

**MERRIMACK VILLAGE DISTRICT
BOARD OF COMMISSIONERS
AUGUST 17, 2026
MEETING MINUTES
(approved September 21, 2026)**

A regular meeting of the Board of Commissioners was conducted on Monday, August 17, 2026, at 5:08 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
Scott Sabens, Personnel Liaison

Members of the Commission Absent: Wolfram von Schoen

Also in Attendance: Ron Miner, Superintendent
Kristen Maher, HR/Finance Director
Laura Spector-Morgan, Esq., Mitchell Municipal Group
Keith Pratt, P.E., Chief Oper. Ofcr., Underwood Engineers

Having experienced technical difficulties with live streaming, the Board went out of the regular order of business and entered non-public session.

NON-PUBLIC

**MOTION BY COMMISSIONER ALLEN THAT THE BOARD, BY ROLL CALL, GO INTO NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II (a) THE DISMISSAL, PROMOTION OR COMPENSATION OF ANY PUBLIC EMPLOYEE
MOTION SECONDED BY COMMISSIONER SABENS**

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

Yea: Erin Clement, Dan Allen, Scott Sabens, Donald Provencher

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Nay:

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MOTION CARRIED

The Board entered non-public session at 5:08 p.m.

The Board reconvened at 5:35 p.m.

In an effort to accommodate attendees participating remotely, the Board continued by taking up the discussion related to water supply alternatives followed by the discussion of the legal opinion relative to a proposed salt ordinance.

REGULAR SESSION

2. Board of Commissioners to discuss Water Supply Alternatives project with Underwood Engineers, Inc.

Keith Pratt, P.E., Chief Operating Officer, Underwood Engineers, Inc. (UEI), spoke of the desire to provide the Board with an update on the status of the alternative supply study.

Underwood Engineers was tasked with looking at new and additional supplemental water supplies to help meet the 20-year projections for maximum daily demand (MDD). Identified was a target number of 5.5 million gallons/day (MGD). The target identifies an additional need of 528 Gallons Per Minute (GPM). They recommend pursuing at least 610 GPM to allow another 15% contingency consistent with other wells.

Alternatives are similar to what has been seen previously; artificial recharge, Mitchell Woods, wholesale agreement with Pennichuck Water Works (PWW) and Manchester, Wilson Hill, Wright property, Well 6 surface water treatment plant.

They subsequently added a few; Budweiser wells, properties in Amherst, and additional well sites in Merrimack.

The options were ranked; green - most promising, yellow - alternatives to pursue if needed, and red - least promising.

Rankings were based on cost per thousand gallons per day (capital cost and present worth cost divided by the production of each source), which provides a normalized cost as every option is not producing the same amount of water. They generally place the more cost effective or more reliable and higher yield options to the left and then the more costly and less reliable to the right. The chart shows cost/thousand gallons and sustained capacity (GPM). It represents added production to the water supply.

Mr. Pratt noted the information packet included an old figure issued by Emery & Garrett some time ago; sort of a revisit of well areas that might have merit for development. They looked at the southern portion of the Anheuser Buisch property; suggested keeping that on the table. The other was in Amherst (identified as AS&G-1 and AS&G-2). Those are new sites that were addressed in the report.

RECOMMENDATIONS

Near-Term (1-2 years)

Artificial recharge, Budweiser wells, and Wright property are three of the most viable options to continue to look at. These were identified based on their relatively low cost per GPD and, with the exception of the Budweiser property, are MVD owned. They recommend pursuing Budweiser as it has the potential to really help.

Backup options are MER-8 (south of Budweiser), Pennichuck Water Works, and Well 6.

Recommend advance the potential for securing one or more of the Budweiser wells (in process) and continue to advance Wright well option. Once more is known about the potential for these, they would compare against artificial recharge (a preliminary design has already been done) to see which rises to the top.

Until these options are put into service, Underwood recommends that the wholesale arrangement with PWW be maintained.

Long-Term (3-5 years)

Beginning in 2028, depending on the outcome of near-term solutions, evaluate additional supply options including MER-8 and learn more about the potential in Amherst.

Mr. Pratt noted the Amherst sites were not included in the ranking because there are too many unknowns. Through further investigation, it appears PWW has already developed some wells over there. It is uncertain whether additional wells could be installed. They also learned, through preliminary cost estimating, that they were too costly compared to the other options recommended.

They are working hand-in-hand with Emery & Garrett/GZA GeoEnvironmental, Inc. on these options, and awaiting additional information on Budweiser. Their report will likely follow UEIs. The desire of UEI was to issue their report to begin discussion of next steps particularly entering the fall budget cycle. The full (draft) document will be provided in the following week or two.

Chair Provencher questioned, when calculating the total project cost, present worth, which includes the additional Operating & Maintenance (O&M) cost, how many years of O&M does it include?

Mr. Pratt responded, for the purpose of this study a 20-year present worth. He added that you can see in some of the smaller projects the present worth is not a big impact (some of your own wells). A big difference can be seen if you have PFAS treatment or if you have these purchases from Manchester or PWW. That is when you start seeing the big gap in capital and O&M.

Chair Provencher asked about the cost identified for alternative #3, artificial recharge at Wells 4&5 WTP listed as \$15,520,000 capital cost. He recalls it had previously been listed as \$7-8 million. He asked if something was discovered that resulted in the increase.

Mr. Pratt stated he and Peter Pitsas, P.E., Senior Project Manager, had written a letter summarizing the change. His recollection is that this price included an intake structure sized for future needs. He would have to review the letter for further details; however, the \$15,520,000 listed is the estimate.

Chair Provencher commented he reviewed the groundwater management zone that Saint-Gobain is responsible for providing treatment within. The Wildcat Conservation Area (MER-3) and Budweiser (MER-8) are inside that groundwater management zone. Theoretically, we have a case to be made to see if the State can enforce Saint-Gobain to provide some capital costs and O&M on the changeout of vessels should we not agree to do our own settlement agreement as was done on wells 4&5 and limit that five years.

The NHDES had explained to him had we not had that settlement agreement for Wells 4&5 they may have imposed this until essentially ambient groundwater is back to compliance (approx. 500 years). He suggested that be kept in mind if pursued. Values of the options for those two areas with treatment may be reduced. Those discussions with NHDES have a long way to go.

Mr. Pratt stated that point will be made in the discussion of their report. He asked if that would also apply to Budweiser if able to secure a Budweiser well. Chair Provencher stated his understanding the groundwater management zone goes right down to the boundary with Nashua.

Mr. Pratt remarked they are trying to take 12 options and put capital costs to them. He would not say that these are costs to budget/take to Town Meeting. That is not this number. This number is to try to treat each of the options as close as possible from a cost point of view to see which are ranked higher relative to each other. If we agree with the relative difference and like the 3 or 4 recommended options to pursue next, we would go into a preliminary design phase and refine the numbers with more engineering and site work, etc. A lot of times if you look at a treatment plant, we just use the cost per gallon for each site. If you said it was \$120/gallon to treat for PFAS that is kind of how we applied all of them. In reality, it would depend on more site conditions, etc., but at least it gets us to see that relative difference between options. That is why when we look at them some of them might be a little bit different 5-15% from another, but in a study like this they are pretty much the same. We were really looking for twice as much cost or two-thirds as much cost when trying to rank them.

Mr. Pratt stated when entering the budget cycle, they will engage again with the Administration and Board to see what the desire is for next steps.

Chair Provencher commented you may have seen some of the temporary PFAS treatment systems where they are constructed outside with no building around them. They are intended to be temporary while something more permanent is constructed. He has seen presentations where they include an outside single GAC vessel. It will not work in winter conditions, but the expectation is we only need to meet peak flows in the summer months. He wondered if there is a possible alternative of one GAC vessel at the Pennichuck interchange where we already have that booster station interconnect. We would follow the booster station with one GAC vessel outside in the elements and probably have to construct some kind of re-chlorination station following the GAC. He is uncertain how large that would be; perhaps a small, prefabricated booster station (for chlorination). The idea is we would drain that vessel in October after the peak season and put it back in service in April.

Currently, our wholesale agreement is limited to 500,000 gallons per day peak. He asked and was told the infrastructure of the booster station was designed for 700 GPM. That is a million GPD. Seven hundred GPM would provide more than the 610 GPM we are looking for. He suggested that could be another alternative to look into.

Mr. Pratt commented he does not think he would characterize that as a temporary treatment plant. You are just talking about a seasonal facility.

Chair Provencher added it would be a peak shaver. Once we start getting into October (weather dependent), our peak demand goes down to around 2-3 million gallons per day (MGD). Even if, in the future, that number is 3.5 MGD, we are meeting that with the rest of our wells.

He stated uncertainty if there are sufficient funds in the current source alternatives evaluation budget to include this for consideration. Mr. Pratt responded they are already over budget but will finish the job. He commented that the idea is interesting. The Pennichuck connection is still one of the ones that are possible. Land might be an issue. To get into it, you would want to spend a little more time. They will add it in there, as you pursue one of these options with PFAS treatment whether it is Budweiser or any of these because all the water we are chasing is to meet that peak demand. A recommendation can be added that whether we land on a site, source or solution, if PFAS treatment is needed let's consider a seasonal option in the next step.

Vice Chair Clement commented that because the Pennichuck supply is already compliant with PFAS limits, that we would only need the one GAC vessel, not two vessels.

1. Board of Commissioners to discuss the legal opinion with Attorney Laura Spector-Morgan relating to a proposed salt ordinance.

Laura Spector-Morgan, Esq., Mitchell Municipal Group, stated she reviewed the minutes of the last meeting, and understands the concerns regarding the email provided in response to questions posed by the Board concerning the desire for an Ordinance restricting salt use for all properties in Town. She stated she fully understood MVD's concerns with salt in the water and the desire for an ordinance either the district or Town could adopt that would restrict salt use for all properties, even those that have received site plan approval.

Her conclusion was that there is no way to do that. There is no way to adopt a zoning ordinance that will apply retroactively, and she is not aware of any other statutory authority that allows the district to adopt a salt restriction ordinance. Even the NHDES does not have such a regulation. They have a recommendation and a voluntary program, but they have no State restriction on where you can use salt products. There is a restriction on where you can store them.

Chair Provencher remarked he had not realized it was that limiting.

Vice Chair Clement noted the Town can put regulations such as speed limits in place as it has been given the power to regulate that by the State. In order for the Town to regulate salt use, the State would have to pass a law giving that authority to the Town.

Attorney Spector-Morgan responded, as a separate ordinance from your zoning ordinance, yes, you would need some sort of State authority.

Vice Chair Clement noted, for existing/grandfathered properties, a salt use restriction cannot be put in place unless the property comes before the Zoning Board for site plan approval. At that time, the Zoning Board could impose restrictions as part of approval.

Noted in the email provided by legal counsel was that "This protection of existing uses is found not only in the State Statute, but also in the New Hampshire Constitution."

The example was provided of districts having the ability to vote on whether fluoride is used in the water and to take property to comply with any water pollution orders they receive. Chair Provencher questioned what provides the authority to do that with fluoride but not sodium chloride. Attorney Spector-Morgan stated that authority is provided by State Statute. Fluoride was a big deal 30 years ago, and a statute was put in place saying that you could have regulations to prohibit it in public water.

Superintendent Miner questioned whether the Board could amend its Bylaws to enable it to put such a restriction in place.

Attorney Spector-Morgan responded that State Statute allows the Board to adopt bylaws relating to system or structures as required for proper maintenance and operations. What she was not hearing was that use of salt interferes with the ability to operate the water system. There is concern with water quality, which is a fair concern, but she does not believe the bylaw statute provides the authority to regulate something about water quality as that is not the system.

Chair Provencher asked for clarification of the statement that the Town itself is exempt from any zoning regulation. Therefore, the Board cannot limit the materials that can be used on Town roads via a zoning ordinance.

Attorney Spector-Morgan noted her understanding the Town does not use salt on the roads. Chair Provencher clarified the Town uses brine (liquid form of salt). He clarified his question was around the meaning of the statement that the Town is exempt from zoning ordinances. Vice Chair Clement provided the example of the Town constructing a building and not having to abide by any of their own zoning regulations. As a municipality, they are exempt. The school is also exempt.

The Board returned to the regular order of business.

FINANCE/HUMAN RESOURCES REVIEW

1. Analysis of Revenue and Expenditures

As of August 12, 2026, and one (1) month into the fiscal year, shown is revenue in the amount of \$743,393 (10.94%) of budgeted amount and expenses of \$504,236 (7.42%). Net Ordinary Income is \$239,156.

The Unassigned Fund Balance is \$23,519,250.66. Total percentage considered fund balance is 76.2%.

Noted was that the fund balance report has retained earnings shown as \$5,570,894.87 due to not having closed out FY26.

Auditors will be in-house on Labor Day. The hope is that October's report will have final numbers.

2. Capital Reserve Balance

Chair Provencher questioned the System Development Charge; Mitchell Woods Reimburse Request FY24 (\$75,000). Director Maher noted expenses for FY24. The reimbursement request has not been made. The project itself is not yet closed.

Chair Provencher commented on discussion of meter replacement listed under Equipment & Replacement - 5-year plan (1 of 5) (\$455,000.00). Director Maher stated we have not gone to an outside source yet. Our technicians, for last year, have done a significant number of replacements. We are soon to be on track to keeping up with that this year. That is why it is back to being listed as year 1 of 5.

Superintendent Miner commented we probably will not spend that.

Chair Provencher questioned the New Finance/Utility Software cost listed as (\$186,000) and was told reimbursement will be requested once implementation is completed.

Commissioner Sabens questioned why there continues to be petty cash of \$100.00 listed on the bank balance report under assets. Director Maher stated they are working on getting rid of it.

When reimbursing we are experiencing difficulty cashing the check to reimburse the bank.

She submits the expenses into the system and then gets a check for the Administrator to go to the bank to get cash to replenish all receipts. They will not let her cash the check because she is not an authorized signer. She only does this perhaps twice a year.

3. Superintendent's Report

Administrative:

- Mainline extension loan and grant delivered to the NHDES on July 21st. Goes to Governor & Council on September 2nd or 16th.
- Final paving for Wilson Hill Road and Palmeri and Gerard Drive will take place the week of August 24th. The traffic control plan has been posted on MVD and Town websites. The message board has been deployed.

Asked how much of the road will be paved, he indicated it would be one lane (half the road) the whole length of the project for Wilson Hill.

- Due to the recent heightened awareness of cybersecurity, NHDES is shifting its policy on contact hours for operators and adding a mandatory no less than 2 hours per two-year renewal on cybersecurity training.

We are already doing this, but now it will be something we can get credit for.

- EPA Inspection

- The EPA will conduct an inspection of our facilities on August 25th and 26th.
- Final Watershed-Based Plan for Naticook Brook
 - Needs to be submitted to the full Steering Committee, however, the desire was to provide an additional opportunity for the Board to review and provide feedback (by August 21st). The hope is that a Steering Committee meeting can take place in the week of August 24th.
- Beebe Lane area Phase 1 Greatstone Drive
 - Surveyors started collecting information mid-July
 - Subsurface was out on the week of August 10th.

Chair Provencher commented on hacks other water departments have been dealing with and questioned if MVD has experienced any issues.

Superintendent Miner stated MVD has not experienced any issues. He requested Director Maher request Block5 put some stuff down. Director Maher added names of items, e.g., exact server names, firewalls used.

Superintendent Miner added they have taken the recommended steps in the field.

Chair Provencher spoke of other entities that simply returned to manual operation. He questioned if there are any suggestions to do a mock trial, e.g., have someone at every pump station and run a manual test to see if there are any deficiencies that pop up that we would have to be concerned with.

Superintendent Miner stated that has not yet been done, but there are plans to do things such as that.

Director Maher added we have our Overwatch Grant; we were not going to do any of the recommendations until late fall/early winter because it is our slower season. Once that is done they do another walkthrough. She was also going to look into penetration testing.

Superintendent Miner stated we get the alert and have our remote access. We change passwords and do multi-factor logins, etc.

Director Maher added you cannot get into them if they are in run mode. They are all in that.

Commissioner Sabens commented on the paving and earlier discussion of putting information out on social media. He would like to see more in the way of postings.

4. Board of Commissioners to review the minutes of the July 20, 2026, regular meeting.

Board of Commissioners

July 20, 2026

**MOTION BY COMMISSIONER CLEMENT TO ACCEPT THE MINUTES OF THE
MEETING OF JULY 20, 2026, AS PRESENTED**

MOTION SECONDED BY COMMISSIONER ALLEN

MOTION CARRIED

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

Ongoing Salt Mitigation Committee Meetings

Superintendent Miner stated the Steering Committee would meet the following week.

Chair Provencher suggested invitations be provided to all Merrimack Representatives to attend the Steering Committee meeting. The desire is to seek sponsorship for a Legislative Service Request to achieve the outcome of the District having the authority to restrict salt usage.

Graphs

Waiting on media results for Wells 4&5.

PFAS GAC Filtration Media Alternative

Chair Provencher suggested reaching out to question an end date.

Vice Chair Clement stated her belief the EPA wished for it to continue as they were still getting good results. She does not believe everything has broken through yet. They offered to continue doing the samples for another 3-4 months.

Commissioner Sabens remarked the outcome is looking for a recommendation on whether we continue with what we have or go with one of these new media types. He asked if the next step would be a presentation.

Vice Chair Clement stated her belief that was the original intent of the study, but through the study and seeing the numbers, they realized there is nothing magical in there that does a better job. She believes the outcome will simply be a report.

Outstanding questions are when the pilot test concludes and when a report will be forthcoming.

Salt Mitigation Ordinance

Invite State Representatives to attend the Steering Committee meeting.

Commissioner Sabens questioned getting information out to the public-at-large to provide awareness of damage, e.g., cost of treatment, what could occur if not treated, etc. Vice Chair Clement spoke of that being done through the salt letter sent out in October.

Superintendent Miner suggested the possibility of putting something together for Merrimack TV.

Chair Provencher asked if UEI did an evaluation of what a surface water treatment plant would cost. If that information is available it could be shared as a mechanism of showing the financial impact on customers were that scenario to become necessary. He suggested reaching out to UEI to see if

they generated a ballpark number for the cost of a surface water treatment plant. Perhaps we could also receive an estimate of what a wholesale agreement would be if having to purchase all of our water from PWW if our wells were contaminated with road salt to the point they could not be used.

6. Old Business - None
7. New Business - None
8. Questions from the Public or Press - None

ADJOURNMENT

MOTION BY COMMISSIONER SABENS TO ADJOURN
MOTION SECONDED BY COMMISSIONER ALLEN
MOTION CARRIED
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The August 17, 2026, meeting of the Board of Commissioners was adjourned at 6:46 p.m.

Submitted by: Dawn MacMillan, Recording Secretary

DRAFT

