

**MERRIMACK VILLAGE DISTRICT  
BOARD OF COMMISSIONERS  
MARCH 31, 2020  
POSTPONED TO JULY 7, 2020  
ANNUAL MEETING  
MEETING MINUTES**

The Merrimack Village District Annual Meeting was conducted by the Merrimack Village District Board of Commissioners on Tuesday, July 7, 2020 at 7:00 p.m. at 31 Madeline Bennett Lane, Merrimack, NH. This meeting was originally scheduled for March 31, 2020. Due to the COVID-19 pandemic it was postponed to July 7, 2020.

Chairman, Donald Provencher presided:

Members of the Board present:       Joseph Comer, Vice Chairman  
  Wolfram von Schoen  
  Kenneth Ayers

Members of the Board Absent:

Also in Attendance:                     Ron Miner, Superintendent  
  Jill Lavoie, Business Manager/Water Quality Support  
  Michele Holton, Finance/H.R. Director  
  Brian McCarthy, Moderator  
  Gregory Michael, of Counsel, Bernstein Shur

**ANNUAL MEETING**

Moderator Brian McCarthy called the annual meeting to order. At this time, he explained the process to the public. Moderator McCarthy then introduced Chairman Don Provencher. Chairman Provencher introduced the members of the MVD Board of Commissioners. The ballot boxes were declared open by Moderator McCarthy at 7:05 p.m.

**Article 1:** To choose two (2) Commissioners for a three-year (3) term of office.

**Article 2:** To choose one (1) District Clerk for a three-year (3) term of office.

**Article 3:** To choose one (1) Moderator for a two-year (2) term of office.

**Article 4:** Shall the Merrimack Village District, acting pursuant to RSA 33:3-a(II), vote to modify the previously approved warrant articles# 2 and 3 (approved March 26<sup>th</sup>, 2019) so that the PFAS treatment program for wells #2, #3, #7, and #8 will be considered as one project allowing funding to be used for any of the wells so that financial awards from NHDES can also be applied to any of the wells, to include the Drinking Water State Revolving Fund Loan (DWSRF) of \$6,500,000, the NH Drinking Water and Groundwater Trust Fund (DWGTF) loan of \$6,264,500, and the DWGTF grant of \$1,450,000. MVD contribution from capital reserves \$285,500 totaling \$14,500,000. **(2/3 ballot vote required; polls must remain open for at least one hour)**

Recommended by the Board of Commissioners (4-0-0)

Reviewed by the Department of Revenue Administration

*The purpose of this article would allow the MVD to maximize the offered funding and to use grant/loan proceeds on its various wells as needed. This article is a supplement to the existing authorization and does not replace the previous articles.*

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT WARRANT ARTICLE 4 AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER D. PROVENCHER**

Rosemarie Rung, Ministerial Drive, questioned if the wording of warrant article 4 would preclude the MVD from accepting loans or grants from other sources. She noted that the NH House and Senate recently passed a bill, not yet signed into law, to set up a separate PFAS fund. Rung stated that she would hope MVD would be able to access this in the future if/when it becomes available.

Gregory Michael, of Counsel, Bernstein Shur, stated that he does not believe this will preclude MVD from accessing additional funds.

**ARTICLE 5:** To see if the Merrimack Village District will vote to raise and appropriate the sum of four million one hundred seventeen thousand thirty-six dollars (\$4,117,036) for general municipal operations for the 2020-2021 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 (4-0-0)  
Reviewed by the Department of Revenue Administration

*This is the operating budget warrant article. This article funds the operation of the District for the year beginning July 1, 2020 ending June 30, 2021 for all departments; Administration, Distribution, Treatment, Debt Services and Insurance/Benefits.*

**MOTION BY COMMISSIONER D. PROVENCHER TO ACCEPT WARRANT ARTICLE 5 AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER J. COMER**

**The article was declared passed by Moderator McCarthy on a hand vote.**

**ARTICLE 6:** Shall the Merrimack Village District vote to establish a contingency fund, pursuant to RSA 52:4-a, by raising and appropriating the amount of twenty thousand (\$20,000) to meet the cost of unanticipated expenses that may arise during the fiscal year 2020-2021 with said funds to come from water fees? (Majority vote required)

Recommended by the Board of Commissioners (4-0-0)  
Reviewed by the Department of Revenue Administration

*RSA 52:4-a states: "Every village district annually by an article in the warrant may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. Such fund*

*shall not exceed one percent of the amount appropriated exclusive of capital expenditures and amortization of debt by such village district during the preceding year. A detailed report of all expenditures from the contingency fund shall be made annually by the commissioners and published with the report.”*

**MOTION BY COMMISSIONER W. VON SCHOEN TO ACCEPT WARRANT ARTICLE 6 AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER J. COMER**

**The article was declared passed by Moderator McCarthy on a hand vote.**

**ARTICLE 7:** Shall the Merrimack Village District vote to raise and appropriate the sum of two hundred fifteen thousand seven hundred fifty dollars (\$215,750) 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 fiscal year 2018- 2019 surplus fund balance; these are the system development charges collected during the 2018- 2019 budget year. **(Majority vote required)**

Recommended by the Board of Commissioners (4-0-0)  
Reviewed by the Department of Revenue Administration

*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 BOC on 10/27/08.*

Chairman D. Provencher asked if the sum should come from the 2019-2020 surplus fund balance rather than the 2018-2019 surplus fund balance. Director Holton noted that the 2018-2019 surplus fund balance is correct and are finalized audit results.

Rosemarie Rung, Ministerial Drive, asked for clarification, stating this money was budgeted, but not expended, in the 2018-2019 budget, and MVD wants to transfer it to the capital reserve fund for this fiscal year. Director Holton answered that the fiscal year 2018-2019 did have surplus, which would typically go into the general fund. MVD is requesting that this money is taken, as it has been designed on the policy, and added to the District’s “System Development Capital Reserve” fund.

In a second part to her question Rung noted that the description of article 7 states that this charge is applied to “new” customers, however the word new is in quotation marks. She asked for this to be defined. Superintendent R. Miner answered that home sales are considered to be an existing service, while new builds or developments are considered to be new customers.

**MOTION BY COMMISSIONER K. AYERS TO ACCEPT WARRANT ARTICLE 7 AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER J. COMER**

**The article was declared passed by Moderator McCarthy on a hand vote.**

**ARTICLE 8:** Shall the Merrimack Village District vote to raise and appropriate the sum of five hundred thousand dollars (\$500,000) 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 surplus fund balance. (Majority vote required.)

Recommended by the Board of Commissioners (4-0-0)  
Reviewed by the Department of Revenue Administration

*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. Should an emergency arise in future years, for which there was no appropriation, or should there be the need for an unforeseen special piece of machinery in a pump station, for example, the Board of Commissioners would have these funds available for such purposes. This fund was established by the March 26, 1996 annual meeting.*

**MOTION BY COMMISSIONER D. PROVENCHER TO ACCEPT WARRANT ARTICLE 8 AS PRESENTED**

**MOTION SECONDED BY COMMISSIONER K. AYERS**

Rosemarie Rung, Ministerial Drive, questioned the current balance of the “Equipment and Facilities Capital Reserve” fund. Director Holton noted that the Equipment and Facilities Capital Reserve fund has \$2.82 M.

**The article was declared passed by Moderator McCarthy on a hand vote.**

At this time Chairman D. Provencher acknowledged Commissioner Tony Pellegrino’s 26 years and Commissioner Joe Comer’s 9 years of service to the MVD, thanking them both for their service. He also noted that Moderator Brian McCarthy would not be running for reelection and thanked him for his service to the MVD.

Chairman D. Provencher announced that MVD was recently dismissed from the Dowling litigation that had been pending since February 2018, and that MVD is now free to make comments about PFAS MCLs and other PFAS issues.

## **ELECTION RESULTS**

**Article 1:** To choose two (2) Commissioners for a three-year (3) term of office.

Bruce Moreau – 49  
Joe Comer - 66  
Paul McLaughlin – 73  
John Lyons – 74

**Article 2:** To choose one (1) District Clerk for a three-year (3) term of office.

Jill Lavoie – 112  
Emerson Nozell - 18

**Article 3:** To choose one (1) Moderator for a two-year (2) term of office.

Marc Nozell – 24  
Brian McCarthy – 7  
Lynn Christensen – 2  
Mike Alukonis – 1  
Patrick Daniels - 1

**Article 4:** Shall the Merrimack Village District, acting pursuant to RSA 33:3-a(II), vote to modify the previously approved warrant articles# 2 and 3 (approved March 26<sup>th</sup>, 2019) so that the PFAS treatment program for wells #2, #3, #7, and #8 will be considered as one project allowing funding to be used for any of the wells so that financial awards from NHDES can also be applied to any of the wells, to include the Drinking Water State Revolving Fund Loan (DWSRF) of \$6,500,000, the NH Drinking Water and Groundwater Trust Fund (DWGTF) loan of \$6,264,500, and the DWGTF grant of \$1,450,000. MVD contribution from capital reserves \$285,500 totaling \$14,500,000. **(2/3 ballot vote required; polls must remain open for at least one hour)**

Recommended by the Board of Commissioners (4-0-0)  
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*The purpose of this article would allow the MVD to maximize the offered funding and to use grant/loan proceeds on its various wells as needed. This article is a supplement to the existing authorization and does not replace the previous articles.*

**Yes – 24, No – 4**  
**Moderator McCarthy declared the article passed.**

**ADJOURNMENT**

**MOTION BY COMMISSIONER W. VON SCHOEN TO ADJOURN**  
**MOTION SECONDED BY COMMISSIONER K. AYERS**

***The annual meeting was declared adjourned at 9:20 p.m. by Moderator McCarthy.***

Submitted by Amanda McKenna, Recording Secretary

Date: 8/18/2020

Signed:   
Jill Lavoie  
District Clerk