

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
JULY 20, 2026
MEETING MINUTES
(approved August 17, 2026)**

A regular meeting of the Board of Commissioners was conducted on Monday, July 20, 2026, at 5:01 p.m. at 2 Greens Pond Road, Merrimack, NH.

Donald Provencher, Chairman, presided:

Members of the Commission present: Erin Clement, Vice Chair
Dan Allen, Financial Liaison
Wolfram von Schoen (participated electronically)

Members of the Commission Absent: Scott Sabens, Personnel Liaison

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

As Commissioner von Schoen was participating electronically, in accordance with the Right to Know Law, Chair Provencher requested he state, for the record; where he was, why his attendance in person was not reasonably practical, who, if anyone was with him, and whether or not he was able to hear the proceedings.

Commissioner von Schoen responded he was at his residence. Traffic issues prevented him from being at the meeting location. He was alone and could hear the proceedings.

Those present were able to hear Commissioner von Schoen. The Board was reminded that all votes would be taken by Roll Call.

Finance/Human Resources Review

1. Analysis of Revenue and Expenditures

End-of-year reports are not yet finalized. As of July 14, 2026, and twelve (12) months into the fiscal year, shown is revenue in the amount of \$7,446,667 (113.88% of budgeted amount) and expenses of \$5,783,438 (88.45%). Net Ordinary Income (NOI) is \$1,663,229, which includes all of the filtration (media changes) and water purchases having been moved into the budget.

Given the amount of data now available (five years' worth), and with some fine tuning, the hope is that we can include filtration (once yearly) and water purchases in the budget.

Chair Provencher noted Line Item #66000 - Chemicals is identified as 39.57% of the budgeted amount.

2. Revenue

- 35251 Settlements - Various (3M settlement - used to pay loan (47101) - below line
- 34223 Service Charge (Hydrant Hookup); temporary hydrant hookup has seen a significant increase mostly due to use of the Merrimack Outlets parking area for events.
- 34225 New Mainline Ext. Fee; new construction and mainline projects

Expenses

- 47101 – Principal - 3M settlement payment used - below line
- 47102 – Interest - 3M settlement payment used - below line
- 49001 - Vehicles/Equipment; purchased in May
- 67005 - Inspections; added new with WTPs
- 68302 - Legal - PFAS; lawsuits
- 72300 - Repair & Maintenance Vehicles; new vendor and fixed up old trucks

B. Capital Reserve Balance

Two accounts have been officially closed; Line Item #10301 - Investment - New Hampshire Public Deposit Investment Pool (NHPDIP) and #10410 - Cash Settlement/Legal - Saint-Gobain (Wastewater Treatment Plant 4&5). All funds have been reconciled. Any funds remaining in those accounts were moved over to the operating budget.

The Unassigned Fund Balance is \$23,444,805.35. Total percentage considered fund balance is 60.3% (assets less liabilities; not all cash).

Trust Accounts

The majority of items identified in 2026 have been moved to 2027.

Director Maher noted there may be funds to be identified from the Sodium & Chloride Reduction and Watershed Assistance. She is awaiting journal entries. If that is not the case, that line will be moved down as well.

Funds were requested and received for the field truck purchased in May.

The estimated FY26 year-end balances are; Land Acquisition (Account #10301) \$1,682,244.96, Equipment & Facilities (#10302) \$5,585,984.19, System Development Charge (#10303) \$1,515,665.06, Extraordinary Legal (#10304) \$119,024.31, and Water Purchase & WTP Operations and Maintenance (#10305) \$1,025,721.89.

Chair Provencher questioned the item identified under System Development Charge as “Mitchell Woods Reimburse Request FY24 - \$75,000” and was informed it was never requested. In terms of the charges (FY24) in the budget was \$75,000. The assumption is that reimbursement will not be requested until project completion.

Asked if a request would be made, Chair Provencher suggested that item be removed. He commented there may be other items that are added on once a decision is reached on whether not to move forward with source alternatives.

Director Maher addressed the open purchase order report noting at year end, any items not capital purchase, project, or inventory will be rolled over to FY27.

Chair Provencher questioned P.O. #26-PO04013 - Gerard & Mullikin (Area 4&5); whether that work is completed. Superintendent Miner stated there remains final paving to be done. It is anticipated that the work will be completed by the end of July.

Chair Provencher asked about the remaining balance (\$34,702.53) in P.O. #26-PO04014 - Farmer & Mason (Area 3). Vice Chair Clement suggested that may be related to closing documents, etc. The belief is the job will be completed for an amount less than that identified within the Purchase Order.

Regular Session

1. Board of Commissioners to review the legal opinion provided by attorney Laura Spector-Morgan relative to a proposed salt ordinance.

Superintendent Miner stated questions raised by Commissioner von Schoen relative to salt ordinances utilized by others were sent to legal counsel. Unable to be present this evening, Attorney Spector-Morgan provided a written response. Should the Board desire, counsel can attend next month's meeting.

Noted was that the recommendations suggested as a way forward are already in motion. Stressed was that the recommendations would only apply to new uses.

Chair Provencher spoke of the fact that the legal opinion indicates the Board does not have the authority to put an ordinance in place. That authority lies with the Town.

As a means of providing some historical information, Commissioner von Schoen stated there is a Town salt ordinance in place. Unfortunately, there are discrepancies between grandfathered properties and those constructed after the ordinance was put in place. Some private properties near the river are really suffering; during winter months they struggle with keeping their community safe (Parker Village and others). There is concern with their liability to residents.

He had suggested we may be able to achieve a better agreement whereby walkways and granite steps could be treated with salt if the parking lot areas, etc. are treated with brine, which results in a lot less salt input into our groundwater than crystalized road salt. The idea was to get some of these grandfathered properties to comply with brine or sand only applications, if achievable, and in return buy us a bit of leeway to get these residential properties on a path that they could do better ice maintenance for the safety of residents. Parker Village is a 55⁺ community. He personally does not like the idea that they cannot treat their walkways in a safe manner.

He had provided an opinion piece knowing that the authority lies with the Town. Other towns have comparable ordinances in place; specifically, where environmental protection is the subject matter, there is certain leverage a town has that would also be tied to grandfathered properties.

If the legal opinion received was focused on what authority the MVD has then it has not achieved anything. That was not the goal. The question was how we can draft an ordinance with the Town

so that the Town could issue an ordinance on behalf of the MVD. If the opinion letter from counsel does not cover that, we should go back to the drawing board and have that question addressed.

Vice Chair Clement stated the Town does not have a salt ordinance. It has a statement in the site plan regulations. For new properties that go through the site plan approval process, required is a note on the plan set that says for parcels within the aquifer conservation district and/or wellhead protection area no salt or chemical deicers are to be used for winter maintenance. That is through the Planning Board. If you bring in a new application, this is a requirement. However, if you do not change your site you never get this.

There have been different variations of this over the last decade or so. It was previously no salt or chemical deicers and applicators needed to be Green SnowPro certified. Now they just leave it with no salt or chemical deicers. The Planning Department has a list of the restricted sites. Those properties are viewed during winter months to ensure the regulations are followed.

Chair Provencher stated for properties that were approved prior to this planning board requirement, they were and are still allowed to use salt. There is the need for a proactive approach on the part of the MVD and Town to request property owners and managers of grandfathered properties to modify their salting practices, e.g., go to brine or sand. It is because we are seeing some sodium and chloride increases in our wells that go back to 2016 (upward trend). Recent data is perhaps helping, but there is not enough to show a trend.

Vice Chair Clement reiterated legal counsel has stated that the Town can put an ordinance in place, but it has to be the Town that does that.

Commissioner von Schoen stated that has been understood since the discussion began several months prior.

Chair Provencher read some of the language of the legal opinion provided:

NH is not a home rule state. Towns, cities, and village districts only have the powers given to them by the state, and there is no general state authority for local municipalities to adopt regulations such as the ones you are proposing.”

Chair Provencher questioned if the MVD could look to the New Hampshire Department of Environment Services (NHDES) to implement this. He suggested legal counsel be asked to attend the next meeting to discuss this further.

Commissioner von Schoen remarked the Town has ordinances in place. They are certainly not all coming down from the State. He struggles with that statement. From what he learned through his research is when environmental concerns are the motivation behind ordinances, that picture changes.

Chair Provencher continued by noting the two recommendations provided by legal counsel:

“Prepare and submit a proposed zoning ordinance for the planning board to review and recommend or not at town meeting, and see if it passes. This will apply only to new uses.

1. *See if you can get the town to commit voluntarily to the restrictions you want to see on public roads, since that is likely your biggest source of this pollution.*
2. *Begin an educational campaign for the nonresidential uses who have site plan approval to try and get them to agree to voluntarily go green.”*

Superintendent Miner noted the zoning regulation is already in place.

Chair Provencher noted the Town is already on board as they are using brine in sensitive areas. The educational campaign is also already in motion.

Commissioner von Schoen stated concern with the briefing the attorney received. He is concerned it was not at all targeted at what we wanted to do.

Chair Provencher commented he is uncertain if the recommendations were being made because there is no authority to do anything else. He questioned if the State would have the authority to limit salt on all properties.

Superintendent Miner informed the Board he has spoken with Pierce Rogrod, Drinking and Groundwater Supervisor, NHDES, regarding this. If not considered a pollutant it would be tough. Vice Chair Clement commented that if it has not been categorized by the EPA as a pollutant of concern then it is hard to treat it that way legally.

Commissioner von Schoen questioned how much of the discussion with the Town/Town Manager the attorney has been involved in. Superintendent Miner replied that the lawyer has a copy of the draft ordinance. Any draft provided to the Town would be reviewed by their legal counsel to see if it passes muster. We can submit what we would like to see.

Commissioner von Schoen stated his concern is more that without proper context and motivation of this discussion, he is uncertain if a productive review and draft of an ordinance is possible. We were looking for means of achieving what we would like to see and the idea was to work with the Town, do the prep work, and request this of the Town. He is uncertain if that was achieved if the result was what we received. His email being forwarded to the attorney was not sufficient to provide a comprehensive understanding of what we are looking to achieve.

Superintendent Miner remarked when we have identified a direction that we want to take, he plans to bring Robert Price, Director, Community Development, into the discussion. Once we iron the issues out we will work that way. We do not yet have a direction.

Superintendent Miner stated if you read what counsel is suggesting we do, we are already taking those steps.

Chair Provencher stated the legal opinion includes a part in regard to zoning, which only applies prospectively. That is the aspect we are trying to get around. Superintendent Miner stated his belief that what is being said is we will not get around that.

Commissioner von Schoen provided examples of Town ordinances, e.g., no RV usage, parking restriction, and winter parking ban ordinances.

Vice Chair Clement stated those to be related to Town property.

Commissioner von Schoen stated he does not believe that the Town cannot put an ordinance in place regarding this.

Chair Provencher suggested it best that the questions be asked of legal counsel at the next meeting.

3. Superintendent's Report

Water Quality

Maintenance:

- Treatment Facilities
 - The Granular Activated Carbon (GAC) media changeouts for 2&9 and 4&5 Treatment Plants have been completed. We are still working on getting the media conditioned at 2&9.

Asked about short chains detected, Superintendent Miner stated what we are running into is that it is busier during the day. Having been asked if they could be postponed, he stated his desire for the changeouts to be done even if we have to sit on the media for a bit and condition when we can.

Chair Provencher noted the date the GAC was loaded on Wells 2&9 was June 30th and July 2nd. He does not believe we are already having breakthrough. The sampling for the last treated water for all the treatment plants was right before this, which is why we would be having breakthrough at the short chains.

Business Manager Lavoie clarified the sampling was done June 26th.

Superintendent Miner remarked we are actually getting some higher volumes on the Turkey Hill tank at night. We may incur some overtime and start conditioning at night.

Administrative:

- Water Supply Options Study
 - Underwood Engineers, Inc. (UEI) does not have anything to discuss at this point but is targeting to have a draft report on water supply options by early August. At that point, they like to meet with staff, and if all is good, they can present it to the Board.
- Artificial Recharge Site Tour - Dover, NH
 - UEI, GZA GeoEnvironmental, and MVD went on a site tour of the Artificial Recharge (AR) facility at Dover, NH on June 16th.

Vice Chair Clement commented on it having been an informative tour. It was interesting because the brook they are taking water out of is a creek (slightly larger than Naticook Brook). There are very few circumstances when they can run that plant.

Superintendent Miner remarked when they can run it, it is a million gallons/day.

Vice Chair Clement added they are seeing numbers increase when they are running it (groundwater levels). Superintendent Miner stated it is all set up in Supervisory Control and Data Acquisition (SCADA). You could see past starts and stops of when they could run. There would be months when they had to shut down. It was running non-stop for approximately 3 months at million gallons/day. At this point, they were pumping and would run for a day or two and would have to shut down for a few days.

He believes the SCADA would not allow them to run it all the time.

Vice Chair Clement remarked if we were to do it, we have a larger water source and she would hope the permitting aspect would be better and give us more availability. The idea of spending all that money to put a pipe in the river and only able to run it under specific restrictions made her a bit weary.

Asked, she stated they had an inlet on the side of the little brook. She was surprised by the small size of the brook and the much larger than utilized detention pond.

Chair Provencher commented perhaps the idea is to fill the detention ponds when the stream is running high in the spring and then hope that the water that infiltrates those ponds persists through the summer for the wells to capture.

Vice Chair Clement remarked part of our interest is in summer highs from sprinkling. That creek is never going to do that for them because it is always when the water is lowest they cannot pump.

Chair Provencher asked if it is something relatively new, and was told it was constructed but not utilized, and they have now tried to bring it on. It also seemed they have multiple water sources.

- Beebe Lane area phase 1
 - Engineering Service Request (ESR) 84 was signed on June 19th
 - The ESR will bring us through design, survey, subsurface, and bidding - totaling \$191,000.
- Greatstone Drive
 - ESR 85 was signed on June 19th.
 - The ESR will bring us through design, survey, subsurface, and bidding - totaling \$218,000.

Chair Provencher questioned funding sources and was told it is through grants and loans.

- For both Beebe Lane and Greatstone, the surveyor established control points this past Friday the 17th and will have two crews on Beebe tomorrow and the second crew to head to Greatstone to begin the survey.
- Subsurface; week of August 10th.

- Schedule; begin work within 30 days with the goal of bidding the projects in the Spring of 2027.
- Summary:
 - Greatstone would include approximately 6,900 linear feet (LF) of water main (61 Homes) (8,000 LF including side streets, additional 7 homes)
 - Beebe Lane Phase 1 would include approximately 5,900 LF of water main (56 Homes) (6,500 LF including the last 600 LF on the south side of Baboosic Lake, additional 3 homes).

US Rte. 3 Bridge Replacement & Safety Improvements NHDOT Bridge No. 118/135 (Baboosic Brook Bridge) NHDOT Project No. 29174:

- Project Overview
 - On July 14th, attended the utilities coordination meeting
 - Next meeting is July 28th
 - Replacement bridge; 121' span steel girder bridge
 - Temporary bridge on-site - two-lane detour & detour bridge of 140' span
 - We have a 20" water main located on the bridge that will be kept in service with a temporary by-pass, most likely hanging from the temporary bridge.
 - Sidewalk on both sides of Route 3
 - Wire Road Realignment with new MYA Access and four-way traffic signals.
 - Schedule; bid advertisement January 2027, contract award April 2027, construction start April 2027, construction complete November 2027, and project completion September 2028.
- Gerard, Mullikan, Farmer, and Mason
 - Final punch list items are complete or in process.
- Palmeri, Gerard and Wilson Hill
 - Final paving for Wilson Hill Road and the paving patches on Palmeri Drive is expected to occur at the end of the month. Granese needs to confirm a date with at least one week's minimum notice.

Third Party Review

- Flatley Retail water Review
 - They are looking at starting phase 3A, which is a combination of retail, hotel, and restaurants.
 - 9,900 gallons/day for the hotel, 5,400 gallons/day for the retail, and 3,000 gallons/day total for the 2 restaurants.
 - It is about half the planned retail currently totaling 18,300 gallons/day.
- Village Landing
 - Proposed 20 age-restricted townhomes
 - Loop Road 2" water main.

Expected is an ask of updating the road to an 8" water main.

If not informed of irrigation demands, noted on their letter is that they do not get irrigation. If a subsequent request is made it is subject to review.

Asked if applicants are required to pay for their review, Superintendent Miner stated they are.

4. Board of Commissioners to review the minutes of the June 15, 2026, regular and non-public meetings.

Board of Commissioners	June 15, 2026
Board of Commissioners - Non-Public	June 15, 2026

**MOTION BY COMMISSIONER CLEMENT TO ACCEPT THE MINUTES OF THE
REGULAR AND NON-PUBLIC MEETINGS OF JUNE 15, 2026, AS PRESENTED
MOTION SECONDED BY COMMISSIONER ALLEN**

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

Yea: Wolfram von Schoen, Erin Clement, Dan Allen, Don Provencher	4
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. New dates were added to several of the items.

Salt Mitigation Committee Meetings

Chair Provencher spoke of the desire to have a draft salt ordinance and/or research available to discuss at the next meeting. Business Manager Lavoie commented that having representatives from NHDES present during such a discussion would be key if they do have authority.

6. Old Business

Business Manager Lavoie informed the Commission of applications that were submitted for the Greatstone and Beebe Lane projects. Approval was received on Friday.

The grant agreement and loan documents must be signed within 30 days of agreement. As the original certificate of vote wherein the Board authorized the Superintendent to sign the documents does not fall within that time period, there is the need to once again authorize the certificates of vote.

**MOTION BY COMMISSIONER CLEMENT TO AUTHORIZE THE CERTIFICATE OF
VOTE FOR THE GRANT AGREEMENT AND LOAN AGREEMENT FOR THE
GREATSTONE AND BEEBE LANE PROJECTS
MOTION SECONDED BY COMMISSIONER ALLEN**

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

Yea: Wolfram von Schoen, Erin Clement, Dan Allen, Don Provencher

4

Nay:

0

MOTION CARRIED

Superintendent Miner noted the Board packets included additional information on the MODEL Return on Investment for the vacuum truck. If desired, a presentation could be provided next month when Commissioner Sabens is present.

Commissioner von Schoen spoke of his hope feedback provided at the last meeting did not come across as overly critical as that was not his intention. In itself he fully supports the decision to purchase the truck. He commented on being pleased with the information provided.

Chair Provencher asked about the calculation of 3,000 potholes noting the previous discussion of whether that number would be required. Business Manager Lavoie stated that to be conservative as there are over 4,000 unknowns. She spoke of a meeting scheduled for the next day with 120Water to discuss the statistical analysis method that will be tried to hone in on the number. Following that, a discussion would take place with the NHDES as they would have to approve the method being used. They need to know why we are choosing the neighborhoods/certain areas.

7. New Business - None

8. Questions from the Public/Press - None

ADJOURNMENT

MOTION BY COMMISSIONER CLEMENT TO ADJOURN
MOTION SECONDED BY COMMISSIONER ALLEN

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

Yea: Wolfram von Schoen, Erin Clement, Dan Allen, Don Provencher

4

Nay:

0

MOTION CARRIED

The July 20, 2026, meeting of the Board of Commissioners was adjourned at 6:11 p.m.

Submitted by: Dawn MacMillan, Recording Secretary