

discussions for ease of decision making. It was noted that the rate increase was calculated with the CIP in mind.

At this time, Director Maher stated that she took the reserve balance out two years, but it can be adjusted accordingly. She informed the commissioners that at roughly the end of 2024, there will be about \$4.8M in the reserves, spread across the five accounts, with the three warrant articles suggesting \$800,000 going into Equipment, \$99,900 going into system development, and \$200,000 going into the purchase to maintain the contract.

There were no questions on the bank balances at this time.

REGULAR SESSION

1. Board of Commissioners to hear an update from Jamie Emery of Emery & Garrett/GZA regarding:

a. Sodium & Chloride Reduction Committee meeting on November 14, 2023

At this time Jamie Emery informed the commissioners that the Sodium & Chloride Reduction Committee meeting was really well attended. He stated that 32 people were invited and 25 attended. Emery noted that six people attended from the DOT, including the Assistant Commissioner, three people from NHDES attended, as well as three people from MVD. At this time, Emery shared the agenda from the meeting with the commissioners. This meeting was the first kickoff meeting for the Salt Reduction Watershed Planning Grant that DES has offered up along with the EPA. Emery stated that DES was blown away by the level of attendance and interaction that was present at the meeting. Emery very briefly outlined his presentation for the commissioners and explained that he showed the attendees graphs that demonstrated the rise on Sodium & Chloride over the years. He noted that he was able to clearly show why there was such concern, and why this should be considered to be in a crisis level.

Emery shared that the DOT has reached out to him to request a smaller meeting. This meeting is scheduled for November 29th. This meeting will have the DOT, MVD, and 1 – 2 contractors present. Chairman Provencher suggested reaching out to the properties in town that are salt restricted and ask them what is working for them, and to use this information as an example in the upcoming meeting. It was also noted that sand is being offered at the DPW as well as the Transfer Station, and that information will be offered to residents.

At this time, Chairman Provencher informed the commissioners that there has been a small group, that includes him and Emery, that has been involved with Senator Chandley's proposed bill to the Senate that would have the DOT pretreat with only brine within the Well Head Protection Area in Merrimack. He reminded the commissioners that at the last BOC meeting, Commissioner Lyons had suggested seeing if the DOT would subcontract to the town, and Chair Provencher stated that they proposed that to see if it would work. Chair Provencher stated that Rep Nancy Murphy, who had been a part of the zoom call, shared that the Town of Merrimack was not on board with that. Superintendent R. Miner stated that he was also made aware that the Town was unwilling to do this. According to Commissioner E. Clement, there were other ideas presented that the DOT sounded interested in. It was noted that there was another meeting scheduled for Thursday. Commissioner W. von Schoen suggested listing ingredients of ice melts that the public should look for on their website. He noted that specific products cannot be endorsed by the MVD, but a

list of good ingredients could be helpful to those looking for suggestions. An action item was added to update the website to include salt use reduction alternatives.

b. Request from Rath Young Pignatelli for access to Well 6 monitoring wells

At this time Jamie Emery informed the commissioners that MVD was asked to allow a developer, who is looking to repurpose the Merrimack Industrial Metals Facility property, to have access to the Well 6 monitoring wells.

Emery explained that MVD Well 6 was first put online in 1981 and served as a drinking water supply source until VOCs, including 1,4-dioxane, were detected in 1985. At that time, pumping operations were reduced, and in 1988 they were curtailed completely. He shared that in 2013, the MVD Board of Commissioners retained Emery & Garrett to do a 120-day pumping test. The well was pumped and blended with Wells 7 & 8 to see if there was a chance MVD could use Well 6. Emery noted that it was a substantial investigation where Well 6 was pumped for 120-days at an average rate of 620 gallons per minute. Based on the results, it was determined not to pursue Well 6. Emery stated that that is now old data, and they are being asked if someone can come on to MVD property and sample a few wells. Emery & Garrett suggested that they also sample Well 6 and maybe a couple of deep bedrock wells as well. Emery stated that the question was raised whether it was worthy of having someone come on the MVD property. He noted that in his view, he does not see any issue aside from an indemnification agreement with their attorney and that they share all information. He expressed that he is interested to see if there has been any improvement in water chemistry. Emery expressed that new data would be beneficial.

Business Manager J. Lavoie explained that the Developer's attorney reached out to Keriann Roman, MVD's attorney. Business Manager Lavoie shared that in Keri's opinion, MVD should look at what the true benefits are to them, because they will need an airtight contract, which will require payment to Keri. Emery stated that he would have the developer pay MVD's attorney to write the contract. Emery informed the commissioners that Well 6 is an asset and can produce upwards of 1,000 gpm, and more information would be valuable. It was noted that in 2020, a short-term pumping test was conducted at Well 6. Iron and Manganese were low, PFOA was at 29, PFOS was at 2.9. It was noted that MVD never received any compensation for the loss of this asset due to 1,4-dioxane and PFAS. Emery stated that due to emerging contaminant issues, it could be possible to receive money from the state for this loss. He suggested that this may be something to discuss with the consideration of putting Well 6 back online now that some of the contamination source material has been pulled out. Emery suggested that it may be worth several thousand dollars of investigation to determine if this would be possible. Commissioner Lyons asked if the same carbon would be used to treat VOCs and PFAS. Emery answered that he thinks it would be the same carbon, but because he is not a treatment expert, he would prefer to get someone else's view on that. Commissioner von Schoen suggested that resin may be a better filter for that specifically, which could be MVD's motivation to add resin to polish the short chains off. Both Chairman Provencher and Commissioner von Schoen stated that they believed it had previously been mentioned that carbon does not remove 1,4 Dioxane. Emery stated that he will ask Keith Pratt, of Underwood Engineers. Commissioner von Schoen suggested an action item to determine what kind of filtration efforts are available for Well 6. Commissioner von Schoen asked what the infrastructure at Well 6 currently looks like after sitting unused for some time. Superintendent R. Miner said that as far as he knows the roof on the Well-6 well house is fine and the pump motor has been removed. It would likely need electrical upgrades. Well 6 does not currently go to the PFAS treatment facility, but there is a way to blend the water.

At this time, the commissioners were informed that a vote would be needed in order to move forward.

MOTION BY COMMISSIONER W. VON SCHOEN TO APPROVE MVD’S LEGAL COUNCIL TO DEVELOP A CONTRACT WITH RATH YOUNG PIGNATELLI, OR THEIR LEGAL REPRESENTATIVE, THAT PROTECTS THE DISTRICT FROM ANY LEGAL EXPOSURE THAT STEMS FROM THIS, TO ACCESS WELL 6 MONITORING WELLS, DO WATER COMPLIANCE TESTING, AND SHARE THE RESULTS WITH THE DISTRICT, ON THE CONDITION THAT THE DEVELOPER PAYS MVD’S ATTORNEY COSTS FOR DEVELOPING THE CONTRACT (UP TO \$2,000)

MOTION SECONDED BY COMMISSIONER E. CLEMENT

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

Yea: Donald Provencher, Wolf von Schoen, Erin Clement, Ken Ayers, John Lyons

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Nay:

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MOTION CARRIED

5-0-0

It was decided that if the legal fees would exceed \$2,000, the MVD Board of Commissioners would take another vote to determine how to proceed.

2. Board of Commissioners to hear an update from Peter Pitsas of Underwood Engineers, Inc regarding:

Peter Pitsas informed the commissioners that Underwood’s goal is to have a cost comparison for Artificial Recharge, Mitchell Woods and Pennichuck water purchase completed by the next meeting with the goal of having the commissioners review that. Then, in early January, MVD and Underwood can discuss which options to pursue for longer-term goals. Underwood will provide MVD with the design and with the numbers, whether the technical memo is complete or not.

a. Mitchell Woods Well

At this time, Chairman Provencher stated that he believes Jamie Emery had previously said that MVD would be able to use the existing 8” test well as a permanent well at Mitchell Woods and asked Pitsas to confirm this with Emery. Pitsas said he would confirm with Emery. Chairman Provencher stated that if this was feasible and the correct size pump would fit, it would save MVD quite a bit of money. He asked Pitsas to include the price comparison of using the existing well versus purchasing a larger well. Pitsas informed the commissioners that this would also include a building, and MVD would determine what the building would be used for. He did note that there would still be a need for caustic, chlorine, and phosphate out there, so there would still be all of the chemicals. Superintendent R. Miner stated that he was thinking that the building would be minimal, housing only necessary things. Chairman Provencher reminded everyone that DES has informed MVD that Mitchell Woods is in the groundwater management zone boundary so if there is ever any PFAS violations and treatment that is needed there, he believes they said

Saint Gobain would be liable for that. He stated that based on that information, MVD does not need to worry about building a structure that is large enough in area to be capable of holding PFAS filters in the future. There were some questions as to whether this information was accurate and Pitsas replied that he could look into this.

At this time Pitsas informed the commissioners that one of the big things for Mitchell Woods is the electrical power to it. He showed the commissioners a map of where the three phase power currently is and where it would need to be run. He shared that Underwood is currently working with Eversource to get a cost on running power to Mitchell Woods, which may need to be underground. Pitsas showed the commissioners multiple paths that could be considered and informed the commissioners that they have received cost estimates from Eversource that are around \$400,000. That number does not include any underground cables. Pitsas warned the commissioners that once before, Eversource had quoted Underwood on a project and then the final cost ended up being nearly twice as much. Superintendent R. Miner asked about setting up a generator as a more cost effective alternative.

It was noted that Underwood is still exploring both options of Mitchell Woods and artificial recharge (AR), and they are not looking for the commissioners to make any decisions at today's meeting. Pitsas stated that this was just an update and Underwood would provide more information at the December BOC meeting. Commissioner W. von Schoen expressed that he is not sure they should continue to spend money on exploring Mitchell Woods as a viable option. Pitsas reminded the commissioners that one benefit of Mitchell Woods is that it would feed a high pressure zone and MVD currently only has one source feeding the high pressure zone.

At this time, Commissioner W. von Schoen expressed that he was more interested in what was previously discussed with Jamie Emery about Well 6, than he was about Mitchell Woods. He proposed that Underwood prepare an ESR for the cost to recommission Well 6. This will include what kind of filtration efforts are available for Well 6.

b. Wells 4 & 5 Artificial Recharge

Pitsas informed the commissioners that the bigger issues with the Artificial Recharge (AR) are the railroad crossing and the intake. In terms of the railroad, Underwood was initially thinking that the pump station would go in between the railroad and the river, however, working with the requirements that the railroad has, it makes more sense to have the pump station on the west side of the railroad tracks. If it were between the railroad tracks and the river, the railroad would require that a flagger be there every single time MVD is working, meaning every day that a contractor would be on site. This would become a very high cost. Pitsas explained that they are pursuing an option that would put the pump station on the west side of the tracks. The ground on the east side of the tracks is slightly higher than the west side, so the area would likely need to be raised because DES requires that all facilities are three feet above the 100-year flood. This would require roughly five feet of fill. It was noted that it may be possible to use the fill generated from digging the recharge basins. Underwood believes that this is the best way to proceed. It was noted that the basins and the pump station will be on the same property. Pitsas informed the commissioners that there are a few other things that Underwood is looking at for this project, including a gravity intake structure, which would come from the river. If this could go into a structure, a submersible pump could be used to pump from the structure. There is also an option to have a pump that is slid horizontally into a pipe. Underwood is exploring this option as well. Circling back, Pitsas informed the commissioners that if a gravity intake structure is used with a

submersible pump, the pump station could be closer to the Wells 4 & 5 treatment plant. Pitsas stated that he believes that the flood zone requirement would be met if they put the pump station closer to the Wells 4 & 5 treatment plant because there would be no infrastructure in the lower area. There will be some boring work taking place in this area during the first week of December. Pitsas informed the commissioners that the electrical service isn't too bad in the area. Pitsas explained that Underwood is looking at pulling an extension from the line that was run to the 4/5 treatment plant. Pitsas shared a map of the area with the commissioners to provide a better understanding of the location. He also showed the commissioners where MVD will need an easement.

Pitsas explained to the commissioners that the initial thought was that there would be an intake going into the river, and using that as AR. He stated that he knew Superintendent R. Miner had previously thought that if there could be a line into the river, there was the potential for a future surface water treatment plant. This raises the question of what type of intake the commissioners would want. Pitsas asked if they would want an intake that is capable just for AR or one that is capable of supplying a surface water treatment plant. Pitsas stated that he believes when Pennichuck Water Works (PWW) installed their intake, that they put in dual lines so if one required maintenance, the other would be running. Pitsas stated that he could come back with costs for the next meeting. Chairman Provencher stated that he is not looking to raise rates for the customers with anything this is unnecessary and expressed that he does not want to have to raise rates at all but is concerned that they may not be able to do the bare minimum without raising rates. Commissioner von Schoen stated that he feels that plug was pulled five or six years ago when they discussed abandoning the wells altogether and building a \$30M surface water treatment plant to serve all of Merrimack. He stated that he does not feel MVD is in a position to build a surface water treatment plant while maintaining the wells that they have. There was discussion regarding the benefit of doing the work now, that may be needed later, and concerns about whether the pipe put in at this time for the future could be beyond its design life if and when it becomes necessary. Chairman Provencher asked Pitsas to come up with a cost comparison, for conversation, to see if doing the added work now would be beneficial and cost effective. Pitsas said Underwood would try to put together some numbers for the commissioners. Pitsas also explained that one benefit of doing some of the work now would be that if a permit was obtained, it could not be taken away ten years down the line if restrictions become tighter. Commissioner von Schoen pointed out that he does not foresee MVD using the wells and surface water at the same time. Other commissioners stated that it would be possible for both to run simultaneously. Commissioner von Schoen stated that cost wise, that would not make any sense because the cost of surface water treatment would be so high. Pitsas shared hypothetical scenarios in which you would use both. The commissioners then discussed how much they would want to be permitted for. Commissioner von Schoen suggested getting permitted for as much as possible. The commissioners then discussed whether re-permitting would be required if they were not using all that they were permitted for. Pitsas stated that he will find out the answers to these questions for the commissioners.

3. Board of Commissioners to hear update regarding mainline extension projects from Superintendent R. Miner

Superintendent R. Miner informed the commissioners that the Engineer Service Requests (ESR) were in their packets and had been sent off to NHDES for them to take a look at. He noted that all of the ESRs were within the scope of the grant, and they are trying to keep it to 100% grant funded. It was noted that this is money from The American Recovery Plan. Chairman Provencher noted that the ESRs list the service connections as directional drilling rather than cutting across the pavement of the road.

Superintendent R. Miner explained that that is intended to keep the cost down and is something MVD will do. Chairman Provencher pointed out that under “Approvals,” it states, “NHDES Wetlands Permit and Site Specific are not included.” Superintendent R. Miner explained that they would need to do an Environmental Review first to determine whether these permits are required or not. Chairman Provencher noted a few other comments he had for Underwood and stated that he would send Superintendent R. Miner a copy of all of his notes/questions. Chairman Provencher questioned the estimated timing that was listed to complete the tasks, asking if it was consecutive or simultaneous. Superintendent R. Miner stated that he believed it to be simultaneous but would ask for clarification. Business Manager J. Lavoie took a closer look at the ESR and was able to clarify that the work is simultaneous.

4. Board of Commissioners to review final CIP to go before the Town Council in December 2023.

At this time, Superintendent R. Miner informed the commissioners that in December he will be presenting the CIP to the Planning Board, not the Town Council as the agenda states. The CIP has been shared with the commissioners. It was noted that the CIP is tentative and not cast in stone. There were no questions or comments on the CIP at this time.

5. Board of Commissioners to review the minutes from the October 16, 2023 regular BOC meeting.

APPROVAL OF MINUTES

Board of Commissioners Regular Meeting October 16, 2023
No amendments were offered.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE MEETING MINUTES OF THE OCTOBER 16, 2023 BOARD OF COMMISSIONERS REGULAR MEETING
MOTION SECONDED BY COMMISSIONER E. CLEMENT**

A Viva Voce was conducted, which resulted as follows:

Yea: Donald Provencher, Wolf von Schoen, John Lyons, Erin Clement

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Nay:

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MOTION CARRIED

4-0-1

Commissioner K. Ayers abstained.

6. 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.

Commissioner J. Lyons was excused from the meeting at 8:00 pm.

7. Old Business – *None*

8. New Business

Superintendent R. Miner informed the commissioners that he had spoken with Nick Lavallee from Merrimack TV in October. Lavallee is looking to do low power FM radio. Superintendent R. Miner took Lavallee up to the Turkey Hill tank and showed him the old tower up there that could be utilized. Lavallee is working this into his budget for the 2024 year. He will be at the next BOC meeting to provide an overview of the whole project. Commissioner von Schoen asked if they would be obligated to notify any cell phone providers who may have towers on MVD property. Superintendent R. Miner stated that he did not believe so but he would confirm.

Superintendent R. Miner informed the commissioners that he looked into NuTerra, a GAC media vendor. He is supposed to be getting a quote from them for GAC slurry delivery service. Superintendent R. Miner stated that he has also contacted a carbon reactivation corporation. He shared that they can get the media that MVD currently uses, but the media is very difficult to get because it was oversold. He informed the commissioners that during the last changeout, he was informed that they could sub out the UltraCarb 830 instead of the 1240. Superintendent R. Miner stated that the carbon reactivation corporation has a similar product to Calgon and did not think there would be an issue. He is awaiting a quote for a slurry service. Chairman Provencher asked if Superintendent R. Miner was talking about regenerating the carbon and then adding the makeup GAC. Superintendent R. Miner verified that it was. Superintendent R. Miner stated that he was concerned about the density, as the product the new company has is denser than the current carbon, despite being comparable products.

At this time, Chairman Provencher stated that he had gone through the “Additional Information” section that was provided in the BOC packet and discovered a sheet with the average monthly daily water gallons pumped and pointed out that there is a note on their that says Well 3 is decommissioned, which it is not. He explained that abandoned is different than decommissioned, and that the data sheet should be corrected going forward.

Chairman Provencher asked Superintendent R. Miner if he knew what was being planned for the next media changeouts, and at which vessels that would take place. He said he would like to see this written and tracked somewhere. Superintendent R. Miner stated that he could do that. Commissioner von Schoen reminded Superintendent R. Miner that at his annual review, they had discussed creating an annual operational calendar that would include tasks such as well cleaning, tank cleaning, etc., to provide a condensed formal timeline of key activities the district needs to operationally perform. He suggested this be presented monthly as an agenda item. Superintendent R. Miner informed the commissioner that he has a timeline spreadsheet specific to the GAC media changeout that he has included in the BOC packet. The commissioners directed their attention to that timeline and expressed that they found it confusing and unclear. The commissioners provided suggestions on how to make the timeline clearer. There was some confusion expressed about what the policy states regarding media change out. It was explained, and also noted that it was not a policy, but rather a guideline to follow. Chairman Provencher explained that the GAC changeout procedure as written, indicates that the lead vessel’s GAC media is to be changed out as soon as breakthrough past the lead vessel of any PFAS compound is detected and confirmed with a follow-up PFAS sample, but the changeout would be no sooner than 8 months following the date at which the lead vessel was placed into the lead vessel position, and that the 8 months is not from the date from when the media was placed into that vessel. The 8 months is included in the procedure so that MVD

can more accurately budget for GAC media changeouts. Commissioner E. Clement stated that she was interested in changing out the lead vessel at the Wells 4/5 treatment plant in order to prevent PFAS breakthrough from further compromising the lag vessel. Commissioner von Schoen noted that as discussed in prior meetings, delaying the GAC changeout past the point of when short chain PFAS compounds break through the lead vessel only shortens the life span of the lag vessel turning into the lead vessel during the next media usage cycle. Superintendent R. Miner stated that he would call around and get the price for a change out. It was noted that due to problems in the past, he would be looking for a new vendor.

9. Superintendent’s Report

Superintendent R. Miner informed the commissioners that the lead and copper samples were done September 20th, 2023. One location on Island Drive came back with elevated levels of both lead and copper. He explained that the house is under construction, so the water sat in the meter for months. All of the copper plumbing had been replaced with plastic so the results didn’t make any sense. J. Lavoie spoke with NHDES and although only notification to the property owner is required, we resampled and await results.

Superintendent Miner informed the commissioners that NHDES asked water operation systems to post a survey on their website. Commissioner von Schoen noted that he had heard a lot of negative feedback regarding the survey and that it covers mostly public water concerns only, and basically ignores the needs of private wells. Some questions ought to include an “N/A” option as not all questions apply to all participants, and there is no general feedback question that allows for adding free text. He suggested that an MVD team member review the survey and provide feedback to NHDES.

10. Questions from the Public/Press - None

ADJOURNMENT

**MOTION BY COMMISSIONER W. VON SCHOEN TO ADJOURN
MOTION SECONDED BY COMMISSIONER E. CLEMENT**

**MOTION CARRIED
4-0-0**

The November 20, 2023 meeting of the Board of Commissioners was adjourned at 9:00 p.m.

Submitted by Amanda McKenna, Recording Secretary