

**MERRIMACK VILLAGE DISTRICT**  
**BOARD OF COMMISSIONERS**  
**APRIL 17, 2023**  
**MEETING MINUTES**  
**(approved May 15, 2023)**

A regular meeting of the Board of Commissioners was conducted on April 17, 2023, at 5:02 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

Members of the Board present:        Kenneth Ayers, Vice Chairman  
   Wolfram von Schoen, Personnel Liaison  
   John Lyons

Members of the Board Absent:

Also in Attendance:                        Ron Miner, Superintendent  
   Jill Lavoie, Business Manager  
   Kristen Maher, Senior Accountant

---

**FINANCE/HUMAN RESOURCES REVIEW**

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

Kristen Maher, Senior Accountant, informed the Commission that having completed the month of March, Merrimack Village District (MVD) is 75% through the fiscal year. K. Maher stated that the revenue is at 85% of the budget and the expenses are at 69% of the budget. Maher explained that Mercantile is one of the driving accounts behind revenue being at 85% of budget and she and Amy Doucette have started to investigate this. They have discovered that there is an increase in consumption from last year, and they are trying to determine if there are additional mercantile customers compared to the previous year. She stated that she was hoping to have more information available for the May BOC meeting. Maher also informed the commissioners that MVD has received some grants for water protection that will offset some later expenses. Maher noted that the cost of utilities was lower than expected with the purchase of water from Pennichuck Water Works (PWW). This was a driving factor in the expenses coming in at 69% of the budget. It was clarified that the purchase of water from PWW was under a special rate that has now ended. This special rate was approved under emergency circumstances. Circling back to the grant, Maher explained that this will be offsetting expense accounts 70750 and 81500. The grant total is \$25,000. Chairman Provencher questioned account 70045.3 (Hydrant Enhancements) being roughly double the budget. Maher explained that this also represented Hydrant R & M, but there was reclassification to that budget line for the Fiscal Year '24, and it will represent only new hydrants.

**REGULAR SESSION**

**1. Board of Commissioners to elect the 2023 Chairman, Vice Chairman and Personnel Liaison.**

Chairman D. Provencher called for nominations for Chairman of the Merrimack Village District Board of Commissioners for the 2023-2024 term.

**COMMISSIONER J. LYONS NOMINATED COMMISSIONER D. PROVENCHER  
SECONDED BY COMMISSIONER K. AYERS**

**VOTE ON ELECTION OF D. PROVENCHER TO THE POSITION OF CHAIRMAN OF THE  
MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2023-2024  
TERM**

**MOTION CARRIED**

**4-0-0**

Chairman D. Provencher called for nominations for Vice Chairman of the Merrimack Village District Board of Commissioners for the 2023-2024 term.

**COMMISSIONER W. VON SCHOEN NOMINATED COMMISSIONER K. AYERS  
SECONDED BY COMMISSIONER J. LYONS**

**VOTE ON ELECTION OF K. AYERS TO THE POSITION OF VICE CHAIRMAN OF THE  
MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2023-2024  
TERM**

**MOTION CARRIED**

**4-0-0**

Chairman D. Provencher called for nominations for Personnel Liaison of the Merrimack Village District Board of Commissioners for the 2023-2024 term.

**COMMISSIONER K. AYERS NOMINATED COMMISSIONER W. VON SCHOEN  
SECONDED BY COMMISSIONER J. LYONS**

**VOTE ON ELECTION OF W. VON SCHOEN TO THE POSITION OF PERSONNEL LIAISON  
OF THE MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE  
2023-2024 TERM**

**MOTION CARRIED**

**3-0-1**

*W. von Schoen abstained.*

**2. Board of Commissioners to receive an update from Superintendent Ron Miner regarding:**

**a. Wells 7 & 8**

Superintendent R. Miner informed the commissioners that Barry Miller's team has finished cleaning the high-lift pumps at Wells 7 & 8. They will also be able to come out and surge Well 8

early. Superintendent R. Miner noted that GAC media samples were also able to be pulled from the 50% port on the lead vessel. Superintendent R. Miner has sent samples to Calgon. The samples have not yet been sent to Evoqua. Superintendent R. Miner stated that he was trying to figure out who the samples needed to be sent to at Evoqua because the person MVD worked with for the last changeout is no longer working municipal accounts. Superintendent R. Miner stated that the media will be accepted for a one-time test for destruction. Superintendent R. Miner informed the commissioners that it would cost \$197,500 for a virgin, acid-washed GAC media through Calgon. He stated that he has not yet received the quote from Evoqua. It was noted that it is more costly for virgin media. Superintendent R. Miner explained to the commissioners that one problem they faced is that the Evoqua media and the Calgon media are different densities, which means they would require different backwash rates. Theoretically the new media will settle down, and it was recommended to do a full changeout if MVD pursued Calgon GAC. Chairman Provencher explained that when the Evoqua media is regenerated there is a 10-15% shortage, and makeup media was needed. It was noted that with different densities, some media would be lost during the backwash if MVD chose to mix Calgon as the make-up media with the regenerated Evoqua media, and therefore they are not compatible. Chairman Provencher further explained that Superintendent R. Miner was exploring the costs of completely new media. Commissioner Lyons asked if there was a difference in the warranty between Calgon and Evoqua. Superintendent R. Miner explained that in the initial RSSCT, there was an issue with arsenic in the Calgon, which is why MVD did not choose to proceed with Calgon. Commissioner J. Lyons asked why MVD would then be considering Calgon now. Commissioner W. von Schoen noted that Calgon was initially avoided due to the arsenic, but MVD ended up having a major arsenic issue with the Evoqua media. Chairman Provencher noted that there was also an issue with iron in the Evoqua media. He reminded the commissioners that Peter Pitsas, with Underwood Engineers, stated that iron might have been added to the Evoqua GAC during the process of creating the media. Chairman Provencher stated that all of the problems MVD has had with the Evoqua media is why they are considering media from another source. Chairman Provencher stated that one potential problem is that MVD had budgeted for the regeneration of the existing media and not for the purchase of new media. Commissioner W. von Schoen asked Superintendent R. Miner if he could go back to Calgon and let them know that they are a little bit out of the ballpark as far as pricing. Superintendent R. Miner reminded the commissioners that he does not yet have a cost from Evoqua. Superintendent R. Miner stated that he would like to stay with Evoqua for now to see if the issues can get worked out. Chairman Provencher also noted that it would be good to see how the regenerated Evoqua carbon performs after being reinstalled in the vessel.

**b. Wells 2 & 9**

Superintendent R. Miner informed the commissioners that he has received confirmation that the VFD cable has shipped for Well 9. It is expected to be running around the beginning of May. Chairman Provencher noted that they would really like to get Well 9 on as the nicer weather comes and the demand starts to increase.

Commissioner W. von Schoen asked if Well 3 was decommissioned. Superintendent R. Miner answered that it was inactive. Business Manager J. Lavoie stated that it was also inactivated with NHDES. To get it back online, NHDES would need to be notified and a bacteria sample would need to be taken. It was noted that water from Well 3 would go straight into the system unfiltered.

**3. Board of Commissioners to vote on Plan Review Policy.**

At this time, Chairman Provencher asked if any of the commissioners had any comments on the Plan Review Policy. There were no questions or comments.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ADOPT THE PLAN REVIEW POLICY AS PRINTED**

**MOTION SECONDED BY COMMISSIONER J. LYONS**

**MOTION CARRIED**

**4-0-0**

**4. Board of Commissioners to review the Media Change out Policy (second reading)**

At this time, Chairman Provencher stated that he believed that last time they had discussed using the word “guidelines.” Superintendent R. Miner stated that he had talked to Attorney Keriann Roman about this and stated that it really doesn’t matter but if it is adopted as a policy, it would require an MVD vote approve or ratify any time a deviation is needed. A guideline gives MVD more discretion. Chairman Provencher stated that he feels calling it a guideline would provide ease. Chairman Provencher stated that he would not want to call a special meeting because MVD cannot deviate from a policy without a vote. He noted that it could be elevated to a policy in the future if MVD never found themselves in the position to deviate from the guidelines. Chairman Provencher stated that Superintendent R. Miner could just change the word “policy” to “guidelines.”

Chairman Provencher asked if they wanted to add “in the lead vessel” after “two consecutive samples” under roman numeral II. This was suggested to be a little more definitive. Commissioner von Schoen pointed out that it already states that.

Commissioner von Schoen stated that he was a little surprised to see the terms, “...no sooner than after eight months...” under roman numeral II. He expressed concern that there was always the potential to see an influx of PFAS that is beyond anything they have seen before, and the filters are caked up after four months. Commissioner J. Lyons reminded the commissioners that it is being changed from a policy to a guideline, and therefore MVD can deviate if necessary.

Chairman Provencher asked if the initial sampling is done at startup or at the end of the month when startup happens. It was stated that this is routine monthly sampling, and the sampling would not happen on the day of startup but would be added to the rotation. Chairman Provencher expressed concern that the sampling schedule and the turnaround time for results would create a delay in necessary changeout. Business Manager J. Lavoie stated that the turnaround time for sample results was roughly two weeks. Commissioner Lyons stated that he has a connection and would be willing to attempt contact if MVD were to need a rush on samples. Chairman Provencher recommended adding the 100% port of the lead vessel under III. 1. a. This will allow MVD more time to schedule a changeout. Commissioner Lyons explained why this was not necessary and Chairman Provencher agreed, stating that it could stay as written.

Commissioner von Schoen stated that he has some typos to share and will do so after the meeting. Another reading will be done at the May BOC meeting.

**5. Board of Commissioners to authorize the Chairman to sign a Certificate of Vote to apply for an \$80,000 Watershed Assistance Planning Grant.**

Business Manager J. Lavoie informed the commissioners that what they had in front of them was not the entire packet, and the entire packet is 124 pages long. She explained to the commissioners that by MVD doing a Watershed Assistance Planning Procedure, MVD becomes eligible to other grants moving forward. In addition, NHDES is also providing an \$80,000 grant to do the Watershed Assistance Planning. Business Manager Lavoie explained that there is a Certificate of Authority that needs to be signed. This certifies that Chairman Provencher has authorized Superintendent R. Miner to sign documents and the Board is committed to and aware of the \$80,000 grant that MVD is applying for. NHDES wants to know that MVD is serious about the grant and therefore this needs to be in front of NHDES along with the application before it is sent to Governor Council.

Commissioner W. von Schoen asked if there were any ties that came along with Chairman Provencher signing the Certificate of Authorization. He gave the example that the acceptance of some grants come along with certain requirements, such as using union labor. Business Manager Lavoie stated that there may be requirements to use American Iron and Steel, but they are all things that Underwood Engineers and Emery and Garrett are dealing with. Chairman Provencher asked if there were any other questions on this particular grant. There were none. Chairman Provencher signed the Certificate of Authority.

**6. Board of Commissioners to review the minutes from the February 23, 2023 regular BOC meeting and Public Hearing, March 20, 2023 regular meeting and the March 23, 2023 Annual Meeting**

**APPROVAL OF MINUTES**

Board of Commissioners Regular Meeting . . . . . February 23, 2023

*The following amendments were offered:*

*Page 7, line 8, reads “...anion resin or further polishing...” and should read “...anion resin for further polishing...”*

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING MINUTES OF THE FEBRUARY 23, 2023 BOARD OF COMMISSIONERS REGULAR MEETING AS AMENDED**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED**

**3-0-1**

*Commissioner J. Lyons abstained.*

Board of Commissioners Public Hearing . . . . . February 23, 2023

*No amendments were offered.*

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING MINUTES OF THE FEBRUARY 23, 2023 BOARD OF COMMISSIONERS PUBLIC HEARING AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED**

**3-0-1**

*Commissioner J. Lyons abstained.*

Board of Commissioners Regular Meeting ..... March 20, 2023

*No amendments were offered.*

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT THE MEETING MINUTES OF THE MARCH 20, 2023 BOARD OF COMMISSIONERS REGULAR MEETING AS PRESENTED MOTION SECONDED BY COMMISSIONER J. LYONS**

**MOTION CARRIED**

**3-0-1**

*Commissioner W. von Schoen abstained.*

Board of Commissioners Annual Meeting ..... March 28, 2023

*The following amendments were offered:*

*The date should read March 28, 2023.*

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT THE MEETING MINUTES OF THE MARCH 28, 2023 BOARD OF COMMISSIONERS ANNUAL MEETING AS AMENDED MOTION SECONDED BY COMMISSIONER J. LYONS**

**MOTION CARRIED**

**3-0-1**

*Commissioners W. von Schoen abstained.*

**7. Board of Commissioners to review Action Items from previous meetings and those to be added from this meeting.**

The Commissioners reviewed the list of Action Items, removing tasks that have been completed, and making necessary additions. Of this numbered list, the commissioners discussed number 59 with Commissioner W. von Schoen informing the other commissioners that he had recently received complaints about chlorine in the water. He has encouraged those with complaints to reach out to MVD. Commissioner W. von Schoen noted that these complaints were that the chlorine has gotten worse over the last three weeks. He stated that it bothers him how random it seems to be. He has explained to people that the ratio of water you get from one source versus another changes with the wells coming on and offline, and the purchase of water from PWW, versus not purchasing water. Commissioner W. von Schoen stated that it does not change the fact that random people complain about extreme chlorine contents in their water, some of which are stating that the chlorine can reach a level so unbearable that they cannot shower. Business Manager J. Lavoie explained that when a complaint comes in for the smell of chlorine, MVD requests that the customer check the screen on their sink. It was noted that chlorine only smells if it is gassing off. If the smell is coming from all of sinks in the house someone is sent out to

check. Commissioner von Schoen stated that he feels the complaints are too frequent and there currently isn't a way to correlate the data. Superintendent R. Miner stated that he has requested a chlorine residual to be done at each hydrant that MVD is flowing. This may provide a way to track chlorine. A chlorine complaint map was also suggested.

#### **8. Board of Commissioners to discuss Public Event Policy with Attorney Keriann Roman.**

At this time, Attorney Keriann Roman explained that this has been discussed at previous meetings and has come up because in the past, people from the public have wanted to walk MVD property and/or use the building for meetings or gatherings. There is nothing currently in place which specifically allows this or provides guidelines, policies, or parameters. The Commissioners have expressed interest in whether a policy can be adopted, which it can, and what that would look like. Attorney K. Roman stated that because MVD is a village district and not a municipality, it would fall under facility use or property use. This would be somewhat like a license. This would give someone who applies permission to use MVD's property. It would be structured like a license because a license is revokable and temporary and provides MVD full control. K. Roman stated that MVD's insurer would also require it to be structured this way. Roman explained that it would look like a policy that outlines how to apply to use the property. It would disavow that MVD had anything to do with events that are held, unless sponsored by MVD. It would discuss security, use of the buildings, clean up, and include indemnity provisions on the chance someone were to get hurt on the property. K. Roman explained that this would look similar to a library that has a public room available for rent by groups. Roman continued to explain that there would also be an application to be filled out that would describe the when, the where, and the length of time. MVD could charge a fee, but it would not be to make money. The fee would simply cover any costs on MVD's part. Roman explained that MVD could not make money off of this. Roman also stated that MVD can absolutely not pick and choose who uses the facility. If MVD adopts a facilities use policy, anyone and everyone can use it, regardless of whether it has anything to do with MVD's mission. Chairman D. Provencher stated that he was unsure about that. Commissioner W. von Schoen asked what limitations could be placed on it. Roman explained that limitations that have nothing to do with the reason for the event can be placed. This includes size, length of time, etc. Roman stated that from her perspective as MVD's attorney, given that MVD's mission is the provision of water, she is not sure that a facilities use policy is helpful or necessary. She stated that it would make more sense to create a policy or guidelines for MVD sponsored or involved events. Roman noted that if there is a quorum of the Board, it would still require notice as a public meeting. She explained that it does not have to be as formal as a meeting but could be a public speaker. This would allow MVD to retain control. Business Manager J. Lavoie asked if MVD were to open up MVD property if that opened up all of the MVD locations. Roman answered that it does not. Commissioner W. von Schoen reminded the commissioners that he asked to discuss the possibility of an event policy initially because there was one event that was presented to MVD as a round table with a federal agency, which turned into a "dog and pony show" of politicians. He stated that he would disagree with this regardless of political party. He stated that he did not like that MVD was led to believe that this was a public event in support of clean water, and it ended up being a political show. Commissioner J. Lyons stated that he feels a policy would be counterproductive because it would open up MVD to all of that. Commissioner von Schoen stated that it sounds like an MVD hosted event would be the way to go so MVD could remain in control. He stated that his suspicion would be that MVD couldn't really pick and choose in that situation either, because MVD could not continuously favor one party over the other. Commissioner von Schoen asked what rights MVD has if this were to be based on MVD sponsored events only. He asked what control MVD has over the presence and the parties invited. K. Roman answered that MVD has full control because they would not be opening themselves up to a public forum. The only public forum that MVD creates is the public comment period. After the public comment period, MVD has business to conduct. If there is a quorum, it is a meeting. There will be an agenda with a simple statement regarding a discussion. This also allows MVD to decide if a request is in

line with what the commissioners would like to discuss. If it is not, the requestor can then be directed to the public comment period of a meeting. Commissioner W. von Schoen asked if a quorum would be required. K. Roman answered that any one of the commissioners, with authority from the board, could participate and talk with others, but if it will be on MVD property for MVD, whether to educate the commissioners, or educate MVD customers, there should be a quorum. If there is not a quorum, it can still take place, but no business or voting can occur. The public would still need to be notified and there would still be an agenda. Commissioner J. Lyons stated that if MVD were to vote on creating a Public Event Policy, he would vote against it because it allows MVD to lose too much control. He stated that MVD and the commissioners need to do a better job of communicating with the people that do want to come and can have positive effects for MVD. K. Roman stated that she does not think opening MVD up to public events is a great idea. She stated that MVD does not need a policy because they still have control. She stated that MVD could put a use agreement into play. This agreement would outline for the guest that this is an MVD meeting, and MVD retains control of the meeting. Superintendent R. Miner asked K. Roman if there would be an issue with MVD hosting trainings and classes. Attorney K. Roman answered that that was an entirely different scenario and there was no issue with something like that. Chairman Provencher stated that he was disappointed because he felt that a press conference could bring benefits to MVD and taking away that option was a loss for the district, stating that MVD will not be in the public eye. Commissioner W. von Schoen stated that he would not agree with that statement because MVD can still hold a PFAS event and invite people. Chairman Provencher expressed concern that a requirement to invite both political parties to a press conference will deter people from having a press conference at/with MVD. Attorney K. Roman stated that there should not be a need to invite both parties, and that politics should be removed from the conversation. She noted that MVD should be able to allow whoever would like to come and talk, regardless of political party, if the conversation is beneficial to MVD and MVD's mission. This would be a public meeting or work session, allowing anyone to come without a special invitation. Commissioner von Schoen asked who determines if it is beneficial to MVD. It was answered that the board could vote. Chairman Provencher asked Attorney K. Roman if she would recommend having something in writing. Commissioner von Schoen reminded the commissioners that the staff had been burdened with preparation for the event, with little to no respect for that. He stated that his request for the policy was to gain control over an event. K. Roman stated that the way that the referenced event happened should not happen moving forward, stating that it turned into a little bit of a free-for-all. She stated that in the future, if someone reaches out with a request, it should go to a vote of the commissioners. During that vote, the commissioners will discuss when the meeting will take place and an agenda will be created. This will be an MVD meeting at which the requestor will be a guest. Roman stated that there is no middle ground as a public entity. It is either MVD's meeting or a public event that MVD has no control over. K. Roman suggested putting together a document for a request to appear before the board. This would include name, phone number, what the requestor would like to talk about, some dates they would like to come, and who they would be bringing. This would aid in the Board's voting process.

**9. Board of Commissioners to conduct interviews with Scott Sabens and Erin Clement to fill a one-year term as Commissioner by Board Appointment.**

At this time, the Board of Commissioners conducted interviews with Scott Sabens and Erin Clement to fill a one-year term as commissioner by Board Appointment. Erin Clement took this time to introduce herself. She stated that she is a graduate of Merrimack High School and went to UNH for Civil Engineering. She currently works in Manchester, NH. She is considered a Municipal Engineer, working for local cities and towns doing things that they do not have staff to do. The largest project she has worked on, over the length of her entire career, is the Pre-treatment Coordinator for the Town of Hudson. At this time, Scott Sabens introduced himself. He has been a resident of Merrimack since 2006. Scott graduated from UNH with a degree in math and computer science. He has been in the patient security



field for 18 years and recently switched over to product ownership. He stated that while his knowledge is not that of a civil engineer, he has been in leadership roles for the past 10 years.

Commissioner J. Lyons asked Erin what was motivating her to want to be a commissioner and if she was aware of the time commitment. Erin answered that she had seen Chairman Provencher’s Facebook post looking for someone to fill the role of commissioner. She was a Girl Scout leader in town for 6 years, where she attended monthly leadership meetings and devoted roughly 30 hours per week. She gave that up in January. She noted that she is known for being willing to volunteer. She found this position to be interesting and explained that she has always been interested in joining the zoning board but is not able to in the Town of Merrimack due to a conflict of interest with her job. She noted that she works 20 – 30 hours per week and a once a month, in-person commitment for her is very easy. Scott answered that he has run for a few positions in town (budget committee, school board budget committee, and school board) and would like to be able to offer his expertise on things. He had previously spoken with Commissioner von Schoen to understand the commitment. Commissioner J. Lyons thanked both candidates for stepping up.

Commissioner von Schoen asked each candidate what they would like to tackle if they were to join the MVD Board of Commissioners. Erin shared that she reviews water bills as part of her job and stated that she would love to see some more education for companies and homeowners on sprinkler usage and shallow watering. She stated that she would love to make the water that people are using more effective for them. Scott stated that he would like a better understanding of what the pain points are for MVD customers and staff and offer suggestions and expertise if possible.

Chairman Provencher outlined MVD’s proposed Media Changeout procedure of lead vessel GAC replacement upon first breakthrough of any PFAS compound, but no sooner than 8 months between changeouts. He explained the procedure is an attempt to meet the goal of the 2019 warrant articles, which was to provide finished water with non-detect of all PFAS, but that the “no sooner than 8 months” was a compromise to ensure feasibility with the MVD budget. Chairman Provencher asked Erin and Scott what their thoughts were on that approach to the proposed Media Changeout procedure. Erin responded that she was in agreement and that continued evaluation of that procedure would be evaluated based on future data that becomes available. Scott responded that he thought the procedure was appropriate and agreed that the GAC changeout procedure should be evaluated based on future data that becomes available.

Commissioner W. von Schoen asked the candidates what role they see the Board of Commissioners to take versus what role they see MVD staff to take. Scott answered that he feels the Board has more of an oversight and is the governance type check while the staff are the experts. He stated that the Board takes care of the why and some of the what, while the Staff takes care of the how. Erin stated that she was in agreement with Scott’s description, noting that the Board makes the policies, and the Staff has to implement it. She stated that many of the policies need to be driven by what staff needs.

Chairman Provencher informed the candidates of the time commitment required for the Commissioners. Both candidates expressed an understanding and the ability to meet the time demands.

## **NON-PUBLIC SESSION**

**MOTION BY COMMISSIONER W. VON SCHOEN THAT THE COMMISSION GO INTO NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II (a); and RSA 91-A:3, II(e)  
MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED**

**4-0-0**

*The Commission went into non-public session at 7:30 p.m.*

*The Commission came out of non-public session at 8:13 p.m.*

**REGULAR SESSION**

**MOTION BY COMMISSIONER K. AYERS TO SEAL THE MINUTES OF THE APRIL 17, 2023  
NON-PUBLIC SESSIONS**

**MOTION SECONDED BY COMMISSIONER J. LYONS**

**MOTION CARRIED**

**4-0-0**

**10. Board of Commissioners to appoint a new Commissioner for a one-year term.**

At this time, the Board of Commissioners will appoint a new Commissioner for a one-year term.

**COMMISSIONER J. LYONS NOMINATED ERIN CLEMENT FOR THE ROLE OF  
COMMISSIONER  
SECONDED BY COMMISSIONER K. AYERS**

**VOTE ON ELECTION OF E. CLEMENT TO THE POSITION OF COMMISSIONER FOR THE  
MERRIMACK VILLAGE DISTRICT BOARD OF COMMISSIONERS FOR THE 2023-2024  
TERM**

**MOTION CARRIED**

**3-0-1**

*Commissioner W. von Schoen abstained.*

Commissioner von Schoen stated that he wished he could vote for both candidates because he feels that each would bring the District forward. He stated that his vote, or lack thereof, was not to show a lack of support for Erin, but that he believed Scott would also have added a lot of value, therefore he chose to abstain. Chairman Provencher echoed Commissioner von Schoen's sentiments and thanked both candidates for coming.

**11. Old Business**

At this time Superintendent R. Miner informed the commissioners that there is a contract in their BOC packet that he wanted to discuss under old business. He explained that this contract is regarding a widening project on the Everett Turnpike that has been going on for quite a while. There is a 16" water main that goes under the highway in one area and a 12" water main that goes under the highway in another area. Superintendent R. Miner stated that the worst-case scenario would require the water main(s) to be relocated and MVD's portion of this would be \$262,340.46. There is the possibility that

they would be able to extend with sleeves rather than relocating the watermain. It was noted that the DOT has priority and if MVD's utilities are in the way and need to be moved the burden falls on MVD to handle most of the cost. Chairman Provencher asked if any of MVD's legal counsel has reviewed this contract. Superintendent R. Miner answered that they had not. He stated that the contract was pretty standard. There were discussions as to whether MVD wanted to do the work themselves, but it was decided to have the work completed as part of the ongoing highway widening project with the contractors on site hired by the NH DOT. Chairman Provencher asked where the funding would come from. It was answered that it would come from Capital Reserves. It was reiterated that the quoted dollar amount was worst case scenario. The commissioners expressed wanting legal counsel to review the contract. Commissioner W. von Schoen stated that he has not seen multiple quotes for the financial burden that would fall to MVD. Chairman Provencher asked if the contract was based on a cost estimate. Superintendent R. Miner stated that it was a bid. It was clarified that Superintendent R. Miner was looking for approval. Chairman Provencher suggested offering Board approval pending legal review. He suggested also giving leeway for Attorney Gregory Michael to pursue questions with the state DOT if warranted.

**MOTION BY COMMISSIONER J. LYONS TO APPROVE THE CONTRACT PENDING ANY SIGNIFICANT ISSUES AFTER A LEGAL REVIEW BY ATTORNEY GREG MICHAEL, WITH FUNDS TO COME FROM EQUIPMENT AND FACILITIES CAPITAL RESERVES  
MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED**

**4-0-0**

Superintendent R. Miner noted that the new budget includes truck replacement. He informed the commissioners that three trucks will be getting replaced. One of the trucks will be replaced in July. They went off of the state bid, which was awarded to Dodge and Ford. The Fords came in at \$47,220 and the Dodges came in at \$45,081. A bid request was sent out to a Chevy dealer, and they came back at \$44,988, which beat the state bid. Superintendent R. Miner stated that these trucks have a regular cab and an 8' bed. They are currently on the lot and won't be able to be held. He would like the board's approval to move forward. It was noted that two of the three trucks that are getting replaced have been taken off the road. Those trucks will be sold upon the purchase of new trucks. The amount needed to purchase the two new trucks from Chevy is \$89,976.

**MOTION BY COMMISSIONER D. PROVENCHER TO APPROVE THE AMOUNT OF \$89,976, WITH FUNDS TO COME FROM EQUIPMENT AND FACILITIES CAPITAL RESERVES, FOR THE PURCHASE OF TWO THREE QUARTER TON PICK UPS  
MOTION SECONDED BY COMMISSIONER K. AYERS**

**MOTION CARRIED**

**4-0-0**

## **12. New Business**

Chairman Provencher stated that he thinks it may be time to adjust the irrigation ban triggers in the bylaws. He'd like this to be discussed at another meeting. This was added to the Action Items.

### **13. Superintendent's Report**

Superintendent R. Miner informed the commissioners that the Governor Council approved the Lead Service Line Inventory Grant in the amount of \$50,000. At this time, \$18,000 has been spent.

Superintendent R. Miner stated that the Consumer Confidence Report (CCR) is complete and has been published to the MVD website. Postcards and notifications will be sent out shortly. The postcards will include a note about the upcoming switch to monthly billing.

### **14. Questions from the Public/Press - None**

## **ADJOURNMENT**

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

**MOTION CARRIED  
4-0-0**

The April 17, 2023 meeting of the Board of Commissioners was adjourned at 8:40 p.m.

Submitted by Amanda McKenna, Recording Secretary