**WATERVILLE ESTATES VILLAGE DISTRICT**

**July 18, 2020 MEETING MINUTES**

**Approved as presented on August 1, 2020.**

**Attendees:** Judy Kinney, Matt Smith, Andy Griffiths, Corey Smith, John Herlihy, Sean Tole, Karen Waters

**Guests:** Ned McElroy, Becky McElroy, Al Zulli, Harry Bertino, Kimberly Pacheco, Jack Letvinchuk, Libby Griffiths, Denise Bujarlski, Stan Bujarlski, Richard Doore, James Reynolds, Art Marks, James Murphy, Maureen Patti, Lori Routhier, Adam Lomba, Linda Ivers, Claire Denton, Scott Monroe.

**Called to order**: Mr. Griffiths, 8:00 AM.

**Welcome Comments:** Will continue with meetings every other Saturday.

**Approval of Previous meeting minutes:** Mr. Tole asked why we didn't have the last few meeting minutes. Mr. Griffiths stated that the zoom meeting minutes still needed to be transcribed. Mr. M. Smith stated that the minutes from the 18th had been posted. They were not included in the handout so they will be approved next meeting. Mr.
Herlihy made a motion to approve the meeting minutes from February 12 and 22, 2020, Mr. Tole seconded and the meeting minutes were approved, as submitted, unanimously.

**WEA BOD Update:** Mr. Marks provided an update from the Association Board of Directors. The Board only has personal protection up to $325,000. Mr. Griffiths stated that even that would mean extending additional insurance through the village district. Mr. Marks stated it would also require modification of the Recreation Management Agreement. Mr. Marks reported the resignation of Mr. Fagas and Mr. B Smith from the WEA BOD. Mr. Marks stated that the BOD checked with other associations who are in the same boat. He stated that many that have opened did so not understanding that they were not covered and had personal exposure to liability. He indicated there was a precedent for associations voting to agree to a special assessment for legal fees. Hs suggested this was an option if the association membership really wanted the facilities opened and a 60% majority was required. If approved, all association members would share in the liability. He stated the village and association lawyers have opined that there is no way to separate the opening from the association even if the village district opens. Discussion took place around how this was different from any previous pandemic and what must change moving forward. Mr. Marks stated only legislated legal indemnification or a vaccine would solve the problem. Mr. Marks stated that the people screaming at us to open because they want to rent their properties could share in the legal expenses. Discussion took place about other ways we might open that had already been discussed at previous village district meetings. Mr. Marks stated that a lot of places that are open are for profit private corporations that can simply go bankrupt if they are sued. Mr. C Smith presented the details around extending the $325,000 protection to the BOD. It involves sacrificing some coverage that we don't use in exchange for providing the $325,000. Discussion took place about costs and future cost increases in the event that a claim was filed. Mr. C. Smith stated there is no cost to make the change: but that future costs could increase if a claim was made. Mr. Griffiths recommended tabling the insurance change for another meeting.

**WEVD Treasurer Report:** Ms. Waters reported on 2019 taxes still owed to the district from Campton and Thornton and discussed collection measure.

**New Check Signing Policy:** Ms. Waters presented a check signing policy for the commissioners to review and approve. She also proposed a policy binder that could be easily maintained. Mr. Herlihy asked about commingling reported in past audits. Ms. Waters said it simply that payments were received into the wrong accounts and

procedures had been put in place to prevent future incidents. Mr. M. Smith asked about the requirements of commissioners to sign vouchers and stated that only commissioners can act for the town and: can act for the town and: are required to act in majority. Ms. Waters stated that it had not been done in the past and she did not have an answer
for that. Mr. M. Smith recommended she check NHMA website articles which detail the practice and Ms. Waters indicated that she would. It was discussed that it would require the BOC to review payments two weeks before they were du, but it was possible. Mr. Herlihy made a motion to adopt the policy, Mr. Tole seconded and the policy was adopted by unanimous vote. Ms. Waters stated she would be appointing a deputy treasurer at the next meeting and asked for a change to the website to allow people to contact here directly from the web page.

**Code of Conduct:** Mr. Herlihy talked about how commissioners should conduct themselves recommending staying off social media, and refer all maters to public session. He indicated that trust, respect, upholding the law, and avoiding conflicts of interest were important. He indicated he would have a proposed code of conduct for the next meeting. Mr. Herlihy stated that the Board and employees should not participate in debate on social media and if they do, they should be ready to resign or be fired. Mr. Griffiths addressed the existing Facebook policy and stated that it needed to be updated. He discussed fiduciary responsibility and that the BOC might have a duty to respond to egregious claims even when on social media. He agrees with a code of conduct but isn't sure how strict we can be on it. He has designated Ms. Canfield as our communications director. Mr. Tole discussed free speech and individual rights and asked that we make sure we are not overstepping our bounds with the policy. Ms. Patti asked if the submitted FB policy from 2014 had been adopted. It was unclear if and when it was adopted. Ms. Waters volunteered to assist with policy creation, adoption, and tracking. Mr. Griffiths stated policies would have to be approved by motion.

**WEVD/WEA Lease Update:** Mr. Griffiths spoke to improving the ability to determine the status of acts of the village, referring to the lease between WEA and WEVD and that we cannot locate a valid copy from any time period. He stated the lease is under review by the attorney and he would present something hopefully at the next meeting and to have it executed by the WEA BOD within the next thirty days. He indicated that the lease was covered by the RMA. Mr. M, Smith pointed out that the RMA literally refers to the lease. Mr. Bertino asked about the rent payments associated with the lease. Mr. Tole offered to run point on the lease update and Mr. Griffiths concurred.

**GM Update:** Mr. C. Smith reported work in progress including completion of the auto chlorination loop on the water system, and main meter calibration down at the wells. He reported a large leak at the "interconnect" that Lakes Regin Water would be addressing and a leak behind the recreation center. Because of the storms, road raking and drainage maintenance have been ongoing. We'll be bringing Ray back in for grading. He reported clogged drainage on McLaren and Richardson Trail. Mr. M. Smith reported that the one on Weetamoo was still clogged. The pools are up and running but there is a leak on the big pool that has been there for years, but recently got worse so we have to bring someone in to look at it. He stated that the pavers were coming on to give a quote for the extra work and would provide a start date soon. A discussion occurred around addressing the basketball court as well. Mr. C. Smith reported that Mr. M. Smith was working with Shawn on upgrading the recreation center ventilation systems. The new truck has been ordered but is on backorder. Discussion took place around options. Cat has asked for another opportunity to quote the Backhoe. The recreation center roof was discussed. Mr. Griffiths stated we should get three bids.

**Infrastructure Incident Report/Tracking:** Mr. Griffiths introduced Mr. Herlihy's proposal for incident tracking. Mr. Herlihy elaborated on the process which involves logging additional details and recordkeeping as well as automatic updates to the community via email. Mr. Herlihy indicated he would assist Mr. C. Smith with the process.

**Digitizing Records:** Mr. Herlihy stated that digitizing our records sustains us for the future and helps with disaster recovery. He indicated our records should be stored in the cloud.

**Old Business/Items:**

**Court Sale:** Mr. Griffiths reported on the sale of the court covering tiles. The village district will receive $5250 for the materials.

**Swim Platform:** Mr. Tole provided an update on the swim platform. We are waiting on a cable and a ladder. Once in, the platform will be put in the pond.

**New Business Items**

**Payroll Protection Program:** Mr. C. Smith reported that as a municipality we are not eligible for the Payroll Protection Act. He asked people to let him know if the second round of aid included municipalities The.

**Aesthetics/tidiness/Cleanliness Priorities:** Mr. Griffiths indicated we would try to do clean up with volunteers. Mr. Tole said we need to set up a process so as not to burden Mr. C. Smith.

**Archiving/Digitalizing of Governing Warrant Articles:** Mr. Griffiths indicated Ms. Patti would be reviewing the village history of warrants passed and compiling a list of warrants currently in effect. Mr. Griffiths made a motion to give hear access to the recreation center so she could review the warrant binder, seconded by Mr. Herlihy, and the motion passed unanimously.

**Digitalizing of All RTK Items:** Mr. Griffiths indicated we are getting quotes from companies that assist municipalities with searchable archiving of municipal documents and that he would bring them forward at the next meeting. He stated that it would augment the digitization work already performed by Mr. M. Smith.

**Public Hearing Request/Hammerhead:** Mr. Griffiths indicated Mr. M. Smith requested a public hearing on the Hammerhead that was installed to obtain his building permit. Mr. Griffiths asked what Mr. M. Smith's expectation was. Mr. M. Smith stated it was a quasi-judicial ruling. Mr. Griffiths indicated they needed to consult with village counsel regarding statute of limitations. Mr. M. Smith stated that the village has been aware of the request for some time and that this should already have been addressed before today. He requested that the date be set as it could be cancelled if counsel advised that the statute of limitations had passed. Discussion took place about how long the statute of limitations was and when the clock would have started ticking. Mr. Tole expressed that he did not think it appropriate to grant the hearing. Mr. Herlihy made a motion to schedule the public hearing pending feedback from village counsel, Mr. Griffiths seconded, and the motion passed with two yea and one nay by Mr. Tole. The date was set for Wednesday July 29th at 4:00 PM.

**RTK Request Update:** Mr. Griffiths stated that Mr. M. Smith has submitted a number of right to know requests. And that the village district has a consultant now and is looking for some outside help to compile the information. He also acknowledged a right to know request from Mr. Bettino that he hoped to have resolved this week.

**Water Fees:** Mr. Griffiths discussed the water bills that went out with a rate increase. Ms. Kinney stated that some bills were corrected when people went to pay their bills. Mr. Griffiths stated that he wasn't sure this was covered in the zoom meeting and he would get people up to speed one the record. Mr. M. Smith stated that to increase the water rates, the commissioners must vote to do so in public session and asked if meeting minutes existed showing that this occurred. Mr. Griffiths agreed and stated that he did not want to do that today. Mr. Griffiths stated that there is a plan to address any overpayments made. He said it would be on the agenda at the next meeting to be addressed officially. Mr. M. Smith asked for clarification that there was never a vote to raise

rates and Mr. Griffiths concurred. Ms. Kinney claimed that Mr. Wiley had directed her to apply COLA increases to the water bill. Discussion took place around the timing of the direction and when the bill increase occurred and when Mr. Wiley left office.

**Master Plan for Water System Update:** Mr. Herlihy provided an update on the water master plan committees' actions. He indicated that telephone interviews had taken place and the sub-committee would meet this week to determine what recommendations they would provide to the commissioners. He indicated he wanted to start a road committee as well and would present more information at the next meeting. Mr. Marks asked if we had costs for the water master plan. Mr. Herlihy and Mr. Bujalski provided details that the range was $26 to $55k but other factors like fixed price versus multi-phase proposals would have to be factored in when selecting the engineer.

**Hodgeman Hill Condominium Water System:** Mr. Herlihy discussed a contract between Hodgeman Hill Condos and the water system in the village that is still in effect. He stated that sometime in the 60's or 70's HHC had its own well and it was determined there was a benefit if they provided water to the Estates. He indicated that the contract was specific as to the line of demarcation was. The point that determines ownership of the infrastructure. He indicated that there has been talk of increasing the throughput of that connecting line. He indicated if the village were to improve that line there would have to be billing to Hodgeman Hill. He indicated that the improvement wasn't a requirement of the contract and that the improvement was not currently budgeted by the village district. Ms. Pacheco spoke for HHC as a board member of the condo association and stated their opinion that the contract was still in effect and had never been amended or cancelled. She highlighted the contract flows required as well as the village being responsible to maintain the line to the first building. Discussion took place around whether the village was currently drawing water from the HHC well and Mr. Griffiths and Mr. C Smith said the village was not. Mr. C. Smith indicated that HHC was connected to the village district for the village to supply water in 1997 because of the water quality of the HHC wells and that it was not an EPA approved source. He indicated that the connecting line was installed in 1997 and did not exist before then. Mr. Murphy expressed that the intent of the contract was pertinent and should be reviewed by attorneys. Mt. Tole stated that there was no question about the district responsibility to deliver water to HHC. He indicated the question was where does that delivery ends and what the flow requirements are. Mr. C. Smith said that was not the issue but whose responsibility it was to upgrade the line from the pit to unit A. He stated that there is a long-standing policy that a property owner is responsible for installing a water line from the village water system but after that the village is responsible for the water line except for upgrades which are still the responsibility of that taxpayer. Ms. Pacheco expressed that the master plan engineer needed to determine if the HHC well was producing and if not, fine, but of so it would be germane. Again, the issue of the water quality of the HHC well was presented as not acceptable. Mr. Herlihy stated that if the well was producing you might be able to use it for snowmaking. Ms. Pacheco expressed that it would be worth the water engineers' examination. Mr. Bettino asked for documentation from Lakes Region Water for work performed in association with the water line to HHC, the village water line policy, village maintenance records, and the correspondence with the village attorney regarding the contract.

**Volunteer/Advisory/Action Committees:** Mr. Griffiths stated that MS. Canfield was looking for volunteers to serve on committees. Some committees will be under the association. A newsletter will be produced and a welcome folder made available to new owners. These committees will be discussed in more detail at the next meeting. Ms. Canfield hopes that committees will be formed by the end of the month.

**Budget Advisory Committee Appointees:** Mr. Letvinchuk announced that he had appointed Mark Canfield, Chris Bernardi, and Karen Waters to the budget committee. He indicated that all were eminently qualified. Mr. Herlihy recommended Ed Culver as adjunct. Mr. Griffiths appointed Mr. Herlihy as ex-officio. Mr. Tole questioned the concept of whether new board members would be elected or appointed. Mr. M. Smith pointed out that village counsel was on the record stating that

the annual meeting could elect people to an unofficial budget committee. Mr. Tole expressed a desire to double check.

**Planning Board Committee:** Mr. Griffiths stated that these members would be appointed at the next meeting.

**Roads~ Water Committee:** Mr. M Smith volunteered to serve on the water committee as he had experience with instrumentation for a water system exactly like ours. Mr. Scott Monroe volunteered for the roads committee citing construction experience. Mr. Griffiths said we would also have an infrastructure committee that he would sit on.

**WEVD Communications/Presence:** Mr. Griffiths stated that he was working with Ms. Canfield to help improve communication. Action items are to make it clearer as to whom a communication is coming from. He indicated she would have access to Constant Contact. Mr. Tole urged caution expressing concerns about privacy violations. Mr. Griffiths talked about updating the web page and starting to use the village Facebook page without allowing comments. Mr. Tole volunteered to liaise with the association. Mr. Griffiths asserted that he viewed Mr. Tole as the liaison with the association. Mr. Griffiths stated that the association has expressed an interest in dialing down CIF spending while the building was unoccupied. He said the items would be addressed at the next meeting. Discussion occurred about improper use of the pontoon boat and the BOC recommended locking the equipment up.

**Open Floor/Questions:** Mr. Bujarlski expressed concern about use of outdoor amenities during the pandemic and whether that created lability for the WEA BOD. Mr. Tole requested the authority to negotiate RMA changes on behalf of the BOC with the WEA BOD. Mr. Herlihy denied the request. Mr. M. Smith pointed out that the commissioners had to act in majority when making town decisions. Mr. Griffiths indicated that the RMA review was something the commissioners needed to do together.

**Next Meeting:** Mr. Griffith indicated the next meeting would be Saturday, August 1th at 8:00 AM.

**Adjournment:** Mr. Herlihy motioned to adjourn, Mr. Griffiths seconded and adjournment passed unanimously at 9:58 AM.