

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
SEPTEMBER 16, 2024
MEETING MINUTES
(approved October 21, 2024)**

A regular meeting of the Board of Commissioners was conducted on Monday, September 16, 2024, at 5:02 p.m. at 2 Greens Pond Road, Merrimack, NH.

Donald Provencher, Chairman, presided:

Members of the Board present: Kenneth Ayers, Vice Chairman (participated electronically)
 Wolfram von Schoen, Personnel Liaison
 Erin Clement
 Scott Sabens

Members of the Board Absent:

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

Vice Chair Ayers participated electronically from 19 Jakes Lane, Merrimack, NH. Each member participating was able to simultaneously hear and speak to each other during the meeting.

FINANCE/HUMAN RESOURCES REVIEW

A. Analysis of Revenue and Expenditures

With an annual budget for FY25 of \$6,281,356, as of 9-9-24, the district is 16.67% through the fiscal year. On the revenue side of the ledger, the district is 56.55% over the anticipated amount for this point in time and on the expense side 18.20% under.

Expense – Budget vs. Actual

Account #60300 - Purchase of Water, percent of total budget is identified as 54.97%.

Commissioner von Schoen commented it is ahead of schedule given we are in the summer months and the total is staggered over a 12-month period.

Chair Provencher noted the \$50,000 is the annual budgeted amount. Asked for clarification that the annual wholesale agreement is in the range of \$341,000 (the first \$50,000 goes against the budget), Superintendent Miner stated it is. It comes out of capital reserves. For accounting purposes, the budget is technically overspent. Commissioner Clement commented that, in the past, it has been moved up if there is room within the budget to do so.

Commissioner von Schoen noted there had been the need/desire to purchase water through the connection.

Asked, Superintendent Miner stated it has been off most of the summer. It was on during the heat wave. Operations Manager Hieken spoke of the two wells that were down (7 & 8).

Regarding account #60000 – Electricity, being high at 24.43%, Superintendent Miner stated his assumption that is related to pumping more water than anticipated due to dry weather, etc.

Commissioner von Schoen questioned account #81950.2 - Professional Fees - Legal PFAS (T), which does not identify a budget amount. Chair Provencher suggested that account may have been added and asked that clarification be provided.

Asked if there is a known timeline for year-end audit adjustments, Commissioner Clement responded she does not believe final numbers are available at this time.

B. Capital Reserve Balance

Under Water Purchase & WTP O&M, shown is additional Granular Activated Carbon (GAC) System replacement for wells 2 & 9 (\$104,777) and 7 & 8 (\$63,000). Questioned was whether that is the cost for one planned media changeout. Superintendent Miner stated his belief it is the cost of 2 (will verify). Chair Provencher wished to be certain noting if there is the need to account for another changeout in this fiscal year (following this one) he would want to ensure that is accounted for/updated.

Profit & Loss Previous Year Comparison (comparing the period of July-August 2024 to July-August 2023)

Commissioner von Schoen highlighted account #40100 – Water Sales (Domestic), which nearly doubled where mercantile and industrial did not experience the same level of increase. He suggested it is likely an indication of how we are fighting irrigation every summer. Noted was that rates went up in October of last year.

Commissioner Sabens questioned the large percent increases in account #40407 – Miscellaneous Income - \$206.53 (2024) vs. \$1.58 (2023) and account #40414 – Merchandise Sales \$694.36 (2024) vs. \$19.37 (2023).

Asked about account #60400 - Heating Fuel LPG/Propane (\$2,807.11 compared to \$1,302.61), e.g., where the heating fuel is utilized, Operations Manager Hieken explained there is use of propane at the 7 & 8 treatment plants. Noted was that the increase in cost could simply be the result of the timing of when the tank was filled (on automatic delivery). Thermostats at 7 & 8 will be checked to be certain they were not left on. Superintendent Miner commented it was cooler later this year and the heat was run at 7 through May.

REGULAR SESSION

There being no objection, the Commission went out of the regular order of business to take up Item #2

2. Board of Commissioners to hear an update and presentation on the Lead Service Line Inventory project.

The Environmental Protection Agency (EPA) established the Lead and Copper Rule (LCR) in 1991 to protect public health and reduce exposure to lead in drinking water. That rule was revised, effective December 16, 2021.

The Lead and Copper Rule Revision (LCRR) from 2021 includes several new requirements, the most pressing one being requiring lead service line inventories. All community (CWS) and non-transient, non-community (NTNC) water systems are required to create an inventory of their service lines throughout their distribution systems, paying special attention to any lead service lines that will need to be replaced. CWS and NTNC are required to submit a service line inventory to NHDES by the federal deadline of October 16, 2024.

In December 2023, the EPA released the Lead and Copper Rule Improvements (LCRI) which may shift certain deliverables of LCRR. The inventory requirement will not change.

Through the Bipartisan Infrastructure Law (BIL), Drinking Water State Revolving Loan Fund (DWSRF) funding is available to assist with lead service line replacements and inventories.

The MVD has been working with 120Water (consultant) on its inventory list (cost paid through grant funding).

The EPA is looking for lead services lines. The information sought is identification of what is on the customer-owned and utility-owned sides of the curb stop.

The MVD has 6,609 service connections (includes fire systems, which are also required to be inventoried). Anything over 2" is being determined as non-lead. Any home built after 1987 is most likely non-lead.

The only requirement for the October 16th deadline is the inventory list itself. There is not the need, at that point in time, to have everything verified.

Working with 120Water, they started with the customer billing file to build the inventory. Public tax records identified anything built after 1987.

Displayed was the 120Water website being used to create the inventory listing. Although they were able to identify the homes constructed after 1987, the materials are still unknown. There will be some on the website listing that are characterized as unknown materials, etc. Some of the ones that were weeded out will say unknown material/unlikely lead. When reaching the point of having to submit verification, those will likely not have to be included.

We will have to verify anything constructed before 1987 that we have not already verified, which will require excavation of every curb stone. It is believed it will be a ten-year timeframe before that information is required.

The MVD team found meter report documents containing information regarding the materials inside homes obtained as part of a meter exchange program. These reports were used to update the inventory and inform materials on the customer-side of the service line within the inventory.

Operations Manager Hieken commented they have not yet seen a lead line in the system. One was told to them could be a lead line. There was one at a house where the meter technician was onsite to change a meter and was looking at the service line coming through. It was a different type of plastic, and the owner said that is what had to be used to adapt to the lead pipe outside. It is possible there is a lead pipe there (older part of town; 1800s). The 120Water website will provide a map that will identify any areas of lead piping.

Utilizing the Element software that all daily work orders are created through, information is gathered for any work that requires access to the home. The form used includes identification of the type and size of material coming into the home. Added to the form was identification of plumbing material (what occurs after the meter) for future reference. A good deal of customer-side information can be gained through that mechanism. Every few weeks a report is pulled together of everything that includes a service line and will be used to update the database. Reiterated was the requirement for the October timeframe is simply the inventory list.

Everything currently listed as non-lead has been verified (system-owned). The customer-side remains unknown. There remain questions such as if the pipe in the basement is witnessed is that good enough for identification of the customer-side or will they want to know what it is on the outside.

Superintendent Miner stated there is the need to verify the system-owned side, and as part of that verification at the curb, we will likely need both sides. There will be customer-side at the curb and customer side in the home. That might be enough without having to excavate the whole line.

Asked if that means that for anything built after 1987 we don't have to dig it up and are just under the assumption no one was using lead pipe back then, he stated that to be the case. As it remains part of the inventory, in the event they do go to homes for a meter changeout, etc. they will continue to list the materials.

Superintendent Miner remarked he has been with the MVD since 1998. Anything that he worked on when he first started, if it was a development, he knew all the lines were plastic. More than likely he has seen all the lines from the main to the property line and into the home. He can sign an Affidavit verifying it is non-lead and the EPA will accept that. They are saying they will accept that. They will also accept pictures.

Operations Manager Hieken added that operator interview is one of the options. Technicians have been asked to take photos of the service line when out in the field. Something will be posted on the website concerning information on the lead service line progression.

Concord Water's website has a nice piece on their website. Manchester Water has information on how to tell what a lead service line looks like and how to identify it in the home. A mailer sent out by Manchester included a QR code that brought the user directly to the website to input the information.

MVD will request residents provide pictures. Operations Manager Hieken remarked that is something that needs to be ironed out as his hope is that when we start requesting customers send information in, it can be uploaded directly to the inventory list, with some sort of verification from MVD on the information being added.

120Water's website has a compliance checklist that identifies the need to:

- Identify system operator that will be submitting your inventory to your state primacy agency

A meeting will be set up with 120Water to show us how to make the report the State wants.

- Reach out to your CS for LSLI submission training

Training has been received in this.

- Verify data within your inventory is accurate and complete to the best of your ability
- Submit inventory to state primacy agency as soon as possible, but no later than 10/16
- Send annual notifications to customers with lead, unknown, and GRR service lines by 11/15
- Make your inventory publicly available by activating 120Water's Public Transparency Dashboard

A public notification will have to be sent out that states we are required to know where lead service lines are and soliciting assistance from residents. 120Water has a template for that.

Operations Manager Hieken commented on there being less invasive forms of excavation for those that require verification such as hydro excavating. Depending on the number of lines that must be verified, we may have to contract out that work. It has been stated that federal funding is available for that work.

Asked if there is probing available, he stated there is a sample kit that could be provided to customers (swabbing), however, that will only verify the customer-side. The kits come at a cost.

Commissioner Sabens commented on funds being available for this and asked if consideration has been given to incentivizing customers to provide information.

Asked what kind of response is anticipated through use of a mailer, Operations Manager Hieken responded his belief is there will likely be a good initial response, which will slow over time. Mailers will likely be separate from the bills. We will technically be non-compliant until we verify all our lines. Asked if there is a goal for the number of verifications that will occur over a particular period, noted was the need to understand the total number involved.

Commissioner von Schoen suggested reaching out to Merrimack TV to see if they would publicize information.

If 120Water is sending out the mailer, it must be clearly identified as being done on behalf of MVD.

Asked if there are legal implications if discovering lead pipes. e.g., a timeframe for addressing, Business Manager Lavoie responded part of the process is being provided with a timeframe from the point of locating a lead pipe to changing it out. Asked what the situation would be if identified on the customer-side, she stated they are still receiving updates and changes on what is expected and when.

If lead pipe is found on the customer side there will be notification. It is not something that we have to replace if on the customer side unless we go for the funding that was recommended if we replace the whole thing; believed to be 70% forgiveness.

Chair Provencher spoke of the need to identify potential cost in the budget (offset by grant funds).

The Commission returned to the regular order of business.

1. Board of Commissioners to present a plaque to John Lyons in recognition of 4 years of service as a MVD Commissioner.

Chair Provencher presented a plaque to John Lyons in recognition of his years of service to the community as a Commissioner on the Merrimack Village District Board of Commissioners.

3. Board of Commissioners to discuss possible Change Order for the Mitchell Woods project.

Chair Provencher commented it appears there was PFAS detected in a monitoring well, which is why we are now discussing an additional task.

Business Manager Lavoie stated the desire of Emery & Garrett Groundwater Investigations (EGGI) to conduct additional sampling of MW-7 as well as pumping tests on three existing wells (DLM-6, DLM-7 and shallow piezometer 4P9). The Change Order identifies an additional \$7,250 cost to identify where the PFAS is coming from. The original contract amount was \$8,600. The Change Order would bring the total contract amount to \$15,850.

Commissioner von Schoen expressed concern with an additional cost for this well. Chair Provencher remarked it is not imperative that this be done immediately. Business Manager Lavoie stated the intent was to put the request in front of the Commission.

Commissioner von Schoen commented he believes the intent was to finally be able to decide whether to continue with Mitchell Woods. The assumption was that it is still as squeaky clean as was believed all these years, and the question was whether it remains so as testing had not been done in years. In a sense this additional work may make us walk away from it.

Chair Provencher commented that the detected PFAS is not in an actual Mitchell Woods production well, but is in one of the monitoring wells, which is an indication that it could get to the production well. Commissioner von Schoen stated he would probably support the additional expense. Commissioner Sabens questioned how long it would be until action was taken.

Chair Provencher explained a source alternatives evaluation was done (to create additional source capacity in the system). We sort of weened it down to 3; one is artificial recharge at wells 4 & 5, Mitchell Woods, and bringing well 6 back into service (effort has been tabled). Until that is resolved, we were in a position not to move forward on either of the three.

Commissioner Clement commented that even if Mitchell Woods were pristine water, it was a very low flow comparatively for the amount of money we would spend to put two-phase electrical all the way out to the well. That was the original downside of Mitchell Woods. Commissioner von Schoen added, even before that the dollar per gallon was fairly high on that because the cost to implement a pump house at a well is not proportional to the yield you would produce.

Commissioner Clement added it was nowhere near the amount of gallons/day where we could avoid a Pennichuck Water interconnect.

There was follow-up on the electricity issue. You can convert single phase power into a three-phase with an inverter. Initially priced out was the cost of running three-phase power from a mile away, which was very costly. We are now told single-phase power can be used and inverted to three-phase.

Chair Provencher spoke with a representative from NHDES who mentioned, based on the GPS location of the Mitchell Woods well, it is inside the Consent Decree boundary of Saint-Gobain. If we wanted to pursue this, and it needed PFAS treatment, theoretically they would be on the hook for some or all that cost.

Commissioner Clement commented it was the aquifer that was in the Consent Decree, not the well. Chair Provencher stated his belief it was the well as the representative from NHDES talked about the GPS location of the actual well. The cost of the treatment plan, etc. will likely be partially or mostly borne by MVD. He questioned the will of the Commission. Commissioner Clement stated her feeling moving forward would only be to make a final decision. The cost to put a filter on that one is going to make it not feasible.

Chair Provencher reiterated that the existence and treatment of the PFAS might not be our direct responsibility. He believes it to be a different situation than wells 4 & 5, in terms of potential NHDES enforcement on this because there is no settlement agreement between MVD and Saint-Gobain on this well.

Business Manager Lavoie remarked that would be EGGI's concern; that it hasn't been found there before. We need to do something about identifying where it is coming from otherwise it may not be a viable source at all. It is surrounded by conservation land so it would be good to get the Town involved as well in terms of cost sharing, etc.

Chair Provencher stated given there are other actions to consider/look into, he does not feel he is in a position to vote on the change order at this time. One such action would be to run this by our legal team(s) to see what if anything matters to ongoing cases. He suggested gaining a legal opinion. He asked what the next planned sampling is (outside of this change request), e.g., is it done annually, as part of a five-year permit renewal? He believes the permit was renewed recently and would like clarification of that. If you don't re-permit a well after a certain number of years it comes off the books. He would not want the permit to expire before a decision is reached.

Chair Provencher commented on the detections of Perfluorooctanesulfonic acid (PFOS) in July (84 ppt) and August (47 ppt). He wished to question the method used for the lab report (one sample – no sample blank). It's always nice to have a sample blank to ensure the sample collection process was not tainted somehow. Noted was that this particular well had detections in both July and August while the other wells remained clean. He questioned if James Emery would be available at an upcoming meeting to discuss this further and was told he would.

4. Board of Commissioners to review the minutes from the August 19, 2024 regular BOC meeting.

Board of Commissioners Regular Meeting August 19, 2024

MOTION BY COMMISSIONER VON SCHOEN TO ACCEPT THE MINUTES OF THE AUGUST 19, 2024, MEETING, AS PRESENTED

MOTION SECONDED BY COMMISSIONER CLEMENT

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

Yea:	Kenneth Ayers, Wolfram von Schoen, Erin Clement, Scott Sabens, Donald Provencher	5
Nay:		0

MOTION CARRIED

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

The Commission reviewed the Action Items, removing tasks that have been completed and making necessary additions. New dates were added to several of the items.

- Ongoing Salt Mitigation Committee meetings

Business Manager Lavoie stated the core group is meeting with NHDES. The School District wrote a letter to NHDOT, which was revised. It was unclear if the final letter was received by the Commissioners. A copy will be sent out.

Commissioner Clement noted the letter acknowledged the understanding that officials of the Town would like to request NHDOT change the route with Merrimack, NH to low salt or limited salt zone. Also understood is that said route starts from the exit 10 on ramp southbound off D.W. highway onto Industrial Drive, continues south onto Continental Boulevard and ends at the intersection of Continental Boulevard and Milford Road. The school district recognizes the significant concern and impact salt use has on groundwater in our wells and supports looking for innovative ways to limit and reduce salt use.

They declined to sign and otherwise support the Town official’s request and instead support NHDOT’s current best practices for winter road maintenance.

The school board is concerned that limiting winter road maintenance on the route could potentially impact school buses. If the route were to become a low salt or limited salt zone the board requested NHDOT affirm that doing such would be consistent with the NHDOT’s best management practices.

Chair Provencher remarked it is already posted as a “no road salt area”, why not uphold what is on the record and have NH DOT enforce it. He asked Paul Micali Town Manager, if he knew when that sign was posted, and never received a response.

Superintendent Miner commented that there was discussion. A trial was done on a low salt area, which is when the signs went up.

He added if NHDOT will reduce their salt use it will likely be right around what the town typically applies on their portion. It is going to be a reduction to what NHDOT normally does, but he does not believe it would be a reduction to what is seen on other roads in town.

- Evaluation of proactive measures to track and correlate customer water quality complaints with discoloration, sediment, & chlorine

Copy of work session report provided to Commissioners. Chair Provencher suggested Underwood Engineers be asked to provide another presentation of the report as well as the status of the hydraulic model at a future meeting.

- Update on waterline extension status

Drinking Water Trust Fund grant filings were submitted on 8-26; \$325,000 for Gerard, Mullikin, Wilson Hill, and Palmeri and \$525,000 for Mason, Farmer and Foster. The next Advisory Commission meeting is October 14th, which is the earliest they could vote on it.

Commissioner von Schoen spoke of the ranking list for the projects. It says they are neither financially nor environmentally disadvantaged. It makes him question the composition of those criteria. Commissioner Clement noted very few of the requests were identified as environmentally disadvantaged. The ones that indicate they are environmentally damaged don't reference PFAS.

- Develop PFAS GAC filtration media alternative vendor plan (pilot testing)

Chair Provencher requested Underwood be asked to identify what is waited on.

- Staff to give update on waterline extensions (SGPP)

Superintendent Miner spoke of a recent pre-construction meeting. The project will consist of about 1,600' of water main on John, Edward, Wildcat area (19 connections) and Brenda Lane (4 connections). They are planning to start October 1st. They will do the Wildcat Falls area first then do the mainline into the entrances to the property line first and then go back and do from the beginning of road. They plan to have all the mainline done by November 1st. The Town has put a moratorium on the project so they cannot be on the road any later than December 1st. Asked if they are required to pave the entire road or patch, he indicated they will trench patch right now and then will go back and pave in the spring (believes entire road).

He spoke of the work being done to address the patches on Christopher. They will overlay everything they are doing trench patching on now. Final pavement in the spring. They will shortly have someone in the neighborhood videotaping (for the record). For the existing connection piece (3 left; Pearson and two on Turkey Hill), they are waiting for a change order/pricing and for Saint-Gobain's approval.

- Reach out to Pennichuck to inquire about plans to ensure compliance of PFAS when federal MCLs are in effect

Superintendent Miner stated the action will be more frequent changeouts.

6. Old Business

Superintendent Miner spoke of the police range and displayed drone footage that was taken. They had intended to get two Conex boxes from Saint-Gobain. They instead purchased two boxes and will put them on the left and right of the range. The only thing MVD is supplying is a place where they can conduct their activity.

There is an option for them to acquire a trailer (currently located at the Highway Garage) to put along the wood line.

Asked if there is a requirement for them to clean out the berm periodically, Superintendent Miner was uncertain, and stated he would investigate that.

Chair Provencher requested the website be checked to see if there is the need to update some of the mineral graphs, sodium chlorine info., etc.

Chair Provencher stated he emailed Amy Doucette about the limitations on the billing software regarding the ability to include a message about the cancer survey. Space is very limited on the water bills. There are other reports that don't show up on the white page if not triggered. The location on the page must be reserved.

Commissioner von Schoen noted with many of those kinds of software you can create text positions under your itemization. He suggested that to be a possibility that could be considered.

Chair Provencher commented he realized that the survey is just a survey. Commissioner Clement remarked it is not very informative or in depth.

Chair Provencher stated at last Friday's meeting of the HB737 Environmental Impact Committee he asked a bit more about it, and Lea Anne Atwell said they are reviewing the cancer registry. They did a cancer study, released in January 2023, and only looked at cancers up to 2018 and are now expanding it up to 2021. The registry is not updated to today. The problem was this cancer study came out in January 2023 and indicated Merrimack has 42% higher occurrence than the rest of the state for pelvic renal cancers but with claims of the sample size being very small they recommended a follow-up study, which is underway.

7. New Business - None

8. Superintendent's Report

At last month's meeting the question was asked of whether we taste test the water at the well. We do, but it is not being documented.

On September 24th there will be a GAC changeout at treatment plants 2 & 9.

This Thursday is Operator Field Day. A taste test will be done.

9. Questions from the Public/Press - None

ADJOURNMENT

**MOTION BY COMMISSIONER SABENS TO ADJOURN
MOTION SECONDED BY COMMISSIONER CLEMENT**

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

Yea: Kenneth Ayers, Wolfram von Schoen, Erin Clement, Scott Sabens, Donald Provencher

5

Nay:

0

MOTION CARRIED

The September 16, 2024, regular meeting of the Board of Commissioners was adjourned at 7:08 p.m.

Submitted by Dawn MacMillan, Recording Secretary