

Article 1: To choose two (2) Commissioner for a three-year (3) term of office. (Written ballot vote required)

The purpose of this article is to allow you to vote for your choice of a candidate for office. If you would like to vote for someone whose name is not on the ballot, simply write in the candidate's name of your choice in the space provided on the ballot.

Article 2: To choose one (1) District Clerk for a two-year (2) term of office. (Written ballot vote required)

The purpose of this article is to allow you to vote for your choice of a candidate for office. If you would like to vote for someone whose name is not on the ballot, simply write in the candidate's name of your choice in the space provided on the ballot.

Article 3: Shall the Merrimack Village District vote to change the purpose of the existing “emergency water and/or the operations and maintenance of GAC Treatment facilities” Non-Capital Reserve Fund created by Warrant Article 6 at the March 2021 Annual Meeting to the “purchase of water and/or the operations and maintenance of GAC Treatment facilities” Non-Capital Reserve Fund and to name the Commissioners as agents to expend from said fund. (2/3 vote required)

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

This will allow the Merrimack Village District to purchase supplemental water as needed to meet peak demand.

MOTION BY COMMISSIONER D. PROVENCHER TO ACCEPT WARRANT ARTICLE 3 AS PRESENTED

MOTION SECONDED BY COMMISSIONER J. LYONS

Tom Koenig, 1 Danforth Road, asked if someone would provide a brief explanation beyond what had been read. Superintendent R. Miner explained that if Article 4 passes and MVD enters into a contract with Pennichuck Water Works (PWW), MVD plans to go to the Capital Reserve account for the purchase of the water for the first year. Keriann Roman explained that Article 3, which is the Capital Reserve Fund, did not initially include the purchase of water as a purpose when it was adopted. Article 3 is asking to add the purchase of water as part of the purpose.

Finlay Rothhaus, 14 Kittridge Lane, expressed that he does not pay attention to the MVD Board of Commissioners meetings as closely as he should, and therefore does not know the reason MVD needs to purchase water from PWW. Rothhaus stated that in order to make the vote in a constructive way, he needs to understand Article 4 first, and asked for an explanation. Chairman Provencher explained that MVD is short 0.5M gallons per day in their source capacity for peak summer demands and there is no other available sources in the Merrimack system at this point. MVD is planning to enter a wholesale agreement with PWW for three years, which will serve as a bridge while MVD looks to increase their source capacity from in-town supplies. The commissioners would like this to be funded through the Capital Reserve Fund.

Lon Woods, 2 Arbor Street, asked if MVD has exceeded peak day in the last five years. Chairman Provencher answered that they had. He explained that peak demand is roughly 5.2M gallons per day and that was exceeded in 2020, which required irrigation to be shut down. L. Woods asked if the contract

noted in Article 4 was for the \$297,000+ regardless of whether MVD used a gallon or not. Chairman Provencher explained that the cost includes using an average of 0.25M gallons per day over 365 days of the year, therefore giving MVD the ability to use up to 0.5M gallons per day on peak days.

Chris Christensen, 27 Greatstone Drive, asked if the purpose of the Capital Reserve Fund is being changed, will there be sufficient funds in there for the original purpose or if it will be drawn down too much to adequately fund the original purpose for what the fund was established for. Chairman Provencher stated that it is his understanding that there will be sufficient funds. Finance Director Michele Holton explained that with the transfer to Capital Reserves that follows on the Warrant, Article 7, the additional \$150,000 will cover the first year. She continued to explain that with the finalization of the Fiscal Year '22 budget MVD had an unrestricted net position of \$2.9M, which gives MVD the leeway to put further funds into that reserve account next year to cover the additional payments. Chairman Provencher stated that the rate at which MVD is purchasing the wholesale arrangement is considerably less than the retail rate at which Nashua customers are paying through PWW. Superintendent R. Miner stated that the rate that Warrant Article 4 is based off of is \$0.9403 per 100 cubic feet. The typical retail is right around \$4.00 per 100 cubic feet. Superintendent Miner noted that this is a considerable savings. Chairman Provencher noted that the rate MVD currently charges is \$3.14 per 100 cubic feet. Superintendent R. Miner informed the public that there will be an amendment to Article 4, that offers more conservative numbers, and the rate being factored into the amended numbers is 1.0391 cents.

Laurene Allen, 16 French Ct, thanked the commissioners and reminded the public that, historically, MVD's job was to supply the residents of Merrimack with water, which is not so simple with growing demands. Allen recapped the days of the 1990's when water conservation was encouraged by community members, to the community members. Allen proceeded to encourage the community to pay attention to the use of irrigation in particular. Allen then thanked the MVD again, stating that in addition to water supply, MVD tuned in many years ago to water quality and the health impacts from PFAS during a time where the State of NH didn't have the guidance. She stated that MVD tackled that in a way that listened to the people and the health impacts, which went above the requirement of supplying water. Allen stated that the MVD has worked really hard to get all of the wells on track and the potential upcoming changes within the EPA (4 parts per trillion) will not impact MVD, however, she stated that PWW will need to work to be within compliance. She noted that she has heard that PWW falls within 9-11 parts per trillion, putting them legal for NH, but not okay with the new national standards that will be arriving in about a year. Allen asked what MVD's plan is if the water from PWW is adding PFAS to the MVD system. She stated that she is hoping to understand more about how this would be handled and if MVD has discussed this with PWW. Allen noted that as a community, Merrimack does not need any more exposure to these chemicals that the government is saying are not safe at any level. Chairman Provencher explained that right now all of Merrimack's source water is being treated. He stated that there is no PFOA going into the system, and there is low level PFOA in Nashua's water, which is a consideration that the voters are going to have to weigh. That will have to be weighed against the real possibility of going into water restrictions over the summer. Chairman Provencher reminded the public that this is intended to be a three-year bridge. Over the course of those three years, MVD is looking into moving forward with Artificial Recharge (AR) at Wells 4 & 5, where water would be taken from the Merrimack River to recharge the aquifer at Wells 4 & 5. That will allow MVD to draw more water from Wells 4 & 5, which will allow MVD to maximize the treatment plant at Wells 4 & 5. He explained that the treatment plant is capable of treating 1,000 gallons per minute, but MVD can realistically only pump about 625 gallons per minute. All of the water from the AR will be treated. Another option that MVD is considering moving forward with is Mitchell Woods. Chairman Provencher informed the public that Mitchell Woods was tested a year or two ago and had no detectable PFAS. These two sources will be PFAS free, either through treatment or ambient water at Mitchell Woods. The plan would be to have one of both of those online within the next three years, and water would not need to be imported from PWW on a wholesale

basis. According to Chairman Provencher, at that point, it will be able to be said that all water in Merrimack will be PFOA free as soon as MVD expires the wholesale agreement with PWW. He stated that MVD is trying to be prudent. Chairman Provencher informed the public that the Planning Board has sent letters to MVD highly recommending the removal of the odd/even irrigation because they want more water capacity. Chairman Provencher stated that he does not believe this current board will remove the odd/even irrigation, but there is a strong push to get more source capacity within Merrimack. It was noted that the water from PWW does have detectable PFOA, but is compliant. Chairman Provencher noted that there is no water that meets the EPA's health advisory of 0.004 ppt because it is impossible to measure that low. Chairman Provencher informed the public that PWW's PFOA levels are generally in the single digits of parts per trillion. MVD is not currently pumping water from PWW and therefore not testing the water from PWW. It was noted that this information can be found on PWW's website under the name "core system." At this time, Allen reminded the public that a good way to avoid purchasing plastic would be to install an under sink reverse osmosis system.

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

YES – 14

NO – 2

ARTICLE 4: Shall the Merrimack Village District vote to enter into a multi-year contract for supplemental water with Pennichuck Water Works in the total amount of \$892,102 paid over 3 years starting on July 1, 2023 in the 2023-2024 fiscal year and ending on June 30, 2026 in the 2025-2026 fiscal year with each annual payment in the amount of \$297,368, and to raise and appropriate the sum of \$297,368 for the first year's payment for that purpose. With said funds to come from the GAC Treatment Facilities Non-Capital Reserve Fund. If Article 3 fails, the \$297,368 will come from the unassigned fund balance. (3/5 written ballot vote required)

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

Reviewed by the Department of Revenue Administration

Entering into this contract will allow the Merrimack Village District to meet its peak demands through summer months, while moving forward on the current supply options (Mitchell Woods and Artificial Recharge of Wells 4 & 5).

MOTION BY COMMISSIONER K. AYERS TO ACCEPT WARRANT ARTICLE 4 AS PRESENTED

MOTION SECONDED BY COMMISSIONER J. LYONS

At this time, an amendment was put forth by Commissioner Paul McLaughlin, 326 Baboosic Lake Road. The amendment reads as follows:

ARTICLE 4 AMENDED: Shall the Merrimack Village District vote to enter into a multi-year contract for supplemental water with Pennichuck Water Works in the total amount of \$947,204 paid over 3 years starting on July 1, 2023 in the 2023-2024 fiscal year and ending on June 30, 2026 in the 2025-2026 fiscal year with the first annual payment in the amount of \$309,519, and to raise and appropriate the sum of \$309,519 for the first year's payment for that purpose. With said funds to come from the GAC Treatment Facilities Non-Capital Reserve Fund. If Article 3 fails, the \$309,519 will come from the unassigned fund balance.

Commissioner McLaughlin explained that the commissioners are attempting to make this a more conservative outlook as it is currently before the PUC.

**MOTION BY COMMISSIONER P. MCLAUGHLIN TO AMEND WARRANT ARTICLE 4
MOTION SECONDED BY COMMISSIONER D. PROVENCHER**

This motion was declared passed by Moderator McCarthy on a hand vote.

Finlay Rothhaus stated that his concern is that when plans are made, these types of things should be anticipated. He stated that MVD has always said yes when people have asked if there is enough water for the projects that are going up in town. According to Rothhaus, in saying yes, MVD should have anticipated this possible shortfall that puts MVD into a position where water is needed to be purchased from outside of the service area. Rothhaus stated that he wished this would have played out differently and MVD would have planned more appropriately.

Tom Koenig stated that he was trying to understand this article a little better and asked if MVD would be entering into a contract with PWW regardless if Article 4 passes or fails. Koenig realized that he was misreading Article 4 and apologized. He then asked how much money was in the Unassigned Fund Balance. Director Holton answered that at the end of FY 2022 MVD is at \$2.9M and has \$200,000 in the Non-Capital Reserve account with another \$150,000 being asked to transfer in this warrant to cover the first payment.

Chairman Provencher clarified that it is his understanding that if Article 4 fails, MVD will not be purchasing any water from PWW.

The article was declared passed as amended on a written ballot vote.

YES – 16

NO – 4

ARTICLE 5: To see if the Merrimack Village District will vote to raise and appropriate the sum of six million nineteen thousand six hundred sixty-six dollars (\$6,019,666) for general municipal operations for the 2023-2024 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, 2023 ending June 30, 2024 for all departments; Administration, Distribution, Treatment, Debt Services and Insurance/Benefits.

**MOTION BY COMMISSIONER J. LYONS TO ACCEPT WARRANT ARTICLE 5 AS
PRESENTED
MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN**

Paul Micali, 17 Mallard Pt, questioned the percent raised for the employees based on this article. Director Holton explained that there is a 3% raise with the annual review, and COLA, which came out at 8.7%, was being provided at 6%. She clarified that the 6% COLA was already approved by the board of commissioners, and the annual merit raise, with review, was up to 3%.

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 dollars (\$20,000) to meet the cost of unanticipated expenses that may arise during the fiscal year 2023-2024 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 P. MCLAUGHLIN TO ACCEPT WARRANT ARTICLE 6 AS PRESENTED

MOTION SECONDED BY COMMISSIONER D. PROVENCHER

At this time, Tom Koenig asked what would happen to the funds if they were not spent. Director Holton explained that it would lapse, and the funds would go back into the Unassigned Fund Balance. Koenig stated that there is \$2.9M in unassigned funds and asked why the \$20,000 for the contingency fund is not taken from the unassigned fund balance to begin with. Chairman Provencher asked if MVD was limited with what could be drawn from the unassigned fund balance. Legal Counsel, Keriann Roman, explained that as long as there is a sufficient unassigned fund balance, MVD could pull the \$20,000 from the unassigned fund balance, but this article would need to be amended to do so. At this time, Tom Koenig proposed an amendment to Article 6. The amendment reads as follows:

ARTICLE 6 AMENDED: 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 dollars (\$20,000) to meet the cost of unanticipated expenses that may arise during the fiscal year 2023-2024 with said funds to come from unassigned fund balance?

MOTION BY TOM KOENIG TO AMEND WARRANT ARTICLE 6
MOTION SECONDED BY NANCY MURPHY

Chris Christensen stated that he believes this discussion has been held before and one of the points that

has come up in the past is that a line item is needed in order to spend money on particular objects or projects. Putting the word “contingency” in there as a broad word allows spending.

The motion to amend article 6 was declared passed by Moderator McCarthy on a hand vote.

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

ARTICLE 7: Shall the Merrimack Village District vote to raise and appropriate the sum of one hundred fifty thousand dollars (\$150,000) to add to the District's Non-Capital Reserve Fund for the purpose of purchasing water and/or the operations and maintenance of GAC Treatment facilities. This sum to come from unassigned fund balance. If Article 3 fails, then this Article will be null and void. (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 unassigned fund balance to be set aside for future use in the District's Non-Capital Reserve Fund. Should the need for emergency water and/or unanticipated operations and maintenance of the GAC Treatment facilities arise the Board of Commissioners would have these funds available for such purposes.

MOTION BY COMMISSIONER D. PROVENCHER TO ACCEPT WARRANT ARTICLE 7 AS PRESENTED

MOTION SECONDED BY COMMISSIONER K. AYERS

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 fifty two thousand five hundred dollars (\$52,500) 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 unassigned fund balance; these are the system development charges collected during the 2021-2022 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.

MOTION BY COMMISSIONER K. AYERS TO ACCEPT WARRANT ARTICLE 8 AS PRESENTED

MOTION SECONDED BY COMMISSIONER J. LYONS

Tom Koenig asked for confirmation that these were funds that were already collected that went into the unassigned fund balance and are now being placed into the capital reserve fund. This was confirmed.

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

ARTICLE 9: 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 “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 (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 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 J. LYONS TO ACCEPT WARRANT ARTICLE 9 AS PRESENTED

MOTION SECONDED BY COMMISSIONER P. MCLAUGHLIN

At this time, Tom Koenig asked how much money is in these capital reserve funds, specifically the Equipment and Facilities Capital Reserve Fund. Director Holton answered that as of February 28, 2023, there is almost \$3.2M in this fund. Koenig asked the board how much money has been spent from this fund in the past few years. Director Holton answered that almost \$1M was taken out during the water treatment plant projects. Nothing is currently slated to be withdrawn from the fund. Koenig then asked if this is a capital reserve fund, if there is a capital reserve plan to spend this money in the future and that is why additional funds are needed. Director Holton explained that there is a CIP plan and MVD received an asset management grant to help further develop and fine tune said CIP plan. MVD will be working on this over the course of the next year. Koenig asked if this amount of money is necessary to fund those expected expenses over the years. Director Holton answered that it is. Superintendent R. Miner explained that it also serves as a savings account in a sense if there were to be any kind of unexpected major work that needed to be done and gave the example of a well going down. It was clarified that the commissioners are agents to expend. This fund can be spent on equipment related to the transmission of water.

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

ARTICLE 10: Shall the Merrimack Village District vote to:

AMMEND CURRENT BY-LAW 2B. Deposits, Charges and Payments

FROM:

B. Charges for service under rates in the tariff are predicted upon billing *quarterly* which, as far as practicable, will be *three months* apart and “due upon presentation.” Should any MVD bill remain unpaid after 30 days from the date of invoice, the District may discontinue service as well as apply a carrying charge on the overdue account, if proper payment or arrangements have not been made. Further, the District may record a Notice of Lien in the Hillsborough County Registry of Deeds stating the name of the owner of the property, the address and the amount due pursuant to the District By-Laws and Terms and Conditions. This lien shall be removed when the overdue account plus all costs and fees authorized by the District By-Laws and Terms and Conditions have been paid together with reasonable costs and attorney’s fees associated with the recording of such lien.

TO:

B. Charges for service under rates in the tariff are predicted upon billing *monthly* which, as far as practicable, will be *thirty days* apart and “due upon presentation.” Should any MVD bill remain unpaid after 30 days from the date of invoice, the District may discontinue service as well as apply a carrying charge on the overdue account, if proper payment or arrangements have not been made. Further, the District may record a Notice of Lien in the Hillsborough County Registry of Deeds stating the name of the owner of the property, the address and the amount due pursuant to the District By-Laws and Terms and Conditions. This lien shall be removed when the overdue account plus all costs and fees authorized by the District By-Laws and Terms and Conditions have been paid together with reasonable costs and attorney’s fees associated with the recording of such lien. (Majority vote required)

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

**MOTION BY COMMISSIONER P. MCLAUGHLIN TO ACCEPT WARRANT ARTICLE 10 AS PRESENTED
MOTION SECONDED BY COMMISSIONER D. PROVENCHER**

At this time, Chairman Provencher clarified that Article 10 is switching from quarterly to monthly billing.

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

ARTICLE 11: This Article is to transact any other business and close the meeting.

At this time, Chairman Provencher stated that he would like to take the opportunity to congratulate Paul McLaughlin. McLaughlin is leaving his position as an MVD commissioner. The Board presented McLaughlin with a parting gift to thank him for his time and dedication to the Board of Commissioners of the Merrimack Village District.

ELECTION RESULTS

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

John Lyons – 23 Votes

*Antonio Giancola – 18 votes

*Antonio Giancola found to be ineligible creating a vacancy on the Board of Commissioners (BOC).

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

Jill Lavoie – 22

ADJOURNMENT

MOTION BY TOM KOENIG TO ADJOURN

MOTION SECONDED BY COMMISSIONER D. PROVENCHER

The annual meeting was declared adjourned at 9:12 p.m. by Moderator McCarthy.

Date: 4/17/23

Signed: 
Jill Lavoie, District Clerk

Submitted by Amanda McKenna, Recording Secretary