**Waterville Estates Village District**

**June 9, 2021**

**Commissioners Meeting**

**Attendees:** Maureen Patti, John Herlihy, Gerry Panuczak,, Ryan Timms, Ellen Witt, Judy Kinney, Corey Smith, Mark Canfield, Dave Ketcham, Jaime Oldmixon, plus other unidentifiable parties via Zoom.

**Guests:** In person session: Harry Bertino, Jim Murphy, Terri Tole, Arnold Goodman

**Call to Order:** Ms. Patti called the meeting to order at 6:02 PM.

**Covid Zoom Declaration:** Ms. Patti read the declaration authorizing a zoom meeting per the Governor's orders. Ms. Patti gave instructions to attendees and format for questions via text or phone. (See attached **Plan to Ensure Fair & Open Public Statement Period in WEVD Virtual Public Hearings).**

**Approval of Agenda:** Ms. Patti moved to adopt the Agenda with amendments adding 9N (AGM Email Migration), 9O (Volunteers), 9P (2019 Audit), along with notations not to hold WEVD Commissioner meetings previously scheduled for both July 7, 2021 and October 10, 2021. It was seconded by Mr. Panuczak and unanimously voted to adopt the agenda with amendments.

**Approval of Past Meeting Minutes (See Attached Changes):** Ms. Patti apologized for overlooking a past error in Approved Meeting Minutes. Ms. Patti stated the two amendments, which will follow below. Ms. Patti motioned to approve the amendments to the 3/26/2021 minutes. Mr Panuczak seconded the motion. Discussion took place with Mr. Herlihy adding to the first amendment the language "…evidence, such as time reports or work orders…". Ms. Patti moved to accept the motions, read as:

I. Page 2, paragraph 4: R. Diefenbach agreed to making changes in the budget. Mr. Herlihy moved to vacate the earlier motion and to budget for half a year the two (2) full-time positions with one position to be filled right away and the second to be filled only upon evidence, such as time reports or work orders, being shown to the governing body of the need for a second, full time person. It was seconded by Ms. Patti and passed unanimously via roll call vote.

II. Page 3, paragraph 3 (Set the Next Meeting): Monday, April 9, 2021.

Mr. Panuczak seconded, and the motion passed with unanimous roll call vote.

**Treasurer's Report:** No update

**General Manager's Report**: Ms. Patti stated that she had been in conversation with Mr. C Smith leading up to tonight's meeting that there would be no written report without issue. Many items that would be included contain items from tonight's general calendar agenda and will be addressed throughout.

**Committee Reports (See Attached)**

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**Outdoor Courts -** Recent OCC minutes attached. Mr. Ketcham provided a verbal update that RFP went out 6/8. Maine Tennis & Track responded, awaiting confirmation from 3 others. Basketball court RFP is prepared and Mr. Stan Bujalski and Mr. Dick Mayo are responsible for following. Mr. Herlihy questioned the need for 2 separate RFPs. Mr. Ketcham clarified the need for 2 RFP's as there are different contracting needs for tennis courts versus basketball court/handicap parking. Mr. Ketcham also suggested there may be 3 or 4 RFPs for the basketball/handicap parking.

**Water & Roads Committee:** Mr. Herlihy updated that discussion took place surrounding the State grant moneys. He further stated the engineer work is on hold in order to wait on the State grant decision, being that the engineering work could be funded by the grant. Mr. Herlihy also updated that he and a community volunteer would be going out to identify meters and valves by tagging them. This is work previously requested of the General Manager, but due to other obligations has yet to be accomplished, thus Mr. Herlihy has taken Mr. Smith stated that recent reorganization of personnel was done in part to allow Steve Baert the opportunity to satisfy these requests, but had yet come to fruition.

**Website Committee –** Mr. Herlihy updated that the committee needs to define requirements in order to identify our scope of work to bring forward to a web developer. Discussion took place surrounding web domains (.org, .gov) and the current website situation. Ms. Patti stated that in order to upgrade the Google account to the Vault so as to be compliant with NH state law re: retaining official correspondence, the determination was made, along with the IT consultant to stay at the current domain (waterville-estates.com). Several WEA email addresses have already migrated off the domain because Ms. Patti did not want the WEA accounts to be billed unnecessarily for this Vault upgrade. Ms. Patti believes WEA has moved to a new web domain, and Mr. James Dorr (IT consultant) further suggested the need for WEVD to remain on the current domain due to the large amount of data and risk surrounding loss of data. Discussion took place surrounding calendar item 9N. Ms. Kinney updated that Mr. Dorr had been awaiting access to the new WEA domain and WEA Director Sean Tole would be granting that access and the WEA migration would follow. The new WEA website is believed to be watervilleestates.org.

**Snow making**: Mr. Panuczak updated Monday's meeting was canceled out of an abundance of caution due to a calendar glitch on the WEVD website. Mr. Panuczak stated the need to have 5 residents in-person moving forward to have a quorum, or shift some to Advisory positions which would allow 4 in-person and the rest could join remote. Mr. O'Hara further stated the Committee has been in contact with a consultant about snow making.

**HOA Representative –** Terri Tole BOD VP stated the 2nd Q Public Meeting will be June 16 at 7:30PM via Zoom, with agenda items to include Rental Policy, Snowmaking, Staffing, etc.
C Smith added that we are receiving applications for positions and tide appears to be turning to allow additional operating hours soon.

**Consent Calendar -** Ms. Patti explained the purpose of a Consent Calendar explaining that the Commission has seen these items and are agreeing through this process to approve the items in "one fell swoop". This allows for swift approval without negating the ability to pull from the Consent Calendar and place on the General Calendar items for discussion. Nobody requested to pull items forward from the Consent Calendar. Ms. Patti moved to approve the manifests from June 2, Mr. Panuczak seconded, and the motion passed with roll call vote. Ms. Patti again explained the process used to re-appoint members of the various Committees/Advisory Committees. Having previously

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neglected the Outdoor Courts Committee, Ms. Patti moved to appoint all members indicated on the left column to the committee. Mr Panuczak seconded and the motion approved with roll call vote.

**Re-Appointments to Advisory Committees (**See Attached)**:** Ms. Patti explained the purpose of a Consent Calendar explaining that the Commission has seen these items and are agreeing through this process to approve the items in "one fell swoop". This allows for swift approval without negating the ability to pull from the Consent Calendar and place on the General Calendar items for discussion. Nobody requested to pull items forward from the Consent Calendar. Ms. Patti moved to approve the manifests from June 2, Mr. Panuczak seconded, and the motion passed with roll call vote. Ms. Patti again explained the process used to re-appoint members of the various Committees/Advisory Committees. Having previously neglected the Outdoor Courts Committee, Ms. Patti moved to appoint all members indicated on the left column to the committee. Mr Panuczak seconded and the motion approved with roll call vote.

**General Calendar Items (Request for Commission Action, etc.)**

**a. Campton Mountain's Chair # 17**

Mr. O'Hara stated the WEA BOD received a petition from many members of the community requesting Campton Mountain Chair #17 be dedicated in Scott Ivers' name. Mr. O'Hara indicated that any materials/work would be done with volunteer effort or WEA funds with safety of utmost importance. Ms. Patti mentioned that Mr. Pelchat has been informed of this request and that any decoration would be in full safety compliance. Mr. Panuczak added that consideration should be given to the decoration so that it can move on perpetually were the current lift be replaced. Mr. Herlihy asked for clarification regarding cost. Mr. O'Hara assured there would be no cost to WEVD. Ms. Patti motioned to approve the motion, provided it meets any safety requirements, Mr. Panuczak seconded, and the motion passed with unanimous roll call vote. Ms. Patti went on to suggest it may worth considering a plaque honoring and describing Mr. Ivers' contributions to our community, to be mounted at either facility.

**b. RMA Modification Committee – ex-officio membership M. Patti**

Ms. Patti suggested she be the ex-officio representative to th RMA Modification Committee. Ms. Patti motioned as such, and Mr. Herlihy seconded. The motion passed with unanimous roll call vote

**c. RTK training for officers, Commissioners, staff, Committee Chairs**

Ms. Patti announced that the terms of a recent settlement required all members of staff and the governing body to attend Right-to-Know training. The commission felt strongly the need to expand this knowledge to more community members, and thus have invited Chairpersons of all Committees and Advisory Committees to training on 6/24. All have been contacted and many have responded in the affirmative.

**d. Long Range Planning Advisory Committee**

Mr. Panuczak spoke about the assistance the past Long Range Plan report provided when working on the Budget Advisory Committee, which he believes was done by an engineering firm. He went on to state that it was previously suggested to use the Planning Board to develop a Long Range Plan, but NH law limits the membership to only residents. Mr. Panuczak stated his motion is brought about in order to involve all homeowners, not just residents. Mr. Panuczak motioned to create a Long-Range Planning Committee that will be responsible for planning capital preservation and capital expansion for

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municipal assets of the Waterville Estates Village District. The committee will provide a rolling five year capital plan each year to the Commissioners and Budget Advisory Committee. The committee would be advisory in nature, and participation would be encouraged by a broad cross section of land and home owner¥ within the Village District. Ms. Patti amended to include “registered voters who are renters”. Mr. Panuczak accepted Ms. Patti’s amendment.
- Point of Order - Mr. Bertino stated the district already has a planning board approved by residents with this scope of work and this seems to bypass that board. Mr Bertino also stated this should be done in a Public Hearing. Mr. Panuczak stated the PB scope is to create a Master Plan and this LTPAC would be a mechanism to assist, not compete with the PB. Mr. Bertino stated the PB membership is limited to registered voter residents and disagrees with this motion. Further discussion took place. Mr. Panuczak withdrew his motion and Ms. Patti indicated the Commission would work with WEVD Staff to coordinate a Public Hearing to hear this matter. Posting requirements will be followed once a date is decided for a hearing.

**e. Road Maintenance Plan**

**f. New Asphalt Road Plan**

Mr. Herlihy motioned for the establishment of an action for the General Manager to develop and identify annual road maintenance, repair and paving for Waterville Estates Village District roads. This action will include but will not be limited by a written evaluation of every road for its condition rating; Cracked, depressions, culvert failure, pot holing, etc. This report will include the detail of road sections and recommendations for action, to include detailed "scope of work", and an RFP for quotes by contractors with specifications that include, preparation such as excavation, repairs, rock removal and substrate and top coat material requirements by inches of cover and rolling, as well as shoulder preparation. Ms. Patti amended to read “including new paved roads”. Mr. Smith indicated he may need consulting, for example condition rating. Mr Herlihy stated budgeting for a consultant would be a separate issue down the road. Mr. Panuczak expressed this type of report would have been very helpful when building the budget. Ms. Patti seconded the motion, and the motion passed with unanimous roll call vote.

**g. 2021 Paving Contract (Maintenance)**

Tabled item from May 27, 2021. Ms. Patti stated we are now in receipt of 3 bids, 2 were included as attachments in the previous meeting and the third was just received and was not available to be attached. Mr. C Smith discussed the bids and Mr. Steve Baert’s recommendation to contract with R&D Paving. Ms. Patti clarified the R&D bid was for Summit Dr. and Pegwood Dr. Mr. Panuczak stated the recommended contract exceeds the budgeted line item and questioned where the additional funds would come from. Mr. C Smith stated there are a number of line items that are well below budget that provide the opportunity to move $4000 to this line item. Discussion took place around potential surplus in the budget that can help achieve this. Mr. Diefenbach affirmed Mr. C Smith’s point. Ms. Patti stated municipal funds moving across line items is common practice, and a process will be posted and in place for full transparency of this type of activity. Mr. C Smith stated in the General Fund, sub category Roads>Misc Materials is budgeted for $19000 and YTD spend $1800. Mr. Diefenbach mentioned that he intends to work with staff to provide a 6-month P&L report. Ms. Patti motioned to approve the 2021 paving contract to R&D Paving recommended by staff in the amount of $64270, with $4270 to come from the Roads>Misc Materials line item. Mr. Panuczak seconded, and the motion passed with unanimous roll call vote.

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**h. Watercraft Access Policy**

Awaiting additional information from Insurance 6/26

**i. Boilers**

Mr. Oldmixon updated to inform 2 contractors declined to give a proposal and another has not responded. Despite that, we should have 2 more bids (along with the 1 current bid) within a few weeks. Further discussion tabled until 6/26

**j. Water Meters**

Mr. Herlihy stated no further evaluation or decision was made in advance of this meeting. Ms. Patti reiterated the urgency of this matter. Mr. C Smith opined he likely would not be able to compel LRW to allow return of the meters without a fee, possibly 15 or 25 percent. Mr. C Smith went on to say this was agreed upon in a contract in November that was backed out of, and thus we are likely responsible. Discussion took place surrounding invoices for the meters. Ms. Patti was under the impression the invoice was paid. Mr. C Smith stated it has not been paid, but is unsure what happened. Further discussion tabled until 6/26.

**k. Update re: hydronic heating units; heating system cost savings**

Tabled until 6/26.

**l. In Person Meetings**

Discussion began with the expiration of Emergency Order #12. Ms. Patti explained that meetings of public bodies (including this committee) will have to take place in a physical location – the way meetings were conducted before Covid-19. She explained that the District cannot, in the judgment of legal counsel, simply allow committee members whose primary residence is outside of the area to participate via Zoom. NH law, currently, only allows for members of public bodies to participate electronically or by phone when "such attendance is not reasonably practical" or if there is an emergency meeting (RSA91-A:2, III (a) & (b)). Living out of the area is, based on counsel's judgment, not going to meet the definition of "not reasonably practical." There is some action in Concord to review and possibly change this area of the law. The expectation, however, is that any change would not occur until later this summer. A suggestion was made to, when necessary, take action to name those committee members who cannot attend physical location meetings regularly as affiliates of the committee. That way, a quorum could assemble locally and have the other volunteers participate but not vote. As such, Ms. Patti motioned to continue to provide the public remote access to duly noted public body meetings while a quorum of the governing body or advisory committee meets in person at the physical location designated for the meetings, in accordance with RSA 91-A:2,III.a/b. Mr. Panuczak seconded and the motion passed with unanimous roll call vote.

**m. Improving Transparency – Including attachments with official meeting minutes**

Ms. Patti discussed that the governing body had previously approved adding handouts to official meeting minutes. Following recommendation from the Records Committee, Ms. Patti motioned to define, for purposes of improved transparency of WEVD Commission records and meetings, that materials which are shared, read into the record of the meeting and/or distributed to the public during Commissioner meetings shall be designated as ATTACHMENTS.

Materials which are made available online prior to a meeting of the governing body shall be designated as HANDOUTS. Materials which are prepared in advance of a Commissioner meeting and provided to the public when arriving at governing body meetings shall be designated as HANDOUTS. Materials

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which are introduced to the public during the course of a Commissioner meeting shall be designated as ATTACHMENTS.
Ms. Patti further moved to include with official meeting minutes ANY ATTACHMENTS approved for inclusion with the official minutes by a vote of the governing body at a meeting of the Board of Commissioners, beginning June 9, 2021.
Mr. Diefenbach commented that his only concern would be the subjective nature of the Commission to include attachments, suggesting that inclusion be the preference as much as is practical. Mr. Panuczak seconded and the motion passed with unanimous roll call vote.

**n. Email migration**

This item was discussed during the Website Committee Report

**o. Volunteers at Community Center**

Mr. Panuczak discussed that there due to staff shortages, there's a consideration to allow volunteers assist. Following discussion with counsel, it has been determined that these persons should be hired at minimum wage in order to provide workman's compensation. Additionally, Mr. Panuczak stated that he has had discussions with Mr. Mark Canfield regarding the possibility of adding a rider to the insurance policy that would allow volunteers AND provide coverage.

**p. Audit**

Tabled until July 22 when the auditor can be present.

**Next Meeting** – Saturday, June 26, 2021 at 9 a.m.
NO MEETING ON JULY 7, 2021 AND OCTOBER 20, 2021

**Public Comment Period**

Mr. Canfield spoke in regards to the earlier motions 9e/9f. Mr. Canfield stated the responsibility of the GM should be identifying hazardous road conditions and therefore maintenance of the roads is a primary responsibility, whereas item 9f (New Asphalt Road Plan) is more the purview of the Roads and Water Master Plan Committee. Mr. Canfield respectfully asks the commission to reconsider its motion, and instead ask our GM to maintain current roads and future road planning should be under the committee. Ms. Patti, motioned to rescind the earlier motion and instead approve Mr. Herlihy's original, written motion. Discussion took place regarding the responsibility of consideration for newly constructed roads. Mr. Panuczak opined that the Planning Board would be a good vehicle to consider new roads, eventually, but that there is a current need to address road maintenance, which this motion supports via the GM. Mr. Canfield stated the need to have a plan so that management has a path forward to assist maintaining our infrastructure, and as such supports Mr. Herlihy's original motion. Further discussion took place about the need to develop the maintenance plan and share the information. Ms. Patti motioned to approve, Mr. Panuczak seconded and the motion passed with unanimous roll call vote.

**Non-Public Session**

**10. Adjourn Meeting Set the Next Meeting:** Ms. Patti indicated that the next meeting is scheduled for June 9,2021. There was a 5 minute recess to address a possible question via phone at 11:09 AM. The recess ended at 11:18 AM.

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**Motion to Enter Non-Public Session**: Mr. Panuczak motioned to enter non-public session at 8:20 PM, pursuant to RSA 91 A:3, II(a). Mr. Herlihy seconded and the motion passed unanimously by roll call vote.

**Convening of Non-Public Session:** Ms. Patti made a Motion to convene non public session at 8:34 PM, it was seconded by Mr. Panuczak and passed unanimously by roll call vote. Other persons present during non-public session: C. Smith

**Return to Public Session:** Mr. Panuczak made a Motion to exit non- public session, Ms. Patti seconded and the motion passed unanimously by roll call vote at 9:05 PM.

**Public Session Reconvened at 9:06 PM.** A Motion to seal non-public session minutes, due to the fact that it will adversely affect the reputation of any person other than this commission, was made by Mr. Panuczak, seconded by Ms. Patti, and passed unanimously by roll call vote.

**Adjournment:** Mr. Panuczak motioned to adjourn the meeting, Ms. Patti seconded, and the Motion passed unanimously by roll call vote at 9:08 PM.

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