



# Memo



TO: Town Council

FROM: Town Manager Paul T. Micali

DATE: July 7, 2021

RE: **Filling Trustee of Trust Fund Vacancy**

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A vacancy has occurred with the passing of long time member Jack Balcom. Pursuant to RSA31:22 and Town Charter Chapter 6-2, the Town Council may fill the vacated seat for the remaining term (Election 2023).

There are two ways of filling the position

1. The Town Council could advertise the vacancy and then in conjunction with the Trustee of Trust Funds Chairman should interview all interested parties. The Town Council would then appoint the candidate just like any other appointment to a committee. The appointed candidate would fill the remaining term April 2023.
2. Based on the recommendation of the Chairman of the Trustee of Trust Funds, The Town Council could just appoint a candidate to fill the remaining term April 2023.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 31

#### POWERS AND DUTIES OF TOWNS

#### Trust Funds

#### Section 31:22

**31:22 Trustees.** – All such trusts shall be administered by a board of 3 trustees, unless a town at an annual or special town meeting votes that such trusts shall be administered by a board of 5 trustees. In towns with a board of 3 trustees, one trustee shall be elected by a ballot at each annual town meeting for a term of 3 years. In towns with a board of 5 trustees the 2 additional trustees shall be appointed initially by the selectmen, one for one year and one for 2 years. Thereafter all trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. The board may recommend to the appointing authority the names of no more than 2 persons who may serve as alternate members on the board. The alternate members shall be appointed to one-year terms. In cities said trustees shall be chosen and hold their office for such term as shall be provided for by city ordinance. Trustees shall organize by electing one of their number bookkeeper, who shall keep the records and books for the trustees, and shall require a voucher before making any disbursement of funds from said trusts.

**Source.** 1915, 162:2. PL 42:21. RL 51:22. 1943, 70:1. 1945, 68:1. 1953, 21:1. RSA 31:22. 1979, 141:1, eff. June 5, 1979. 2014, 70:1, eff. July 26, 2014.

*Town of Merrimack, NH  
Wednesday, July 7, 2021*

## Chapter C. Charter

### Article VI. Administrative and Judicial Boards

#### § 6-2. Elected boards/committees/commissions.

- A. Trustees of Trust Funds. There shall be a board of three Trustees of Trust Funds whose powers and duties are provided by New Hampshire state law. Trustees of Trust Funds shall be elected at the regular Town election for terms of three years, one Trustee each year. Vacancies shall be filled by appointment by the Town Council for the unexpired term.
- B. Library Trustees. There shall be a board of five Trustees of the Library whose powers and duties are provided by New Hampshire state law. Library Trustees shall be elected at the regular Town election for terms of three years, staggered so that no more than two Trustees are elected at one time. The Town Council may appoint to three alternates in accordance with RSA 202-A:10, who may serve when elected members of the board are temporarily unable to attend a board meeting. Vacancies shall be filled by appointment by the Town Council for the unexpired term.  
[Amended 4-12-2016 ATM by Art. 8]
- C. Ethics Committee. The Ethics Committee shall consist of five residents of the Town of Merrimack. Ethics Committee members shall be elected at a regular Town election for terms of three years, staggered so that no more than two members are elected at one time. A quorum of three or more Committee members shall be necessary to hear any complaint that is filed. Should a vacancy in the Committee arise, the remaining members of the Ethics Committee shall appoint a Town resident to serve out the remainder of the term. Any tie shall be resolved by the vote of the Town Moderator. The members of the Ethics Committee shall elect a Chairperson on an annual basis.