Waterville Estates Village District

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Waterville Estates Village District

November 4, 2021 Commissioners Meeting Draft Minutes

Attendees: Commissioner Gerry Panuczak, Commissioner John Herlihy, Dave Ketcham, Allison Smith.

Attendees via Zoom: Maureen Patti, IGM John Scruton, Mark Canfield.

Call to order: Mr. Panuczak called the meeting to order at 9:05 AM.

Roll Call of Commissioners: Mr. Herlihy and Mr. Panuczak present at the Summit Lounge. Ms. Patti attending via Zoom, and stated that it was not reasonably practical for her to participate in person at this time.

Approval of the Agenda: *Mr. Panuczak made a motion to adopt the agenda as amended with the only change being the date change from February 15, 2021 to February 15, 2022 under the Item 12.b. Mr. Herlihy duly seconded and agenda was approved as amended by a unanimous roll call vote in favor.*

Approval of October, 2021 Minutes

The October 21, 2021 minutes draft was not ready yet, however there was discussion about including in it (when it is ready) a copy of the 2019 NHDES report for the Waterville Estates Village District water system that was sent to the Board. *Mr. Herlihy made a motion to include the NHDES 10.06.2019 report for the Waterville Estates water system in the draft of the October 21, 2021 minutes, when they are done, Mr. Panuczak duly seconded and with a roll call, the motion passed unanimously.*

Making Approved Minutes Official – signing by Commissioners
No action was taken as there were no minutes to sign.
Mr. Herlihy asked Ms. Smith if she could let the Commissioners know what they could do to help her with making communications to the community easier. Ms. Smith responded that streamlining the process would be very helpful as currently she has to deal with three separate systems to disseminate the information and all three require different formatting, which is time consuming.

Treasurer's Report
Mr. Panuczak that there was no report in the packet and the Treasure was not present. No action was taken.

Interim GM's Report (see attached):
Mr. Scruton began by saying that he has made some additions to the report that were made available to those present in the room. He then proceeded with the report:

1. Website. Mr. Scruton said that would like the role of the Website Committee changed. In his opinion it would be better to dissolve the Committee and simply invite the current members and others who are interested to be included in the development process as individuals, so every work

session does not need to be treated as a formal meeting, posting, minutes, quorum, etc. as we work with CivicPlus.

Mr. Herlihy made a motion that the Commission dissolve the Website Development Committee in order to streamline and expedite the process of retaining CivicPlus company to help the Commission launch such website and that the Commissioners stay active in that process as individuals. Mr. Panuczak duly seconded and following a roll call vote, the motion passed with a unanimous vote in favor.

2. Domain. Mr. Scruton said that he is working on securing a new domain for the website and the preferred option would be ".gov", second choice being ".waterville-estates.org", and third option would be ".us". Ms. Patti noted that WEA's current domain is "waterville-estates.com" and there is a possibility that WEA has also secured "watervilleestates.org", which would be pretty close to the second option Mr. Scruton proposed for the WEVD domain. Mr. Scruton said he will check on that and try to propose a different ".org" domain name that is not so similar.
3. Shall we put the old jeep/plow up for sale?
   Discussion ensued about the need to put it up for sale via an open to the public process. Mr. Scruton also brought up the antique Ferguson tractor, which on the contrary is in much better shape than the old jeep/plow and has been restored. *Mr. Herlihy made a motion that the Commission would put the old jeep/plow for sale at large and try to sell within the next 30 to 60 days. Mr. Panuczak duly seconded.* A short discussion arose about whether there should be a minimum price set or an appraisal done. A vote was called after *and motion passed with a 2:1 roll call vote with Ms. Patti voting in the negative.*
4. The Snow Committee recommends the purchase of artificial snow surface. Mr. Snow artificial snow surface available through world cup supply. Rolls are $2,700 and are two meters by 10 meters. The Snow Committee recommends two rolls. Mr. Scruton wanted to ask the Commissioners whether this would come out of the Recreation Fund or is it something expected to come out of the operating budget. Mr. Panuczak, who is on the Snow Committee, explained where the snow surface would be needed (offloading area at both the chair lift and the rope tow where the sun tends to erode the snow). He said that the Snow Committee did not discuss which fund will cover these and that he had requested to find out if there are ski area maintenance line items in the municipal budget that could cover this. Discussion ensued about the ski area maintenance budget being tight and best course of action being to discuss sharing this expenditure with the WEA Board. Mr. Panuczak will bring this back to the Snow Committee on November 15th. Commission action is deferred to the November 17, 2021.
5. The Snow Making Committee has asked we seek permitting for use again of treated water. That is the path we are pursuing. Mr. Panuczak explained why using treated water is proposed at this point, where the future plan is to use the untreated water from the pond. Mr. Scruton noted that the snow gun will be billed for the use of treated water as well and spoke about state permitting and what it may require to go this route. He then answered questions about the status of well pumps repairs. No action was taken.
6. Mr. Scruton noted that he had requested the Commission to sign the change of payroll status form for those who received wage increases and that has been signed. Mr. Panuczak briefly provided the rationale for the recent wage increases as the District is trying to stay externally competitive and

internally equitable and recognize the importance of retaining knowledgeable and professional staff.

7. Play Room Floor. The vendor (Ryan Mayne) indicated the Schonox tech does not warranty their EPA mitigation system if there is any hydraulic pressure. He will have to test the slab for moisture before we proceed with the mitigation system. There is another system that was suggested after the flooring company spoke with the representative. It is an over the top method using a vapor barrier then installing the leveler over that for 100% warranty. Mr. Scruton asked for a price on that. Mr. Panuczak asked if there could be a similar problem with the lobby floor that has just been tiles. Mr. Scruton said that the answer to this may have to wait a couple years.
8. Sale of the Oskosh - bid was due on November 3, 2021. There was one bid each on the two vehicles. The bid was $5,050 for the running Oshkosh and $500 for the parts Oshkosh. Mr. Scruton's recommendation was to accept both bids. *Mr. Herlihy made a motion accept both bids for each of the vehicles and proceed with the transactions with both individuals. Mr. Panuczak duly seconded and in a roll call vote motion passed unanimously.*
9. Replacement of mechanical doors will not be able to proceed with the current plan. A new scope and estimate are being developed. No action needed now.
10. There are getting several options for the design of lights in the Board Room. Mr. Scruton will show the designs to the Commission when they become available. Mr. Panuczak thanked Mr. Scruton for mitigating some of the safety issues in that room now that it is being used for meetings.
11. Ms. Scruton reported finding significant corrosion on the three inch copper line in the community center that will need replacement as soon as possible to prevent it failing with significant consequences. Mr. Scruton added that the Commission was recommended to set aside ten thousand dollars towards replacement all copper pipes in this building. Mr. Panuczak added the Commission supports including these funds in the 2022 budget and has recommended it to the Budget Committee.
12. A copy of the DES report from 2019 was distributed so people would be aware of some of the issues still facing the water system. Some of the issues are the need to redo one of the water tanks and the pumping system to it, as well as other issues that will become clear once the Asset Management Study is completed.
13. Water bills. Mr. Scruton said that they have received a number of complaints regarding water bills. He presented some examples:
    a. One from the Town of Thornton questioned the applicability on tax deeded properties held by the Town. Mr. Scruton recommended abating the bills for these properties for this year, after running it by the attorney, given the extensive relationship that the District and the Town have.

Mr. Scruton answered questions about the Commission's ability to abate the bills like that and whether such abatements may harm the process of bill payment set by the ordinance. He reiterated the need to send the following questions to the attorney, if the Commission is willing: does the Commission have the authority to send such bills to the tax deeded properties owned by the Town; and would waiving those bills for the Town for this year set any precedent. *Mr. Herlihy made a motion to ask Mr. Scruton to communicate to the Attorney to develop a procedure which the Commission could follow for the Town owned properties to determine whether abatement is appropriate within the Commission's purview and discuss it at the next meeting; and to verify that the District can send the Town the utility*

bill. Mr. Panuczak duly seconded and motion passed with a 2:0:1 roll call vote in favor. Ms. Patti abstained from voting as she missed the discussion due to being away from her computer.

b. Complaints from the owners of vacant lots who are questioning why they are getting a water bill for a property that does not receive water.

Mr. Scruton said explained that in accordance with the water ordinance adopted in August of 2021 by the WEVD commissioners, all properties within 100 ft of a water main are subject to billing at the rate for an undeveloped lot (availability fee of $161.10 for a 6 month period). Improved lots have an additional charge per bedroom for actually using the water. This was set up to help with the overhead costs of running the water system. Mr. Panuczak added that undeveloped lot owners pay taxes on their property and those cover services like police, fire, schools, water, etc. The water system has been made a standalone entity, and that is why they now pay the availability fee for the water, which is no longer covered by taxes, and therefore, is not part of their tax bill.

c. A frequent comment was from those who only use the property part-time OR who have two people living in a 6-bedroom house and therefore have a lower usage.

Mr. Scruton said that there is a plan for meters, and the Roads and Water Committee is preparing a formal Request for Proposal from the three major suppliers of meters to have the information to make a recommendation on which meter to choose. He explained that all this relates to the pressure to fix the billing system this year first, and that is why this was not done in the reverse order. He added that meters should be coming in the spring which would allow to switch to a per gallon rate, which should fix the problem for those who thing they are overcharged using the per bedroom rate. Mr. Panuczak added that the ultimate goal for the District is metering the water usage, which they are slowly getting to. He also said that making the water system a standalone system also makes it eligible for applying for federal grant money, which was not possible before. Mr. Scruton added that there were multiple public hearings by this Commission and the Water Committee over the summer in order to make the community aware of these upcoming changes.

d. Another question relates to the change in the tax rate.

Mr. Scruton explained that a $400,000 water budget would have had a $4 impact per every $1,000 of assessed value. These $4 would have appeared on the 2022 tax rate had the water system not been moved to be a standalone system. The total to be raised by the fee is higher than the budget because there is an expectation that there will be delays in collecting the entire amount. All the money collected will go toward water purposes only. Therefore, to answer the question about the size of the bill, it would be based upon the annual Water Department budget plus this anticipated delayed collection. Mr. Panuczak added that any grant money will reduce the total that needs to be raised, and if there is ever a surplus it will be carried forward to the next year. Mr. Scruton also said that all the money that is raised for water would remain in that fund and can only be used for water.

e. What if someone does not pay?

Mr. Scruton said that those who do not pay can expect a lien to be placed on their property (which could impact credit rating) and for the water to be shut off.

f. In answer to the question of why this was not done at annual meeting?

Mr. Scruton said that the state law gives the power to do this solely to the Commissioners. The annual meeting cannot change the rates or the ordinance. A petitioned article for this purpose would only be advisory. RSA 38:26-29 is the key statute if someone wishes to look it up.

Committee / Board Reports

Budget Advisory Committee and Planning Board reports.

Mark Canfield said that the BAC is working on getting the budget recommendation to the Commission in December and the Planning Board is working on the Master Plan community survey and is in need of more members. Mr. Scruton added that Planning Board members are required to be registered voters.

Water Master Plan & Roads – John Herlihy said that the Committee has an upcoming meeting this Wednesday. Committee is working on reviewing options for implementing meters and creating requests for bids and also on reviewing the water billing process.

Outdoor Courts – Dave Ketcham provided an update and said that the Committee is working on the quote to remove the basketball court and improve the drainage in that area and install the footings for the posts for both basketball and volleyball courts. Rackets courts are waiting for the spring. Mr. Scruton added that the large pine trees that were causing concerns were determined to be eligible for removal.

ADA Accessibility – Mr. Scruton said that the bids for the RFP are due later today.

HOA representative

Mr. Ketcham noted that the HOA is assisting with disseminating the information regarding the water billing process. Mr. Panuczak added that there is a general agreement between the two bodies to extend the Recreation Agreement to December 15th.

Consent Calendar

a) Check Manifests

Ms. Patti made a motion to approve the manifests, Mr. Panuczak seconded and the manifests were approved by unanimous roll call vote.

b) Committee/Board reports

Mr. Panuczak made a motion to accept the Planning Board and Budget Advisory Committee reports as written, Mr. Herlihy duly seconded and the report was accepted by unanimous roll call vote.

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

a) Destruction to Community Center property

Mr. Scruton said that there were life vests that were locked by the docks and someone had broken the lock. Ms. Patti said that this is why the Commission asked the staff to think about other ways to store them so that they are protected better. Mr. Panuczak noted that Ms. Kinney had assured him that the summer equipment will be put away into winter storage soon. Mr. Scruton added that there is an issue with both equipment and records storage which also needs to be resolved at some point.

b) In Preparation for Annual Meeting – Mr. Panuczak read into the record the following deadlines, noting that this is a tentative schedule at this moment:

1. Petitioned Warrant Articles must be received by February 15, 2022.
2. Public Hearing Re: Warrant Articles (including Proposed Operating District Budget) -- February 8, 2022.
3. Back-up date: February 9, 10, or 15, 2022.

Mr. Scruton noted that deadlines are on February 15th at midnight; therefore 16th or 17th may need to be included to accommodate that.

4. Second Public Hearing Re: Warrant Articles (including Proposed Operating District Budget) – February 15, 2022.

5. Back-up date: February 16, 17, or 19, 2022.
6. Correction of Voter List meetings (Campton & Thornton Town Halls) March 12, 2022.
7. ANNUAL MEETING: MARCH 19, 2022.

c) Extension of Agreement to Modify Existing RMA Agreement

Mr. Panuczak said that it has been agreed with the WEA Board to extend the agreement to December 15, 2021 from the original October 15, 2021 end date in order to prepare a revised RMA. *Mr. Panuczak made a motion that the Commission agree to that Extension Agreement when it is made available to December 15, 2021. Ms. Patti duly seconded and motion passed unanimously.*

Ms. Patti said that she would like to thank the Dave Ketcham and the WEA Board for preparing the annual operating schedule broken down by facility for recreational programming as it not only satisfies an important requirement within the RMA itself but shows that the Board is being responsive to the need of the District to prepare adequate staffing, equipment, resources, and supplies to service the desired recreational programming. Mr. Panuczak agreed with Ms. Patti and added that the WEA submitted operational schedule along with the proforma budget has been provided to the BAC for inclusion into the next year budget bill. He also added that the list of permits needed to operate the Ski Area and related concessions was also provided to the District by the WEA Board which is also very helpful.

Upcoming Meeting: Wednesday, November 17, 2021 @ 6 PM.

Public Comment Period

Mr. Scruton said that one comment was submitted by Rob Mr. Diefenbach regarding water billing for those with vacant lots is to merge the lots to avoid paying multiple water bills. Mr. Scruton added that they would need to check zoning and subdivision regulations on the process of subdividing those merged lots again as he is not sure of the process.

- Stanley Bujalski, 11-2 Carey Circle, spoke about several issues:
    - Question about the artificial snow surface discussed earlier and who will be using it?

Mr. Panuczak explained that this is only for the offloading areas at the end of the chair lift and the rope tow so that people getting off those are not hitting plywood when the snow melts, which it does quite often due to the extra sun exposure of those particular spots on the mountain. Currently snow is being added to these spots and it requires constant attention, which the artificial snow surface will help alleviate.

- Offered a temporary solution to the need to excavate in frozen conditions around the well pump that needs to be repaired by installing the backflow preventer valve in line above the casing or a short distance downstream of the casing, where it will still provide anti syphoning protection.

Mr. Scruton will check with the engineer.

- Staff payroll issue and whether employees are offered the use of the facilities as a benefit.

Mr. Scruton concurred.

- Playroom floor. Using anything impermeable will create a problem in the future. There are breathable products and whatever moisture comes through would be taken care by the use of dehumidifiers.

Mr. Scruton said that dehumidifiers are part of the engineered plan for all the air handling in those facilities.

- Water billing to the Towns should still be done as simply waiving it would create a precedent and open up a can of worms.

Mr. Scruton said that this is something that he will be bringing up to the Attorney.

- Lot merging for the purpose of reducing the water bill is not a good idea as it the availability rate was calculated based on the number of existing lots and will be thrown off.

Mr. Scruton said that people have a right to merge and they will have to take that into consideration each year when figuring out the availability rate. The issue is reversing the merging later which needs to be done in accordance with the subdivision regulations. It was more of a suggestion to those who have extra lots and are not planning to develop them at all, thus merging them with their house lot may make sense.
Mr. Bujalski noted that there may be some HOA provisions that deal with such merges as well to which Mr. Scruton responded that this needs to be checked as well.

- Added emphasis to Mr. Scruton's comments about the water billing issues with both vacant and developed lots that he addressed in item 13.d of his report earlier.
- Asked the Commission to not schedule their Annual Meeting or public hearings on warrant articles on same dates as the Towns as it makes it impossible for people to attend both.

Mr. Panuczak noted that as of right now there are no conflicts and the Commission will change its schedule should either Town change theirs.
Ms. Patti tried to make a statement, however due to technical difficulties it was inaudible.
Mark Canfield asked that an email sent to Ms. Patti by Karen and Bryan Young would be included into the discussion about water today. Ms. Patti apologized for not being able to check her email on time and said that she had already included the email from the Young's into the next meeting agenda. Mr. Scruton also added that he tried to address the most common issues that came in and that he can try again at the next meeting.

Non-public session.

There was no need to discuss any matters in a non-public session.

Adjournment: *Mr. Herlihy motioned to adjourn the meeting; Mr. Panuczak duly seconded. Motion passed in a roll call vote with all voting in favor.*

Meeting adjourned at 10:43 AM.

Prepared by Alvina Snegach

Interim GM Report 11/04/2021

1. Website. I would like the role of the Website Committee changed. My personal opinion is that it would be better to dissolve the Committee and simply invite the current members and others who are interested to be included in the development process as individuals, so every work session does not need to be treated as a formal meeting, posting, minutes, quorum, etc. as we work with CivicPlus. 2. Website: One of the items that will need to be resolved before going live has to do with the domain where the website is located. My understanding is that WEA owns both domains (watervilleestates.com and Waterville-estates.com). Waterville-estates.com is the location of the current website. The first option is dependent upon WEA Board approval and would involve the current website moving to the other domain. I believe a better option would be for WEVD to obtain a (.gov) domain or other domain. I have requested information on obtaining a ".gov" domain for WEVD which we could use for the website. With either solution, WEVD would request WEA put a prominent link on the home page of their site to redirect people who wanted WEVD and for WEVD to do the same on the new website directing people to the current website for WEA and Recreation information. 3. Shall we put the old jeep/plow up for sale? 4. The Snow Committee recommends the purchase of artificial snow surface: Mr. Snow artificial snow surface available through world cup supply. Rolls are $2,700 and are 2meters by 10meters. Committee recommends two. Does this come out of the Recreation fund or is it something expected to come out of the operating budget? 5. The Snow Making Committee has asked we seek permitting for use again of treated water. That is the path we are pursuing. 6. I request the Board sign the change of payroll status form for those who received wage increases. 7. Play Room Floor. There has been a snag with the floor plan. The vendor (Ryan Mayne) indicates the Schonox tech doesn't warranty their epa mitigation system if there is any hydraulic pressure . He will have to test the slab for moisture before we proceed with the mitigation system. There is another system that was suggested after the flooring company spoke with the rep. It is an over the top method using a vapor barrier then installing the leveler over that for 100% warranty. I have asked for a price on that. 8. Water bills. We have received a number of complaints regarding water bills for vacant lots. One from the Town of Thornton questioned the applicability on tax deeded properties held by the Town. Here is the request from their Town Administrator: Maybe you should make the Commissioners aware of this issue and see if they want to make the decision to make these four properties exempt before legal expenses are incurred . We have had a great working relationship with WEVD as shown by our commitment over the many years and I would hate to see that relationship jeopardized over $800 +/- per year. What would the Commission like to do with the bills for Campton and Thornton tax deeded property? 9. Other complaints from vacant lot owners were similar to this exchange. The person wrote: "Would you please advise me as to why I am receiving a bill for a property that consumes no water? I trust the explanation was in one of the emails you sent, but there are just too many emails from WVE to read them all." To which we answered: Thank you for reaching out. In accordance with the water ordinance adopted in August of 2021 by the WEVD commissioners, all properties within 100 ft of a water main are subject to billing. The rate for an undeveloped lot is $161.10 for a 6 month period. If you are interested, you can read the water ordinance here. And then received this response from the person. Thank you for responding. It is not good stewardship to be paying for water that I do not use. Last year there were no rec services, yet the same fees were collected. This year a water bill for no water. This is becoming an unfriendly place to own property. Please tell me how to go about filing a grievance I then sent an email indicating I would

include this exchange in my report to report the grievance. There have been other similar emails and phone comments regarding the vacant lot charge.