

Waterville Estates Village District

March 17, 2021

Meeting Minutes

Attendees: John Herlihy, Gerry Panuczak, Maureen Patti, Ellen Witt, Judy Kinney, Corey Smith, Rob Diefenbach

Guests: Via Zoom: Jaime Oldmixon, Tom Hagerty, Keith Barnes, Mark Canfield, Mike Hering, Christopher McCormack. Physical location broadcast: Jim Murphy, Harry Bertino, Al Zulli

Call to Order: Mr. Herlihy called the meeting or order at 6:03 PM

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

Approval of Agenda: The Agenda was approved with 4 additions from Ms. Patti

- Appointing Treasurer to Records Committee
- Reschedule Budget Hearing
- Motion Re: Planning Board, Master Plan Contract
- 2020 Annual Report, Additions

A Motion then was made by J. Herlihy to appoint Rob Diefenbach to the Records Committee and was seconded by Ms. Patti. Motion passed unanimously via roll call vote.

Approval of Past Meeting Minutes: None

Treasurers Report – (See attached)

Mr. Diefenbach, recently sworn in as Treasurer, has been working with C. Smith on the accounting procedures. Paperwork for R. Diefenbach's signature approval on checks is progressing. R. Diefenbach asked about taxes owed. J. Kinney responded that she has been in contact with DRA Rep. as to why towns have not paid current. Not resolved as yet. R. Diefenbach said he would also look into it, to move it along.

GM's Report – (See attached)

C. Smith stated that there is still the issue of the correct balance in the Unreserved Fund with the accountants. Mr. Herlihy accepted the report with questions regarding reference to the heading: college students work "transitioning to safety aesthetics"? A discussion continued regarding students who worked on Ski Lift now working on list of projects to be done: painting, labor, construction, demolition.

Mr. Herlihy asked about CIF funding and a discussion on status of payment and project management followed. It was pointed out that Mr. Panuczak has prepared a Warrant Article regarding a Trust to be established for future funding flow from HOA to the Municipality. Mr. Panuczak stated that the current agreement is that the HOA will pay for the Locker Rooms projects, including, supplies, labor, parts and materials.

Mr. Herlihy asked who is tracking the funding and progress and project management? Mr. Panuszak responded that Madu Challagulla, is working with GM. C. Smith stated that there is a Committee overseeing the project and that he is not making decisions or running this project. Mr. Panuszak stated

that, per Commissioner agreement, C. Smith is the Project Manager of the locker room renovation. GM stated that it was a complicated situation with regard to the existing RMA. M. Hering stated that the Village District is committing \$15,000 and the HOA is committing \$35,000. If District labor costs exceed \$15,000, the CIF budget will be adjusted to cover it.

Ms. Patti stated that, since M. Hering commented in the discussion, it is now open for public comment. She also stated that we should all work together to move the project along. At the physical location, there was a citizen who wanted to speak. H. Bertino addressed the Commissioners stating that, since it is a Capital Improvement project, that C. Smith is ultimately responsible for this property, and that he would like more info on this Committee.

Mr. Herlihy asked about progress for planning for the Annual Meeting location. Ms. Patti said she was working with C. Smith and together they performed a site visit to locate an indoor facility in case of inclement weather on the Annual Meeting date. The facility toured was not large enough due to Covid restrictions and social distancing. A discussion regarding the rental of tents to be erected on the tennis courts if rain was forecasted ensued. Ms. Patti reminded us that May 1st was the deadline for any postponement of the meeting.

Ms. Patti asked C. Smith about well sensors needed for the Master Water Plan. GM responded that they haven't been installed due to the freezing and unfreezing issue. C. Smith said the Engineer is looking for rental sensors to put in wells temporarily but advises we may need to purchase and install permanent sensors.

Committee Reports

Outdoor Courts: Committee reported 3/8/21 – (See attached)

Homeowners Association Rep: M. Hering referred to the existing regulations against signage in the Estates, including political signage. Also, that there was a complaint about vote solicitation. C. Smith said that political signs were federally protected.

Budget Advisory Committee:

M. Canfield will be reviewing the impact of Warrant Articles to be proposed and will make recommendations at the next Monday Budget Advisory Committee meeting at 4:00 PM.

Water and Roads: (See attached)

J. Oldmixon reported that he was advised by the New Hampshire Municipal Association that there must exist a Definitive Water Use Ordinance in every Municipality. He said that he could not locate one for Waterville Estates nor could the town or NH DES. He could only find a Water Rate from 2017 but it was not adequate. He continued to say that our funding mechanism currently violates the law and that we need to establish equitable rates. He said the water consultant, Dubois & King, is working on the new ordinance. He continued that water rate should be based on occupancy, Bedrooms+ 1, and needs to address undeveloped lots. Meters are the preferred solution but until such time as properties can be metered, an equitable rate ordinance needs to be established. His recommendation is, beginning 2022, to discontinue the appropriation of funds through taxes and in 2021, establish a water rate whose structure is based on occupancy. This rate structure would be included in the new Water Use Ordinance until such time as water meters are installed throughout the Village District.

Mr. Panuczak prepared a motion for consideration by the Commissioners. He made the motion which read:

1. Pursuant to RSA 38:28, the District Establish a scale of water rates for defraying the costs of acquisition, construction, payment of the interests on any debt incurred, management, maintenance, operation, and repair of water systems.
2. Pursuant to RSA 38:29, all funds received from water rates shall be deposited into a WEVD Water Fund
3. The District shall continue to utilize dedicated volunteers on the Water and Roads Committee and engage a professional engineering firm to develop an equitable basis for the water rate schedule.

Ms. Patti seconded the Motion, and it was unanimously carried via roll call vote.

Consent Calendar:

Ms. Patti moved to approve the posted Manifests. Mr. Herlihy seconded, and it carried by roll call vote unanimously.

Ms. Patti moved to accept the Committee Reports. Mr. Herlihy seconded, and it was carried unanimously via roll call vote.

General Calendar:

RMA Modification Committee Appointments:

Ms. Patti recognized volunteers for the committee: H. Bertino, J. Murphy, Ned McElroy, Ryan Timms, M. Hering and Mr. Herlihy. Ms. Patti moved to appoint these persons as members of the RMA Modification Committee. Mr. Herlihy seconded, and it was carried unanimously via roll call vote. It was also noted that other members may be added at a future date.

Posting all Warrant Articles and Corresponding Minutes

Ms. Patti updated the group on the posting of historical Warrant Articles and Meeting Minutes. AGM J. Kinney is working with an IT consultant and these will be available on the Web Site in the near future.

Snowmaking Committee:

Mr. Panuczak moved to make a Motion to create a committee to research options and recommend a solution that will provide snowmaking using non-treated water for Campton Mountain Ski Area. The committee should target the 2021/2022 ski season for phase 1 implementation of snowmaking for the entirety of the Lazy Eight ski trail.

He went on to say that he has reached out to a consultant in the area who is an expert on the subject. The committee would consist of approx. 7 members and welcomes input from the Board. Ms. Patti suggested that the request for volunteers be posted and that on 4/1 appointments could be made. Mr. Panuczak accepted the amendment. Ms. Patti seconded the Motion, and it was carried unanimously via roll call vote.

Resolving Issue with Revolving Rec Fund- Warrant Articles proposed

Mr. Panuczak proposed a Warrant Article. (see attached Warrant Article)

At the request of Mr. Panuczak, Ms. Patti described issues around the RMA and establishing rules for the Municipality and HOA relationship. She described the Warrant Article which was proposed by Mr. Panuczak that a Trust fund with the Trustee of the Town of Campton has been recommended by counsel, which would be administered by a Town Trustee. This would end recurring issues with reporting agencies and would cover unanticipated funds. Mr. Panuczak said that this Trust would also include Friends of Campton Mountain account. Ms. Patti explained that would be necessary if the NH Attorney General did not find the FOCM was funded through goods and services.

Ms. Patti read the article. She added that this would eliminate the need for more public meetings and would assure that funds would be appropriated according to their designated purpose. Mr. Herlihy moved to accept proposal for the Warrant Article, Mr. Panuczak seconded, and it was unanimously approved via roll call vote. This included both articles. (see attached)

Warrant Articles overlooked from the last meeting: (See attached Warrants)

Ms. Patti moved to propose a Motion to Include Vote Tally on Budget Items and Warrant Articles. She read the Warrant Article which requires that all votes by the Commissioners and the Budget Advisory Committee concerning the budget be tallied and included with the Warrant Article(s). Mr. Herlihy moved to recommend the Warrant Article, Mr. Panuczak seconded. It was unanimously recommended following a roll call vote.

Ms. Patti introduced a Warrant Article which required estimated tax impact be included in Warrant Articles. Ms. Patti read the Warrant Article. Mr. Herlihy moved to recommend the Warrant Article, Mr. Panuczak seconded, and it was recommended unanimously after a roll call vote.

Additional Items:

Budget Hearing meeting was moved to Monday, March 29, 2021 at 6 p.m.

Planning Board: The Planning Board Chair would like “to confirm the Planning Board’s decision to retain to assist the Planning Board in developing a Master Plan and to approve and provide an amount, not to exceed \$13,000, to facilitate retaining MRI”. The Planning Board got quotes from three vendors with prices ranging from 30 K down to MRI, the low bidder. The Planning Board reviewed and discussed the quotes over the course of two meetings, spanning two months, and interviewed all three vendors. The Board debated the pros and cons of each vendor and selected MRI. Mr. Herlihy moved to make a Motion to accept this proposal, Ms. Patti seconded, and it was passed, through a roll call vote, unanimously.

Annual Report: M. Patti proposed that the 2020 Annual Report include reports from the Homeowners Association and District Committees. AGM J. Kinney asked that the reports to be included be received by Friday, April 2, 2021. Ms. Patti moved to have reports developed and included in Annual Report by HOA and Committees. Mr. Herlihy seconded, and it was passed unanimously via roll call vote.

Date of next meeting: Mr. Herlihy indicated that the next meeting will be March 19, 2021 @ 9 a.m.

Recess: 7:32 PM for 10 minutes before Public Comment Session.

Resume: 7:43 PM. Open Public Session.

Web Site Committee: Ms. Patti made a Motion to establish a Web Site Committee. Volunteers recognized are: A. Canfield and R. Timms. Mr. Herlihy would also serve on Committee. Mr. Herlihy made a Motion to establish the Committee and appoint members. Mr. Panuczak seconded, and it was unanimously approved via roll call vote.

Public Comment:

A. Zulli asked about accusations of voter fraud per an online article. Asked if violators have been identified and any action taken? Mr. Herlihy stated that this was noted and being looked into.

H. Bertino addressed political signage and solicitation recommending that if someone does not want it, they should put up a sign saying so. Also asked if Budget Committee is Advisory? Mr. Herlihy confirmed that it is advisory.

J. Murphy questioned the equity issues with water rate system. Suggested using bathrooms as the basis for occupancy. Also raised the question of intermittent usage and that this would be inequitable. Mr. Herlihy said that the engineering firm is aware of the occupancy issues and will work toward the most equitable formula.

Non-Public Session:

The Commissioners moved to enter a non-public session. By roll call, they voted to enter a non-public session at/around 7:32 p.m. After a brief conference regarding scheduling, the Commissioners returned to the public session without having conducted a non-public session at 7:42 p.m.

Adjourn: After leaving the separate Zoom meeting for the non-public session, it took a few minutes for all parties to re-enter the public session. Mr. Herlihy moved to adjourn the meeting at 7:52 PM. Ms. Patti seconded, and it was passed by unanimously by roll call vote.