

Andover Village District

WATER SYSTEM BY-LAWS AND REGULATIONS

Andover, NH

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Andover Village District By-Laws and Regulations

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Andover Village District
PO Box 147
Andover, NH 03216

WATER SYSTEM BY-LAWS AND REGULATIONS

1. PURPOSE

- a. Mission Statement – The past, present, and future Board of Commissioners, and the District Officers, strive to provide the safest water at the most reasonable cost to all customers within the Andover Village District Boundaries and to protect water sources of the district.
- b. The treated water will meet the strictest regulations set forth by the New Hampshire Department of Environmental Services, NH DES forthgoing, and the United States Environmental Protection Agency, EPA. Both entities have regulation authority under the EPA Safe Drinking Water Act. NH DES will be recognized as the primacy agent for the EPA.

2. AUTHORITY

The Andover Village District, further known as “District” was formed in 1907 and exists under the legal authority of New Hampshire Revised Statutes Annotated 52, RSA 52 forthgoing. The district boundaries are as depicted in the Water District Map.

3. OFFICERS

- a. The officers of this District shall be: one Moderator, one Clerk, one Treasurer, & three Commissioners. Officers are elected by majority vote of the District members. To be eligible to be elected to as an Officer, the individual must reside within the District boundaries.
- b. The terms of office shall be for three years for the Moderator, and two years for the Clerk and Treasurer. The Commissioners shall be elected for three years, with one Commissioner’s term expiring each year.
- c. Each Commissioner shall serve as Chairman during the third year of their term; however, if the Commissioner declines, for any reason, one of the remaining members of the Board must be designated as Chairman for that year by a majority vote of the Commissioners.
- d. The responsibilities of the Chair are to oversee the preparation meeting agenda, minutes of the District, be the main point of contact with State communications

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- e. Officers are expected to attend each meeting of the District to exercise their duties and responsibilities.
- f. Officers' remuneration for carrying out their duties as listed below. Remuneration shall be paid bi-annually at completion of the service period.
 - a. Commissioner: \$1,000 per year
 - b. Treasurer: \$1,000 per year
 - c. Clerk: \$2,500 per year
 - d. Moderator: \$500 per year
- g. An Officer may resign at any time by delivering written notice of resignation to the Chair. The resignation shall be effective upon receipt of the written notice, unless specified to be effective at a later date, and acceptance of the resignation shall not be necessary to make it effective unless the notice so states.
- h. An Officer may be removed at any meeting of the Board, provided that the notice of the meeting expressly states that one of the purposes of the meeting is removal of an Officer. A majority vote of the attending members is required for the removal of any Officer.
- i. When a vacancy of an Officer occurs other than by expiration of a member's term, the remaining Officer may, by a majority vote of those present and voting at any meeting, elect a successor Officer to serve for the balance of the term.
- j. The principal duties and responsibilities of District Officers are herein listed as general information and a guide for the management of the affairs of the District.
 - a. **Commissioners:** Principal duties include:
 - i. The Commissioners are responsible for the planning, operation and maintenance of the water system.
 - ii. Establish rates and fees for the District.
 - iii. Decide on financial hardship requests by members.
 - iv. If needed, raise money by taxes by establishing a tax rate.
 - v. Establish and operate Capital Reserve Funds for the District which is maintained by the Andover trustees of the trust funds.
 - vi. Establish a contingency fund to meet unanticipated expense that may arise during the year.
 - vii. Commissioners may appoint and employ individuals, agents, other representatives and committees to assist them such as water operators, contract operators, plumbers, police officers, and excavation contractors and make the best decision possible with regards to operation and maintenance, when Board members cannot be present. Commissioners will set compensation for such individuals in Appendix B. No individual appointed or employed by the

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Commissioners has the authority bind, commit to take any action. contract or commit funds on behalf of the District unless explicitly provided for within these by-laws.

- viii. Conduct two system blow-offs per calendar year.
- ix. In the case of an accumulated general fund deficit, the commissioners shall insert an article in the warrant recommending such action as they deem appropriate, which may include, but is not limited to, raising a sum of money for the purpose of reducing that deficit.
- x. The commissioners shall publish in the next annual report, or post at the annual meeting, the general fund balance sheet from the most recently completed audited financial statements.
- xi. The Commissioners, by majority vote, shall fill vacancies in offices should they occur for the remainder of the term until the next Annual Meeting.

b. **Moderator:** Principal duties include:

- i. shall preside over Annual or Special Meetings.
- ii. decide questions of order.
- iii. make a public declaration of every vote passed.
- iv. may prescribe rules of proceeding.

c. **Treasurer:** Principal duties include:

- i. checking the records of expenditures of the District as maintained by the Clerk;
- ii. providing to each Commissioner a quarterly statement of District receipts, funds remaining unexpended and capital and other reserve account balances;
- iii. Arranging for temporary notes and other financing as authorized by vote of the District;
- iv. assisting the Commissioners in the preparation of annual budgets, and, if required, to the Selectmen of the Town when required to raise money by taxation; and
- v. providing a budget to be published in the Annual Town Report.
- vi. Assist the Clerk in bill processing.

d. **Clerk:** Principal duties include:

- i. recording the proceedings of all Meetings of the District in the form of written minutes of such meetings;
- ii. assisting the Commissioners in the preparation of Warrants for the Annual or Special Meetings and the posting in two public places within the District at least fourteen days before these meetings;
- iii. assisting the Commissioners with District correspondence and keeping files therefore;
- iv. Perform quarterly billings based on a calendar year;

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- v. Prepare consumer confidence report by 1 July;
- vi. officially recording the proceedings and minutes of District and Commissioners' meetings within seven days of such meetings and posting ;
- vii. responsibility for maintaining all records of the District and their proper safekeeping in fireproof files or in electronic cloud storage provided for this purpose;
- viii. making a report to the State Tax Commission after the Annual meeting of the names and addresses of all District Officers and the preparation of annual reports to the Department of Revenue Administration

4. FINANCIAL TRANSACTIONS

- a. In order to avoid conflict of interest, it is the policy of the District not to employ or contract with Officers, without the explicit approval of the Commissioners. Officers shall disclose any known or potential conflicts of interest in writing or orally at any meeting prior to the time set for voting on any such transaction and shall not vote on the matter or attempt to influence the decisions of the voting commissioners on the matter.
- b. Prior authorization by at least two of the Commissioners must be received for the expenditure of over \$1,000.00. An expenditure up to \$1,000.00 can be authorized by one commissioner. Emergency spending does not fall under the limitations of this section.
- c. A payment voucher system will be used for all disbursements. The vouchers will be accompanied by original invoices or payroll sheets when presented to the Commissioners for approval and will require the signature of at least two Commissioners to be valid. Upon approval of the vouchers, the Treasurer or clerk must sign all checks for payment.
- d. Emergency spending is defined as a nonbudgeted cost to address unexpected incidents such as pipe or machine breakage that stops water treatment or water distribution . For emergency spending, one commissioner can authorize an expenditure up to \$10,000. Any expenditure over \$10,000 in emergency spending must be approved by two commissioners.
- e. The Clerk and Treasurer are authorized to utilize the District's debit card to pay for approved expenditures. The clerk and treasurer may also use the debit card for an expenditure under \$1,500 without commissioner approval.

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5. MEETINGS

- a. The District shall hold meetings at the Andover Town Hall, 31 School Street, Andover, NH unless posted by the Clerk. Meetings may be held on the call of any Commissioner provided public notice and notice to each member is given in accordance with RSA 91-A:2, II.
 - i. Quorum: A quorum for all meetings of the District shall be two (2) Commissioners.
 - ii. Order of Business: The District will recognize Robert's Rules of Orders for meeting procedures, as follows;
 - 1. Call to order by the Chair
 - 2. Roll call by the Chair
 - 3. Minutes of previous meeting
 - 4. Unfinished Business
 - 5. New Business
 - 6. Communications and miscellaneous
 - 7. Non-public sessions (if required)
 - 8. Adjournment
 - iii. Nonpublic Session: All discussions of the District shall be held in public. Nonpublic sessions shall be held only as necessary and in strict compliance with the provisions of RSA 91-A. The District may also adjourn, as needed to meet with an attorney to receive legal advice, which will not constitute a nonpublic session pursuant to RSA 91-A.
 - iv. Annual Meeting: The annual meeting of the District shall be held on the last Monday of the month of March unless otherwise duly noticed by the Clerk.
 - v. Working meeting will take place, as needed, on the call of any commissioner provided public notice and notice to each member is given in accordance with the law.
 - vi. Meetings maybe held via electronic means at the discretion of the chair. Notice of electronic held meeting will be provide in the meeting notice.
 - vii. Officers may attend a meeting via electronic means such as telephone. Commissioners may vote via electronic means, paper or email.
 - viii. Any Officer planning to be absent must inform the Clerk as soon as possible.

6. REGULATIONS

- a. The Andover Village District water source is Bradley Lake, a source water supply currently protected and regulated by N.H. Code Admin. R. Env-Dw 902.07. As stated in Section c & d of above, "Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.(d) In accordance with RSA 485:24, the health officers and the boards of health of the town of Andover and their duly authorized agents, and the board of water commissioners of the Andover District

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and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

- b. Eligibility
 - i. The services of the District shall be available only to the residents or businesses who are domiciled in the District [Which are?]
 - ii. Only those registered voters domiciled in the District shall be permitted to vote at District meetings.
- c. Pipes, tanks, meters – All water mains, valves, tanks, fire hydrants, blow-offs, and water meters are property of the Andover Village District.
- d. Service Connection - The line from the water transmission main to the curb stop, shall be owned, operated and maintained by the District. Curb stops shall be installed at the property line of the District's right-of-way in which the main water transmission line lies and shall be under the District's control and ownership. Should repair of District water lines or curb stops on private property be required, the District's agent shall return the ground to its pre-work condition however, the District will not be responsible for restoring plants or other landscaping. The service lines (from the curb stop to the building) shall be paid for, installed, operated, and maintained by the owner. The cost of repairing or replacing the service line (from the curb stop to the building) shall be the responsibility of the property owner. All costs of construction, including labor, materials, permitting, and related costs incurred for the purpose of extending water and/or sewer lines to an entity outside the boundaries of the District, as well as future repairs beyond its boundaries, shall be borne by the entity served by such extension(s). This includes the costs of upgrading any lines within the District in terms of quality or capacity necessary to accommodate the extension(s). All workmanship and materials must meet the approval of the Commissioners and applicable specifications.
- e. Rates will be billed quarterly on a calendar year. Rates and fees are found in Appendix A to these By-Laws
- f. Bills shall be administered quarterly and are due within 30 days from mailing of the bill. Bills that are not paid within 30 days shall incur a late charge of \$50. The District will shut off water service if bills remain unpaid 60 days. If water service is turned off, a \$150 turn off fee will be assessed. A member must become current on their bills to have water turned back on and will incur a \$150 turn on fee. If a member fails to pay the rates within 30 calendar days from the date bills are mailed to members, a delinquent notice will be mailed to the member. If a bill is delinquent for 60 calendar days or more, the District is entitled to stop service to the member. If service is stopped, the member will need to pay the balance on their account as well as pay the stop service fee and turn on service fee listed in appendix A.

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- g. If a member has a financial hardship in paying rates, the member can apply to the District for a reduced rate or payment plan. A member who is receiving support under the NH Fuel assistance program for the current year is eligible for a financial hardship in an amount determined by the Commissioners.
- h. Cross Connection Program – The District shall enforce and comply with NH DES Env DW 505, and respects the containment backflow device policy with regards to the following;
 - i. Every new service installation must be provided with a meter horn located inside the building near the service entrance, easily accessible and protected from freezing. The meter horn will be equipped with a residential dual check valve located downstream of the meter.
 - ii. Commercial accounts require a Double Check Valve Assembly on low hazard connections (DCVA) and Reduced Pressure Zone (RPZ) on high hazard connections. The owner of the system shall have the authority to declare the degree of hazard. Said devices are tested based on the device. High hazard devices shall be tested semi-annually, while low hazard devices shall be tested annually for a set fee and passed on to the customer.
 - iii. Backflow prevention devices shall be reasonably accessible for testing and not subject to flooding or freezing conditions. Testing will occur during normal business hours M-F. In the event the customer cannot have the water shut-off for testing, a parallel backflow device will be required. No backflow device by-passes will be acceptable.
- i. Fire Hydrants – The fire hydrants within the District shall be property of the District, unless declared private. Only authorized agencies or agents shall use them. The fire hydrants in the District do not provide sufficient water pressure for fire suppression and are only provided as a convenience for water access, not for fire suppression. Temporary domestic service from a hydrant requires a meter and RPZ backflow device, with Board approval. Hydrants are flushed bi-annually.
- j. Water Conservation - RSA 485, the New Hampshire Safe Drinking Water Act, provides community water systems with the authority to restrict non-essential water use when there is a threat of demand exceeding supply and to terminate service to customers when restrictions are not adhered to (Env-Dw 503). Pursuant to RSA 41:11-d, municipalities and village districts have the authority to implement lawn watering restrictions on all water users within municipal borders under state declared drought conditions.

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7. AUDITS

- a. An audit of the Treasurer's accounts and finances of the District shall be conducted annually. Such audit shall carefully examine the accounts of the Treasurer and of any other Officer or agent handling funds of the District at the close of the fiscal year and at other times whenever necessary, and report to the District whether the same are correctly cast and well vouched.
- b. The review of the accounts must be checked by a person be independent of any officer of the District.

8. ENFORCEMENT

- a. These published by-laws and regulations shall be enforceable by the Andover Village District and their designated enforcement agent.

9. AMENDMENTS

- a. The Board of Commissioners may amend these by-laws and regulations during a public hearing, with 14 days written notice of the upcoming meeting.

10.COMMUNICATIONS WITH THE DISTRICT

- a. Member communication to the District Officers should be in writing via email to avdwater1@gmail.com or Andover Village District, PO Box 147 Andover, NH 03216 so that member questions and concerns are documented.

11.ADOPTION

- a. These regulations and by-laws shall be in full force and effect immediately following passage, approval, and publication as required by RSA 52.

Enacted the ____ day of _____, 2024 by the Commissioners of the Andover Village District in Merrimack County, State of New Hampshire

By: Andover Village District
Board of Commissioners

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Appendix A - Fees

Fees are set as follows:

- i. Flat rate 5/8" meter, quarterly \$25
- ii. Flat rate 1" meter, quarterly \$50
- iii. Flat rate 1 1/2" meter, quarterly \$100
- iv. Flat rate 2" meter, quarterly \$150
- v. Flat rate 4" meter, \$300
- vi. Per thousand-gallon rate \$1.80
- vii. Backflow test \$Find out what Josh will charge?
- viii. Member damages meter; Cost of the meter plus labor costs and \$50.
- ix. Final meter read for house closing \$30
- x. Water turn on or off \$30
- xi. After hours (6pm to 7am) water turn on or off \$150
- xii. New connection: \$2,500 connection fee plus all costs to establish the connection to the curb stop and restore the road, if needed. The cost from the curb stop to the house is members responsibility.