

WATERVILLE ESTATES VILLAGE

DISTRICT January 20, 2021 MEETING

MINUTES

Attendees: Matt Smith, Maureen Patti, John Herlihy, Gerry Panuczak, Judy Kinney, Linda Ivers

Guests: Mike Hering, Jaime Oldmixon, Ellen Clark, Dave Ketchum, Melissa Barboza, Tyler Paine, Linda Reynolds, Ryan Timms, Keith Barnes, Dave O'Neill, Chris McCormack, Kerri Antonuccio, Joann Rawley, Ken Michaud, Ann Boland. Andrea Canfield, Steve Lillis, Adam Young, Steph Arpin, Terry Bennett, Erin Waldron, Harry Bertino, Jim Murphy, Al Zulli, and other unidentifiable parties via Zoom.

Call to Order: Mr. Herlihy called the meeting to order at 6:00 PM.

Approval of Agenda: The agenda was approved with one modification.

Auditor: Mr. Paine provided context for some of the deficiencies noted in the 2017 and 2018 village audits. Of primary concern was the fact that the reports the village generate from Quickbooks don't match up with the budgets the village submits to NH DRA. Ms. Patti asked for clarification that Quickbooks did not match the budget the village is required to submit to NH DRA by law. Mr. Paine indicated yes and there was a big disconnect. Mr. Panuczak asked if a document trail was advisable when spending money one line item from the budgeted dollars of another line item and Mr. Paine stated "Absolutely". Ms. Patti asked what were the three steps the village could take to meet GASP and comply with NH RSA's. Mr. Paine cited cleaning up the budget/Quickbooks mismatch and addressing post employment cost liabilities. He said the cost liabilities were an actuarial issue and the village needed to weigh the cost and benefit of complying. Ms. Patti asked if we needed to consult with an actuarial professional and Mr. Paine stated yes. Mr. Panuczak asked if we needed a trust fund to cover future liabilities and Mr. Paine stated no, but recommended we seek guidance from NH DRA. Ms. Patti asked if the comingling problems had been corrected. Mr. Paine indicated 2017 and 2018 had duplicate activity in the Rec and General funds. He indicated that recreation items were included in both the Recreation Revolving Fund and the General Fund making it very difficult to understand what is going on. He indicated the 2019 audit should not have the level of comingling as the previous audits. Ms. Patti asked if interfund transfers were not recorded properly. Mr. Paine indicated that Quickbooks was not ideal for municipalities and much more work was required to properly record such transfers. Ms. Patti asked if the auditor had confidence in Ms. Kinney with respect to correcting items brought to her attention and Mr. Paine indicated yes. Ms. Patti asked if the 2019 audit was almost done and Mr. Paine stated yes.

Treasurer's Report:

General: Ms. Ivers stated her report was on the website and read some account balances. A check just came in from Thornton for about \$205k which is not reflected in the report. She is providing additional reports and would continue those the Commissioners found helpful. She reported that Campton nor Thornton are likely to assist us with our water rate collection. She reported that about \$80k of the budgeted ski area maintenance money there was about \$52k left. The ski tower cat walks budgeted at \$40k have been quoted by one firm at \$62k. She indicated we had spent \$48k of the \$76k budgeted in the General Fund for Community Center maintenance and \$22k of the \$38k from the Rec Fund. Her figures included cleaning costs. Ms. Patti indicated that Ms. Kinney had recommended that the ski tower catwalks be voted on as a 3 year non-lapsing special warrant article.

General (cont.): Ms. Patti Ms. Ivers for including the check manifest in the handouts Ms. Ivers stated she would send an e-signature request to the Commissioners as no one had asked for additional info or

invoices. Ms. Patti stated she had sent an email asking for invoice copies and would resend that email to Ms. Ivers.

Public Comment Period Policy: Mr Herlihy reviewed the current Public Comment Policy. Ms. Patti indicated those on Zoom may request to make comments by indicating that intent in the zoom chat. The Commissioners would take a 10-minute recess before public comment to assess any desire of those attending via telephone or live to make comments. Each individual would have up to 3 minutes to make a statement.

Covid Zoom Declaration: Mr. Herlihy asked Ms. Patti to read the declaration authorizing a zoom meeting per the Governor's orders.

Approve Previous Meeting Minutes: Ms. Patti made a motion to accept the 12/30/20 meeting minutes, Mr. Herlihy seconded and the motion carried unanimously via roll call vote. Mr. Herlihy made a motion to accept the 1/5/21 meeting minutes, Ms. Patti seconded and the motion carried unanimously via roll call vote. Mr. Herlihy made a motion to accept the 1/5/21 meeting minutes, Mr. Panuczak seconded and the motion carried unanimously via roll call vote.

Roll Call: Mr. Herlihy, aye, Ms. Patti, aye, Mr. Panuczak, aye.

General Manager's Report: Ms. Patti indicated since the General Manager was not present, we would not discuss his report.

Committee Reports:

Planning Board: Mr. Smith indicated there was no report as there has been no activity.

Water and Roads Committee: Mr. Herlihy indicated there would be a public meeting on 1/22/21 to discuss the water grant and other matters with the engineer from DuBois and King.

Athletic Courts Committee: No change.

Advisory Budget Committee: Mr. Panuczak indicated there had been no meetings because of employees under COVID-19 quarantine and they would meet next month. Ms. Patti referred to the 5th paragraph of the report citing increased costs of operation from COVID-19 and wanted to work with the Association stating this was no time to be indifferent.

Records Committee: Mr. Smith indicated there was no report as there has been no activity.

WEA Representative: Mr. Hering indicated he had nothing to report.

Treasurer's Manifest: Ms. Patti made a motion to accept the manifest as presented, Mr. Herlihy seconded and the motion passed unanimously via roll call vote.

Re-Opening Community Center: Ms. Patti discussed the sequence of events from the Governor's orders to close in March, the partial re-opening by the Governor with restrictions including enhanced ventilation. She discussed hiring DuBois and King to assist in the evaluation. At the last meeting the Commissioners voted to re-open the ski lodge and at this one would vote to re-open the Community Center. The motion would include waivers and signage and wanted to be clear the Commissioners were not promoting a full opening. She pointed out that while we were in a second difficult period of the pandemic, we need to proceed with step 1 of re-opening. She then read the motion as follows,

Re-Opening Community Center (cont.): I, Maureen Patti, hereby move, while awaiting further information from the engineers regarding filtration, air sanitation and fresh air intake, to allow use of the INDOOR POOLS, FITNESS ROOM, LOCKER ROOMS and FAMILY CHANGING ROOM at the Community Center on the following conditions:

1. A waiver form that is acceptable to WEA is utilized which includes the attached language.
2. Additional signs are produced as attached and will be positioned outside the entrance and exit of the Community Center.

3. A set of Covid-19 Procedures and Policies for Employees that complies with New Hampshire Safer at Home Universal Guidelines and NH Guidelines for Health & Fitness businesses as well as recreational Pools are followed.
4. A set of Covid-19 Guest Policies that complies with both the NH Universal Guidelines and the Safer at Home Guidelines for Health and Fitness businesses and recreational Pool operations are followed.

When the locker room renovation is scheduled to begin, I will defer to the judgment of the General Manager about temporarily closing, if necessary, the locker rooms.

Mr. Herlihy seconded the motion and it passed unanimously via roll call vote. Ms. Patti responded to a chat comment about opening the bars and said we would have to review with the General Manager as to when it would be safe to re-open those. Mr. Panuczak said it was too bad the GM was not here to discuss Phase III of Dubois and King's efforts.

Planning Board and Website Committee Appointments: Mr. Panuczak nominated Mark Canfield, David Spinney, Ryan Timms, and Kelly Cannon to the Planning Board. Ms. Patti seconded and the motion passed unanimously via roll call vote. Ms. Patti said we need more people for the Website Committee before we appoint members.

Ken Michaud: Mr. Michaud commented about alleged falsehoods made by the Commissioners. He stated that the voters are the legislative branch and the Commissioners are the executive branch. He stated that since two Commissioners were appointed and one was elected by a single vote, they did not hold their positions by democratic mandate. He urged the Commissioners to follow the practices of the previous Boards relationship with the Association. Ms. Patti requested that, since this was not the public comment period, Mr. Michaud restrict his comments to the scope of the agenda item. Mr. Michaud stated he had just a couple things to add so it needn't wait for the public comment period. He discussed the breach of the Recreation Management Agreement by the Commissioners for closing and stated the Commissioners were holding the facilities hostage. He stated that the Commissioners should better articulate their platforms if they want to be re-elected at the next annual meeting.

Breach of Recreation Management Agreement: Mr. Herlihy discussed the Associations failure to pay and suggested a meeting between the Commissioners and the Board of Directors be scheduled to resolve the issue. Ms. Patti asked if it would be done in public session and Mr. Herlihy stated yes. Mr. Hering suggested it did not have to be a public session and only one Commissioner was required to meet. He said that even with the \$160k withheld by the Association, the Rec Fund had a balance. He discussed contacting a few BOD members via email before deciding to deny the final payment. He was offended that the Commissioners asked for contact information for the Association's attorney and that the Commissioners should have talked to him first. He said that involving the Association's attorney was going to cost taxpayers and association members money. He claimed the Recreation Management Agreement called for payments quarterly subsequent to services being rendered. He claimed services were not provided. Mr. Panuczak pointed out that the amount of money committed at the beginning of the year was "irrevocable" and that Mr. Hering had misquoted the RMA. He clarified that payments were to be made quarterly OR when services were rendered. Discussion took place around setting a meeting and it was tentatively set for the following week pending other BOD member availability.

Preparation for Annual Meeting: Discussion took place around a budget hearing on 3/30, petitioned warrant articles due by 3/21 and the annual meeting on 4/24/21.

DuBois and King: Ms. Patti suggested moving this discussion to the 2/4/21 meeting. Discussion took place around a proposal from DuBois and King to help us write a water ordinance for \$7400. A decision was tabled until the next meeting.

Set the Next Meeting: Mr. Herlihy indicated the next meeting would be 2/4/21. He said the Public Hearing to accept the grant money for the water system would be 2/11/21

Recess: Ms. Patti called for a recess at 7:10 PM to prepare for the Public Comment Segment.

Resumption: Mr. Herlihy called the meeting back to order at 7:20 PM.

Public Comment Period: Mr. Bertino requested that non-residents stop harassing residents for making legal right to know requests. He observed that the election results and Commissioner appointments were valid acts. He recommended people review the RSA's for a village district vs a corporation.

Executive Session: Mr. Herlihy motioned to enter non-public session, to consider legal advice from village

counsel, Ms. Patti seconded and the motion passed unanimously by roll call vote at 7:25 PM.

Resumption of Public Session: Mr. Herlihy motioned to re-enter public session, Mr. Panuczak seconded and the motion passed unanimously by roll call vote at 7:34 PM. Session was entered at 7:39 PM. The non-public session minutes were not sealed.

Adjournment: Mr. Herlihy motioned to adjourn the meeting, Mr. Panuczak seconded, and the motion passed unanimously by roll call vote at 7:41 PM.

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