

**MERRIMACK VILLAGE DISTRICT  
BOARD OF COMMISSIONERS  
MAY 20, 2024  
MEETING MINUTES  
(approved June 17, 2024)**

A regular meeting of the Board of Commissioners was conducted on May 20, 2024, at 5:00 p.m. at 2 Greens Pond Road, Merrimack, NH.

Chairman, Donald Provencher presided:

Members of the Board present:       Wolfram von Schoen, Personnel Liaison (electronic participation)  
  Kenneth Ayers, Vice Chairman  
  John Lyons  
  Erin Clement

Members of the Board Absent:

Also in Attendance:                   Ron Miner, Superintendent  
  Jill Lavoie, Business Manager  
  Kristen Maher, HR/ Finance Director

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**FINANCE/HUMAN RESOURCES REVIEW** – Kristen Maher

**A. Analysis of Revenue and Expenditures**

Director Maher informed the commissioners that being through the month of April, MVD is 83% through the fiscal year. The net ordinary income is down to \$805,000. Maher explained to the commissioners that the reason for this is, per the last meeting, many of the items that were below the line had been moved up to the budget. This includes the Pennichuck Water Works (PWW) contract, as well as some of the GAC replacements, among other items. Maher explained that because water usage is down, the cost of chemicals has remained lower than expected, allowing MVD to move the aforementioned items up into the budget.

In terms of expenses, the Purchase of Water (60300) was moved up, in the full amount, and will continue to be included in the budget line item through the remainder of the contract (two months). Chemicals (60600) are down due to less consumption of water and are reflecting as much lower than budgeted. Account 60650 is the GAC replacement. Maher explained that MVD had originally planned for Wells 2 & 9 and 7 & 8 replacements to be coming out of Capital, but this is no longer needed and was moved up to the budget. Maher stated that with all of these changes, the \$1.4M that was the net income, is going to be a more realistic \$850,000 by the end of the year.

**B. Fund Balance Discussion**

Director Maher informed the commissioners that the Unassigned Fund Balance was at roughly \$21.8M. Maher explained that the reason for this is that she moved a lot of things that had been in “construction in progress” to “fixed assets.” This included Wells 2 & 9, 7 & 8.

**C. Capital Reserve Balance**

Director Maher informed the commissioners that the checks that were voted on at the Annual Meeting (\$800,000 to equipment, \$99,000 to system and development, \$200,000 to water purchase) have been cut and deposited and are now in the trust funds. Maher explained that in terms of activity, there was an item to vote on this evening considering land acquisition. She also noted that two more trucks were purchased under equipment and facilities. This was budget it at \$100,000, it came in at \$89,000. Maher noted that the two DOT projects are still pending, and the polishing treatment is on old and being left as a place holder. Some items were crossed of, as noted prior, because they have been moved into the budget. Maher shared what the year-end totals will likely be. They are as follows: land at \$1.5M; equipment at \$3.3M; system development at \$1.1M; legal at \$109,000; and water purchase at \$567,000. Maher explained that with the Unassigned Fund Balance totaling roughly \$21.8M, the trust is running at about 5%.

**NON-PUBLIC SESSION**

**MOTION BY COMMISSIONER E. CLEMENT THAT THE COMMISSION GO INTO NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II (a); RSA 91-A:3, II(l); and RSA 91-A:3, II(m)  
MOTION SECONDED BY COMMISSIONER K. AYERS**

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

Yea: Donald Provencher, Wolfram von Schoen, John Lyons, Ken Ayers, Erin Clement  
5  
Nay: 0

**MOTION CARRIED  
5-0-0**

*The Commission went into non-public session at 5:20 p.m.*

*The Commission came out of non-public session at 6:04 p.m.*

**REGULAR SESSION**

**MOTION BY COMMISSIONER E. CLEMENT TO SEAL THE MINUTES OF THE MAY 20, 2024  
NON-PUBLIC SESSIONS  
MOTION SECONDED BY COMMISSIONER W. VON SCHOEN**

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

Yea: Donald Provencher, Wolfram von Schoen, John Lyons, Ken Ayers, Erin Clement  
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Nay: 0

**MOTION CARRIED  
5-0-0**

**1. Board of Commissioners to unseal the November 18, 2019 non-public minutes after discussion in non-public session.**

At this time, the Commissioners voted to unseal the November 18, 2019 non-public minutes.

**MOTION BY COMMISSIONER W. VON SCHOEN TO UNSEAL THE MEETING MINUTES FROM THE NOVEMBER 18, 2019 NON-PUBLIC SESSION**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

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

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

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Nay:

0

**MOTION CARRIED**

**5-0-0**

*Let the record show that Superintendent R. Miner was excused from the Board of Commissioners Meeting at 6:05 pm in order to meet with the school district for another MVD related matter.*

**2. Board of Commissioners to review the draft *Employee Handbook* (2<sup>nd</sup> reading).**

At this time, Director Maher informed the commissioners that she provided them with a copy of the Employee Handbook that included only the changes that were made. She noted that Superintendent R. Miner gave her some additional information for word choice from RSA 159:26 to put under “Employee Conduct and Work Rules” regarding firearms. Maher directed the commissioners to page 26 where there were two options for wording. There was debate on what can be regulated by an employer regarding firearms in the state of New Hampshire. Commissioner W. von Schoen stated that he believed this to be a question for MVD’s lawyers. Chairman Provencher expressed concern of liability with firearms on the premises. After further debate about what is constitutional, it was reiterated that this is a question for legal counsel. Director Maher stated that she would speak to MVD’s lawyers regarding the issue.

At this time, Chairman Provencher suggested some wording changes that he believed would make the document read better. There was a question as to whether or not employers could divulge information regarding salary, position, etc. It was answered that when questioned by a new employer, it is best to give very little information, and simply confirm employment.

It was noted that tuition reimbursement was not a section of the Employee Handbook that was revised, but Chairman Provencher asked for clarification on the policy. Director Maher clarified that there is currently not a cap on tuition reimbursement but that there are parameters that need to be met, including job relation, grade requirements, and allotted time commitment to MVD post payment (2 years employment). Vice Chairman K. Ayers asked if any employee was utilizing this benefit. Director Maher answered that no one was using the benefit, and no one had since she has been employed at MVD. Chairman Provencher stated that he would prefer to see tuition reimbursement have a cap. Commissioner

von Schoen expressed his agreement. It was also suggested to consider extending the employment requirement post payout.

**3. Board of Commissioners to review the draft *Document Retention (Archiving) & Destruction Policy #24-01-B* (2<sup>nd</sup> reading).**

K. Maher explained to the commissioners that this is the 2<sup>nd</sup> reading of the draft *Document Retention (Archiving) & Destruction Policy #24-01-B* and noted the changes that the Board had requested during the 1<sup>st</sup> reading.

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT THE DOCUMENT RETENTION (ARCHIVING) & DESTRUCTION POLICY #24-01-B AS PRESENTED  
MOTION SECONDED BY COMMISSIONER J. LYONS**

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

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

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Nay:

0

**MOTION CARRIED**

**5-0-0**

**4. Board of Commissioners to review with Underwood Engineers *MVD Wells 4/5 WTP PFAS Pilot Columns – Pilot Protocol/RFP* Technical Memorandum.**

Lynnette Carney, of Underwood Engineers, joined the meeting at this time to discuss MVD Wells 4/5 WTP PFAS Pilot Columns and Pilot protocol. Carney informed the commissioners that Underwood had met with Dexasorb. Dexasorb had previously offered to supply their own pilot unit for testing. Carney informed the commissioners that Dexasorb is still willing to do this. Dexasorb provided a proposal for six-months. Underwood requested it be a longer time frame and Dexasorb agreed. It was noted that Dexasorb wants to do duplicate testing so the columns would be pulling two samples, one for Dexasorb and one for MVD's lab. Dexasorb would be analyzing their sample at their own cost. Carney shared that Underwood has had a few meetings with the EPA. Business Manager J. Lavoie had asked the EPA if it could be set up to use the Alph Lab that MVD had been using, and the EPA agreed and will make arrangements for that. It was also clarified that MVD could receive the data when it becomes available, rather than waiting until the end. Carney informed the commissioners that Underwood has retained Blueleaf as a subconsultant. They will help load the columns and take care of other tasks.

Carney informed the commissioners that Underwood is currently proposing monthly sampling. Initially, the EPA recommended biweekly sampling, but Blueleaf felt that was excessive. It was also noted that if Dexasorb is providing their own column, it will free up another column in the testing. Underwood would like to use one column of the UltraCarb1240 as a control. D. Provencher noted that the length to diameter ratio of the pilot test columns exceed what is available with full-scale treatment vessels and requested that Underwood confirm that both the cross-sectional flow rate (gpm/sf) and the empty bed contact time (EBCT) in the pilot test columns is within the media / resin manufacturers' recommended ranges. It was noted that the details of the columns will be worked out with Blueleaf later this week. It was noted that

the column test should be run using the parameters recommended by the manufacturer. It was noted that this may start within the month, depending on how long it will take to receive the media.

**5. Board of Commissioners to review the minutes from the April 15, 2024 regular BOC meeting.**

**APPROVAL OF MINUTES**

Board of Commissioners Regular Meeting.....April 15,  
2024

*No amendments were offered.*

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT THE MEETING MINUTES OF THE  
APRIL 15, 2024 BOARD OF COMMISSIONERS REGULAR MEETING AS PRESENTED  
MOTION SECONDED BY COMMISSIONER E. CLEMENT**

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

Yea: Donald Provencher, Wolfram von Schoen, John Lyons, Ken Ayers, Erin Clement  
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Nay: 0

**MOTION CARRIED  
5-0-0**

**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. New dates were added to many of the action items. At this time, Business Manager Jill Lavoie discussed action item #79 (waterline extension updates) informing the commissioners that MVD had had a meeting with NHDES on May 7<sup>th</sup>. This meeting was to discuss the draft drawings and preliminary opinion of costs. Business Manager Lavoie provided the following updates:

- Preliminary costs show that the projects are very close to the funding limits for the water mains only. MVD would like to accommodate the service connections because of roadway restoration. (All services installed to limit the number of times needed to dig in the road)
- DES indicated that MVD could submit a DWSRF application (due 5/31/24) to request additional funding for the project. DES to review other funding opportunities and limitations with existing funding.
- Palmeri and Gerard area has significant ledge and there is doubt whether extending service connections to the edge of the right of way would make it attractive for property owners to connect because high costs (due to anticipated rock/ledge) on the private property sides.

- MVD concluded that a public meeting with the property owners in this area may be helpful/ needed and would be further discussed amongst the project team.
- All items related to the main extensions can be covered.
- Under current funding there can be no mix of funds between the scope in PRLF-31 and 32. If funding is adjusted a single project may be an option.

## **7. Old Business**

At this time, Commissioner W. von Schoen informed the commissioners that he spoke with Superintendent R. Miner regarding the town calendar. He stated that Superintendent R. Miner wanted to connect with the person responsible for posting updates to the calendar so that MVD's information could be added for the ease of the residents. Commissioner W. von Schoen asked if anyone knew where this currently stood. No one could provide this information and an action item was added.

## **8. New Business**

Chairman Provencher informed the commissioners that he received an email from someone, who is an abutter to Wells 4 & 5, regarding ATV traffic on the MVD Wells 4/5 property. The abutter asked if there was anything that MVD could do about stopping this activity. Business Manager Lavoie shared that there were security cameras at that location, but the vehicles being captured on camera were being very respectful. It was asked if MVD would be held responsible for any injuries on the property. Business Manager Lavoie answered that it was posted as private property. Some legal concerns were raised, and Commissioner J. Lyons suggested asking legal counsel. Commissioner W. von Schoen expressed his agreement with Commissioner Lyons' suggestion.

Chairman Provencher informed the commissioners that Chris Christensen had reached out to both him and Commissioner von Schoen, looking to be added to the June agenda to explain what the Trustees of the Trust Funds due for MVD. It was decided to add Christensen to the agenda.

At this time, Chairman Provencher shared with the public that MVD had met with three Governor Candidates (Kelly Ayotte, Cinde Warmington, & Joyce Craig) at Wells 4 & 5 over the last few weeks. These meetings allowed MVD to share PFAS issues and discuss with them their approach to different matters. It was noted that these candidates had independently reached out to MVD for these opportunities.

Commissioner W. von Schoen brought it to the Commissioners' attention that Lynn Christensen, the MVD Treasurer, had been looking for a successor. A few years back, based on request from staff, the position of treasurer moved from an elected position to an appointed position. This change was to ensure that skilled people filled the position. Commissioner W. von Schoen shared that Lynn Christensen only filled the position as a courtesy to the MVD, however MVD staff has not yet presented new candidates for the role. It was noted that some commissioners and staff were unaware of this. Director K. Maher stated that she will follow up with Lynn.

## **9. Superintendent's Report**

Superintendent R. Miner was out of the office at this time and the Superintendent's report was provided by Business Manager J. Lavoie. Lavoie informed the commissioners that the CCR is complete and was

posted on MVD’s website on April 30<sup>th</sup>, postcards were mailed on May 10<sup>th</sup>, and it was noted on bills on May 11<sup>th</sup>.

Lavoie informed both the commissioners and the public that Odd/Even watering signs are out.

Lavoie stated that the lead and copper sampling bottles were going out the next day (Tuesday) and would be collected Thursday.

Lavoie shared that NHDES and Weston & Sampson had the kickoff meeting for the Climate Change Vulnerability Assessment on May 8<sup>th</sup> down at Waste Water. The first part of the day was about going over the systems, any major concerns, and redundancy. The second part of the day was spent touring Waste Water. The MVD facilities tour took place on May 10<sup>th</sup>.

**10. Questions from the Public/Press - None**

**ADJOURNMENT**

**MOTION BY COMMISSIONER J. LYONS TO ADJOURN**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

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

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

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Nay:

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**MOTION CARRIED**

**5-0-0**

The May 20, 2024 meeting of the Board of Commissioners was adjourned at 7:38 p.m.

Submitted by Amanda McKenna, Recording Secretary