

**MERRIMACK VILLAGE DISTRICT  
BOARD OF COMMISSIONERS  
ANNUAL MEETING  
MARCH 25, 2025  
MEETING MINUTES  
(approved April 21, 2025)**

The Annual Meeting of the Merrimack Village District was conducted on Tuesday, March 25, 2025, at 7:00 p.m. at the James Mastricola Upper Elementary School All-Purpose Room.

Moderator Marc Nozell presided:

Members of the Commission present: Donald Provencher, Chairman  
Kenneth Ayers, Vice Chairman  
Erin Clement  
Scott Sabens

Members of the Commission Absent: Wolfram von Schoen, Personnel Liaison

Also in Attendance: Ron Miner, Superintendent  
Kristen Maher, HR/Finance Director  
Jill Lavoie, District Clerk  
Keriann Roman, Esq., Drummond Woodsum

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Moderator Nozell explained the process that would be followed.

Don Provencher, Chairman, Merrimack Village District Board of Commissioners, introduced members of the Commission, Administration, and legal counsel.

Commissioner von Schoen was unable to be in attendance having been detained overseas due to redirected air traffic.

Ballot boxes were declared open at 7:02 p.m.

**ARTICLE 1**

To choose one (1) Commissioner for a three (3) year term of office. (Written ballot vote required)

Moderator Nozell noted there is a single individual identified on the ballot. If wanting to vote for someone whose name is not on the ballot, voters could simply write in the candidate's name in the space provided.

**ARTICLE 2**

To choose one (1) Commissioner to fill one (1) year of a three (3) year term of office. (Written ballot vote required)

Moderator Nozell noted there is a single individual identified on the ballot. If wanting to vote for someone whose name is not on the ballot, voters could simply write in the candidate's name in the space provided.

### **ARTICLE 3**

To see if the Merrimack Village District will vote to raise and appropriate the sum of six million five hundred thirty-eight thousand nine hundred fifty-three dollars (**\$6,538,953**) for general municipal operations for the 2025-2026 fiscal year with said sum to come from water related charges. This article does not include appropriations contained in special or individual articles addressed separately. (Majority vote required)

**Recommended by the Board of Commissioners (5-0-0)**

**MOTION BY COMMISSIONER SABENS TO ACCEPT WARRANT ARTICLE 3, AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER CLEMENT**

### **ON THE QUESTION**

Commissioner Sabens explained this is the operating budget warrant article. This article funds the operations of the District for the year beginning July 1, 2025, ending June 30, 2026, for all departments; Administration, Distribution, Treatment, Debt Services and Insurance/Benefits.

**MOTION CARRIED**

### **ARTICLE 4**

Shall the Merrimack Village District vote to raise and appropriate the sum of sixty-eight thousand four hundred ninety dollars (**\$68,490**) under provisions of RSA 35:1, I and II to add to the District's "System Development Capital Reserve" fund for the future system expansion and improvement of the existing system. This sum to come from the System Development revenue fund; these are the system development charges collected during the 2023-2024 budget year. (Majority vote required.)

**Recommended by the Board of Commissioners (5-0-0)**

**MOTION BY COMMISSIONER PROVENCHER TO ACCEPT WARRANT ARTICLE 4, AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER AYERS**

### **ON THE QUESTION**

Commissioner Provencher stated the MVD's Board of Commissioners adopted a System Development Charge (SDC) on August 19, 2008. This charge is applied to "new" customers and those existing customers who increase their water service demand beyond 20% of their current or prior use. The charge can best be described as a "buy-in" fee to achieve an equal equity position with the existing customers. This one-time payment will cover their share of the value of the existing infrastructure. Fire service

entrances are not subject to the SDC. The “System Development Charge Use of Funds” policy (08-02-B) was approved by the Board of Commissioners on October 27, 2008. These funds can be used for water system expansion caused by an increase in demand for service, increase in consumption and the overall need for a supply increase necessary to meet the goals of the District.

Wendy Thomas, 10 Wildcat Falls Road

Last year there was discussion of the amount that was being saved and put aside for improvements, reacting to catastrophic weather conditions, etc. Do you have an idea of how much was spent over the last year on those types of projects?

Kristen Maher, Finance Director

There has not been much in the way of infrastructure improvements having just completed the last of the three (3) treatment plants.

Included in this year’s Annual Report is information pertaining to Trust activity as well as the Capital Improvements Plan (CIP), which identifies areas where funds are anticipated to be expended, e.g., looking for water sources due to new construction and growth in town. We are also looking at the age of some of our main line pipes.

Ms. Thomas asked if “looking for new water” means new wells. It was indicated that is the case.

**MOTION CARRIED**

## **ARTICLE 5**

Shall the Merrimack Village District vote to raise and appropriate the sum of eight hundred thousand dollars (**\$800,000**) under provisions of RSA 35:1, I and II to add to the District’s “Equipment and Facilities Capital Reserve” fund for associated costs with existing storage, transmission and production of water. This sum to come from unassigned fund balance. (Majority vote required)

**Recommended by the Board of Commissioners (3-2-0)**

**MOTION BY COMMISSIONER SABENS TO ACCEPT WARRANT ARTICLE 5, AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER PROVENCHER**

## **ON THE QUESTION**

Commissioner Sabens stated the purpose of this article is to use a portion of the revenue surplus to be set aside for future use in the District’s Equipment and Facilities capital reserve fund. This allows the District to plan for future capital needs as outlined in the District’s Capital Improvement Plan. Additionally, should an emergency arise in future years, for which there was no appropriation, the Board of Commissioners would have these funds available for such purposes. This fund was established by the March 26, 1996, annual meeting.

Juanita Dangel, 17 Westminster Lane

Asked if the Unassigned Fund Balance represents funds that were not utilized during the year.

Kristen Maher

Stated that to be correct. The Unassigned Fund Balance (UFB) represents all of the assets minus the liabilities. Monies allocated can only be utilized for the purpose(s) for which the fund was created.

Ms. Dangle spoke of the \$800,000 allocation requested through this article and the \$200,000 through Article 6 commenting that suggests there is \$1 million available in the UFB.

Director Maher stated that to be correct.

**MOTION CARRIED**

### **ARTICLE 6**

Shall the Merrimack Village District vote to raise and appropriate the sum of two hundred thousand dollars (**\$200,000**) under provisions of RSA 35:1, I and II to add to the District's "Purchase of water and/or the operations and maintenance of GAC Treatment facilities" Non Capital Reserve fund for associated costs with purchase of and/or treatment of water. This sum to come from unassigned fund balance. (Majority vote required)

**Recommended by the Board of Commissioners (5-0-0)**

**MOTION BY COMMISSIONER CLEMENT TO ACCEPT WARRANT ARTICLE 6, AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER AYERS**

### **ON THE QUESTION**

Commissioner Clement explained that the purpose of this article is to use a portion of the revenue surplus to be set aside for future use in the District's Purchase of water and/or the operations and maintenance of GAC Treatment facilities non-capital reserve fund. Should an emergency arise in future years, for which there was no appropriation, or should there be the need for an unforeseen additional water purchase or treatment cost, for example, the Board of Commissioners would have these funds available for such purposes. This fund was established by Warrant Article 6 at the March 2021 Annual Meeting.

**MOTION CARRIED**

### **ARTICLE 7**

This article is to transact any other business and close the meeting.

Wendy Thomas, 10 Wildcat Falls Road

Wished to understand if the Merrimack Village District is receiving any Federal funds from the Infrastructure Bill and/or State funds from the Water Council. She questioned if there was an update available on funds that could result from the lawsuit with Saint-Gobain.

Kristen Maher

Responded in terms of future State and Federal grants, due to the projects just completed, no additional infrastructure grants have been received. The MVD has received grant funding for other projects that are being worked on, however, she does not believe they are part of the Federal infrastructure grants.

Kerriann Roman, Esq., Drummond Woodsum

There are two potential future pots of money for the District. Many water districts in the state and country settled lawsuits against 3M and DuPont as well as Tyco and BASF. That money all went to the State of New Hampshire. The State is currently working on program rules and regulations for how those funds will be distributed.

Regarding the pending lawsuit against Saint-Gobain Performance Plastics (SGPP) and Textiles Coated International (TCI), two things are currently occurring. Saint-Gobain and TCI have named up to 25-30 additional parties they claim share responsibility for the contamination. Counsel is working through that process right now, and expect it will be resolved fairly soon.

They are also in the middle of litigation discovery. Documents have been requested of both Saint-Gobain and TCI. Interrogatories (questions they are obligated to answer under oath) have been sent with a deadline of the beginning of May. A Right-to-Know request was submitted to the New Hampshire Department of Environmental Services (NHDES) for everything TCI, which resulted in receipt of thousands of documents. Litigation counsel (only paid if we prevail) is in the process of reviewing those documents.

**MOTION MADE BY COMMISSIONER PROVENCHER TO RESTRICT RECONSIDERATION OF ALL ARTICLES**  
**MOTION SECONDED BY COMMISSIONER CLEMENT**  
**MOTION CARRIED**

**ELECTION RESULTS**

**Article 1:** To choose one (1) Commissioner for a three (3) year term of office.

Dan Allen – 23 votes

**Article 2:** To choose one (1) Commissioner to fill one (1) year of a three (3) year term of office.

Scott Sabens – 18 votes

Bob L'Heureux – 2 votes

Dan Allen – 1 vote

**MOTION BY COMMISSIONER PROVENCHER TO ADJOURN**  
**MOTION SECONDED BY COMMISSIONER SABENS**  
**MOTION CARRIED**

*Moderator Nozell declared the Annual Meeting adjourned at 7:25 p.m.*

Date: 4/21/25

Signed: Jill Lavoie  
Jill Lavoie, District Clerk