0-0

3. Board of Commissioners to hear update on the Peak Demand Usage and Overall vs Permitted Consumption Policy.

Superintendent R. Miner informed the commissioners that he spoke with Keith Pratt regarding this, and he is working on drafting a policy. Once that is complete, he will pass it off to Keith Pratt of Tom Page to review. He would like to have this available for the January meeting.

4. Board of Commissioners to hear update on the bypass of a defective variable frequency drive (VFD) procedure.

Superintendent R. Miner explained to the commissioners that he will be working with Peter Pitsas on this procedure.

5. Board of Commissioners to hear update on the Forest Ave hydrant investigation.

Superintendent R. Miner informed the commissioners that MVD went out to the site and did some fire flow data on the hydrant. The hydrant in question, as well as others in the neighborhood, performed well. He reported that fire flow was available at 20 psi, and roughly 5,000 gallons per minute, which he reported to be very good. Superintendent R. Miner stated that they did not have the chance to open the hydrant and look inside with a camera. He explained that the camera scope he had purchased required the hydrant to be taken apart, but it is an operational hydrant. It was noted that he used the side port, but it was all open inside. Superintendent R. Miner stated that he had not yet contacted the residents with this information but will be sending them copies of the fire flows. No debris was seen, and the hydrant opened as expected. Chairman D. Provencher asked to be reminded of what was reported initially. Superintendent R. Miner explained that it was claimed that the hydrant was open, but there was no water, and the hose was flat. He reminded the commissioners that the day following the fire MVD went out to the site and gauged the hydrant (there was roughly 1200 gpm). He reminded the commissioners that the hydrant had been serviced in June of 2022. Each time that the hydrant has been flowed it has operated normally. Commissioner P. McLaughlin noted that the only difference he was seeing between all of the tests and what actually happened is that one time it was hooked up to the fire truck and all of the other times it was not, and all of the other times it functioned it normally, and the one time it did not. He noted that this was simple observation and not blame.

6. Board of Commissioners to review the minutes from the October 17, 2022 and November 21, 2022 regular BOC meetings.

APPROVAL OF MINUTES

Board of Commissioners Regular Meeting October 17, 2022

The following amendment was offered:

Page 6, line 43 reads, “...water yielding agreement...” and should read, “...water wheeling agreement...”

MOTION BY COMMISSIONER P. MCLAUGHLIN TO ACCEPT THE MEETING MINUTES OF THE OCTOBER 17, 2022 BOARD OF COMMISSIONERS REGULAR MEETING AS AMENDED

MOTION SECONDED BY COMMISSIONER K. AYERS

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

Yea: Donald Provencher, Ken Ayers, Paul McLaughlin

3

Nay:

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MOTION CARRIED

3-0-0

Board of Commissioners Regular Meeting November 21, 2022

TABLED

MOTION BY COMMISSIONER P. MCLAUGHLIN TO TABLE THE MEETING MINUTES OF THE NOVEMBER 21, 2022 BOARD OF COMMISSIONERS REGULAR MEETING

MOTION SECONDED BY COMMISSIONER K. AYERS

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

Yea: Donald Provencher, Ken Ayers, Paul McLaughlin

3

Nay:

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MOTION CARRIED

3-0-0

7. 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 23, and confirmed that the graphs on the MVD website would be updated regularly. Chairman D. Provencher addressed item 43, the ongoing salt committee meetings. He expressed concern over the amount of salt usage he has seen this winter and would like to find a way to better manage this. He noted that the Town is also guilty of overusing salt. Superintendent R. Miner stated that he had wondered if more salt use would be seen this year due to lack of manpower.

8. Old Business - None

9. New Business

Chairman Provencher stated that there were a few things he would like considered for adding to the budget for the next fiscal year. He noted that he believes that the PWW's wholesale agreement requires some level of SCADA. Superintendent R. Miner informed Chairman Provencher that this is already happening as part of the current upgrade. Chairman Provencher stated that he was also wondering if MVD wanted to add \$20,000 or \$30,000 to pilot test resin as a follow up to the carbon, possibly at Wells 4 & 5 where there are test columns set up. He stated that it may help to reduce the short chains.

10. Superintendent's Report

Superintendent R. Miner informed the commissioners that the first change out at Wells 4 & 5 had taken place on December 8, 2022. He stated that he sent the commissioners a picture. The change out went well and should be roughly a 2–3-week turnaround. Superintendent R. Miner also informed the commissioners that the final application for the Main Line Extension grant was submitted on December 8th. MVD will have three of these grants. Business Manager J. Lavoie corrected this, stating that there are three areas targeted for water main extensions, but two grants, totaling \$3M.

It was noted that PFAS sampling results are taking longer to receive.

At this time, Chairman Provencher asked if Saint Gobain had approached MVD regarding additional water mains that they are being required to install. Business Manager J. Lavoie answered that Saint Gobain had not reached out. Chairman Provencher stated that a few years back there had been a water main run and extra funds had been spent to extend the main line down to the Bedford line. Superintendent R. Miner stated that he believed it to be roughly \$340,000 and expressed that he felt Saint Gobain should be paying for that extension as well. Chairman Provencher stated that he was not sure if the additional wells they needed to connect were those wells where the line had already been run. Chairman Provencher stated that he wanted to be sure MVD could recoup that money if those homes needed to be connected. Superintendent R. Miner agreed, and stated Saint Gobain should be paying for that and noted that MVD did Saint Gobain a favor, and it would no longer be that same cost today.

11. Questions from the Public/Press - None

ADJOURNMENT

MOTION BY COMMISSIONER P. MCLAUGHLIN TO ADJOURN

MOTION SECONDED BY COMMISSIONER K. AYERS

MOTION CARRIED

3-0-0

The December 19, 2022 meeting of the Board of Commissioners was adjourned at 7:55 p.m.

Submitted by Amanda McKenna, Recording Secretary