Waterville Estates Village District

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Waterville Estates Village District

December 1, 2021 Commissioners Meeting Approved Minutes

Approved as amended on February 2, 2022

Attendees: Commissioner Maureen Patti, Commissioner Gerry Panuczak, Commissioner John Herlihy, Interim General Manager John Scruton, David Ketcham, Assistant General Manager Judy Kinney, Allison Smith, and an unidentified person.

Attendees via Zoom:

Call to order: Ms. Patti called the meeting to order at 6:00 PM.

Roll Call of Commissioners: Ms. Patti, Mr. Herlihy and Mr. Panuczak present at the Summit Lounge.

Approval of the Agenda: *Ms. Patti made a motion with the following proposed changes to the Agenda:*

- *Addition of Item 10.h – to accept and expend additional $2,400 related to the damage of the Reservoir Road. Mr. Panuczak duly seconded and agenda was approved as amended by a unanimous roll call vote in favor.*

Treasurer's Report

The Treasurer was not present at the meeting and there was no report in the packet. Mr. Panuczak noted that Mr. Diefenbach had sent some information to the Budget Advisory Committee and they will review it at their upcoming meeting.

Interim GM's Report (see attached):

Mr. Scruton spoke about the following:

1. Dubois&King gave a proposal for $5,800 for testing the concrete where the lap pool hot tub was and whether it will support the extra weight of the hot tub. In considering this, the Commission should also consider the two reports from Stevens Engineering earlier this year to see if this is important additional information we have. The Stevens report 4/18 laid out a plan to fix the floor for regular use, but the last line of the report makes clear the floor originally was not designed for a hot tub and the fix would not make it suitable for a hot tub. The work of Dubois&King analyzes the concrete more but does not include a new design to fix it; therefore, Mr. Scruton said that he will not proceed with Dubois&King. Ms. Patti noted that she had communicated to the WEA Board that the Commission would not object if they proceed with obtaining a second opinion. Ms. Patti also said that when the Records Committee reviewed the plans, the location of the hot tub was in that same spot. She also noted that the Stevens report suggested to do an epoxy type treatment there but that it would still not support the hot tub placement.
2. Christmas Eve is Friday, December 24th and Mr. Scruton said he would like to allow nonessential staff to leave at noon with pay for scheduled time after noon. The WEA recreational staff and custodial staff will be paid at time and a half. *Mr. Herlihy made a motion to approve allowing nonessential staff to leave at noon with pay on December 24, 2021 and the*

essential and custodial staff be paid at time and a half. Ms. Patti duly seconded and a roll call vote was taken and the motion passed unanimously.

3. Does Board approve Draft Credit Card Policy: Is there authorization to make other payments online in addition to Credit Cards? Ms. Patti said that this policy would help make the process of paying invoiced more efficient. *Ms. Patti then made a motion to approve the Credit Card Policy that has been exchanged with the Commissioners and reviewed by them in the past. Mr. Panuczak duly seconded.* Discussion ensued about how the interest would be handled if it were to occur, and it was established that there is a line item for the purpose of covering interest. *A roll call vote was taken and motion passed unanimously.*
4. Does Board approve draft home-page design for website? Mr. Scruton said that fonts and pictures could be changed and displayed the draft design. *Mr. Herlihy made a motion to accept the current draft home-page design for the upcoming website by the agency chosen by the District, knowing that we can change and update it any time.* Mr. Ketcham made a not that the Waterville Estates Realty's domain is .watervilleestates.net. Mr. Scruton said that it may be helpful to add some information about them to the WHO WE ARE box on the homepage to distinguish their organization from the District. *A roll call vote was taken and motion passed with a unanimous vote in favor.*
5. Lights are not working for night skiing, and the District electrician refuses to fix them as they are far from being to code. Electrician indicated that the existing situation would be hazardous, if power was restored without completely rewiring the mountain. Mr. Scruton showed pictures of some of the issues on various parts of the mountain. He added that he is going to bring in the State Electrical Inspector (who covers Campton) to give a second opinion. In answering Ms. Patti's question about cost of renting lights, Mr. Scruton said it was about $100 a month per light ($600 per month total) and the WEA Board found it to be too expensive. Discussion ensued about the need to wait for the State Inspector's evaluation results before making a decision of further course of action. Another discussion was about the need to remove the wires that run along the trails, once it is determined that they are no longer needed, as they are a hazard. The same should be done with hazardous trash and debris that have been found on the mountain.

   Discussion turned to portable generator powered lights and how much they cost new or to rent and whether it would make sense to consider those as it is so close to the opening of the ski season and there may be not enough time to fix the electrical issues if they are determined to be fixable by the state inspector.
6. Water ordinance amendment (to be discussed later).
7. Blue Pick-up. It does not run but the biggest problem is that the frame is totally rusted. The bed looks good, but it is welded to the chassis. The truck is full of trash that would need to be disposed of. Ms. Scruton asked if the Commission would like to put it up for sale. *Mr. Herlihy made a motion sell the dilapidated blue pick-up truck. Ms. Patti duly seconded and motion carried in a roll call vote with everyone voting in favor.*
8. Acceptance of quote on catwalks in lieu of continued expenditure for design. Mr. Scruton said that getting as second quote would be around $13,000, which is not prudent, so he had asked for an update on the existing quote and will present it to the Commission at a later meeting.

9. The ADA Committee is seeking a new quote on someone to review the facility for compliance. Deadline for quote submission would be December 13th and the Committee will discuss it and provide recommendations to the Commission on December 15th.
10. Public Hearing on accepting the increase in value to the Community Center for Locker Room renovation is coming up.
11. Game Room: the work is planned for late December, assuming materials arrive. Mr. Scruton said that the permeability issue is still being researched.
12. Proposed Linking Policy for Web page was given to the Commissioners and Mr. Scruton encouraged them to adopt it so that it could be given to the website vendor while they work on the website. *Ms. Patti made a motion to adopt the Linking Policy that has been presented to the Commission by the IGM. Mr. Panuczak duly seconded.* Mr. Scruton said that the policy would only allow links to governmental and WEA recreation sites. *Motion carried in a roll call vote with everyone voting in favor.*
13. Proposed draft for home page has been done. Ms. Patti said that this has been discussed earlier and this is where the proposed verbiage addition by Mr. Ketcham about Waterville Estate Realty will be placed in addition to the statements distinguishing between WEA, WEVD, and the Town of Waterville Valley, NH.
14. Mr. Scruton requested the Commission vote to accept and expend $2,400 payment received from PRIMEX for damage to a roadway (Item discussed later as Agenda Item 10.h)
15. Water Violation. There was not a water quality but a reporting violation. We had the information, but because of data base incompatibility between our system and Lakes Region, they did not file the reports with DES in a timely fashion. We will mail out notice of this to the residents.
16. Recreation Manager. There had been discussion on hiring a Recreation Manager to assist Ms. Kinney. Given the problems with communication and the chain of command, Mr. Scruton said that he recommends that this issue is tabled for at this time, but instead continue to have all direction of paid staff come through the Interim General Manager and Assistant General Manager. Commissioners evidenced agreement from their comments.
17. Snow Making. WEA has agreed to pay for the cost of purchasing and installing the necessary antisiphon valve required by the State. WEA requested that WEVD pay for the meter and its installation. There was a brief discussion on whether WEA actually agreed to pay for <u>both</u> purchasing and installing the valve and Mr. Ketcham agreed to double check if that was accurate. Mr. Scruton provided a brief recap of why the valve was needed in the first place, which was a permitting requirement by NHDES for continued use of treated water for snowmaking. Specifically, WEVD needed to secure a modification to the permit to operate a drinking water system
18. Policy on distribution of written materials at front desk. Mr. Scruton said that he believes that the Commission needs to adopt a policy that states only official documents of the Waterville Estates Village District and official documents related to the Waterville Estates Association shall be distributed at the Main Desk of the Community Center. This would include notice of recreation programing, annual meetings, annual reports, press releases, etc. He added that he would like the WEA Board to also weigh in on the issue and after a brief discussion, consensus

was that distribution should be limited to municipal and recreation related materials and waiting for the WEA Board to weigh in.

19. Sledding. Does the Commission wish to continue the prohibition of sledding on the ski mountain? Apparently, some people were doing so despite the sign not to. Discussion ensued about how dangerous it can be and that sledding anywhere can create a liability with some anecdotal evidence presented from another municipality that was sued over a sledding incident. Mr. Scruton then asked whether there was a policy and insurance coverage for doing it elsewhere? There was a brief discussion about insurance for skiing vs sledding and consensus was that sledding should be prohibited anywhere to prevent liability issues.
20. Mountain Biking. Mr. Scruton asked if there was a policy regarding Mountain Biking on the ski slope? Members tried to recall if there was, and Ms. Patti said that she had seen a report on what would need to be done to accommodate that but was not sure if the District ever acted upon it. Mr. Herlihy suggested to table this discussion until someone on the recreation side would come up with a plan. Mr. Panuczak added that the RMA stipulates that WEA is the ultimate authority on all recreational activities, which mountain biking is, and added that the lift will not be able to support loading/unloading mountain bikers. Mr. Scruton pointed out that this discussion was only referring to mountain biking on the Campton Mountain ski area and not the trails. He summed up that according to what he has just heard, there was no approval of mountain biking in the past. Ms. Patti responded that to the best of their knowledge there was not.
21. Policy on loaning out items. The question has arisen as to a policy on loaning out items. Chairs were borrowed over the holidays and returned by a man who says he has regularly been allowed to do so. Mr. Scruton suggested developing an item borrowing policy (e.g., owners borrow chairs with perhaps a limit), a tracking system with follow-through for return of the item. Members discussed whether district owned property should be loaned at all due to liability concerns. It was noted that there is also property that belongs to WEA and that it would be up to WEA to decide if it could be borrowed.
22. Annual Meeting. Thornton has set their annual meeting on the date we would need the Checklist review so date will probably need to be moved to Checklist 3/19 and meeting 3/26 to keep it on Saturday.
23. Meeting Schedule: Mr. Scruton suggested the Commission set a schedule that is consistent every month. Members discussed scheduling Commission meetings and agreed on alternating Wednesdays between 9 AM and 6 PM and for months that have five weeks adding a Saturday meeting. Ms. Patti will produce a schedule and circulate.
24. Snow Removal Policy. Mr. Scruton suggested to adopt of the draft Snow Removal Policy that is in the packet. Mr. Scruton suggested holding a public hearing on the Snow Removal Policy on December 15th when the Parking Policy one will be held.
25. Winter Parking. Mr. Scruton suggested setting a public hearing for December 15 for consideration of adoption of the draft proposal for a parking ordinance. Mr. Scruton suggested the Board restate the policy of no parking on District or Town Streets between November 15 and April 30.

Ms. Patti requested that the Commission goes back to discuss the issue of lighting night skiing. Commissioners discussed that WEA was not willing to pay for renting lights and the fact that the

RMA stipulates that the District has to provide resources for recreational activities, is lighting for night skiing beyond resources for recreational activities? Discussion continued on whether the members should wait until the snow making is operational and the state inspector made his evaluation; whether members could authorize the IGM in the mealtime to rent the lights, should the repairs need to be put off until spring; needing to research renting option and costs; needing for the WEA Board to officially respond on whether they are willing or not to cover the cost of renting; etc. Commissioners asked Mr. Ketcham to relay the information to the WEA Board and Mr. Scruton noted that Commissioners always have the option of calling a special meeting for something urgent. *Ms. Patti made a motion to authorize the IGM to proceed with renting the standalone or construction lights (in the amount of six lights) to enable night skiing to begin when nature and snow making make it desirable, and this is predicated on the idea that there is no simple fix to the existing lights.* She also added that a special meeting could be called within 24 hours if needed. Mr. Panuczak said that they do not have sufficient information to make a decision at this point and there is no motion needed to simply authorize staff to start looking into prices and options. Ms. Patti agreed. There was no further discussion or second/vote on the motion.

Committee / Board Reports
Planning Board and Budget Advisory Committee
Both reports were available in the packet.
ADA Accessibility
It was address in the IGM report earlier.
Water Master Plan & Roads – John Herlihy said that the Committee has been busy discussing building a mission statement for the Committee and communicating it to the Community and also working on the bids for the water meters.
Snowmaking Committee – it was addressed in the earlier discussion about the check valve.
Outdoor Courts – there was nothing to report.
HOA representative
Mr. Ketcham said that the HOA adopted the official schedule and has also authorized season passes for employees. Mr. Ketcham said that there were some questions he was asked to bring up and those are about the meters that are being installed at the ski lodge and the community center and who will be responsible for paying the water fees based on usage and when this billing will commence?
Ms. Patti explained that these will be paid by the District, whereas the snow gun usage will be billed to WEA, once the rate is determined, as it is a recreational use. It was determined that the billing for the community center and the Campton Mountain will not commence in December to allow for the meters to be set and the rate to be determined; therefore, the bills be split in two but the payment will be due in June. The second question Mr. Ketcham asked to provide more insight into the Budget Committee's idea to shift some of the District's expensed to recreation. Mr. Panuczak explained that while preparing the 2021 budget the Committee was very conservative will allocation of costs to the recreation budget and the District picked up some of the expenses like 2/3rd of the insurance, all custodial except at the Mountain, all pool chemicals, electricity, fuel costs, etc. RMA and lease agreement set a 12$/year lease for the use of the property, it is necessary to identify those costs and shift them back over time to WEA as the user of those costs. Mr. Panuczak added that this is only

being discussed by the BAC and it would be happening overtime when it does. The idea is to have equitable distribution of the costs.

Consent Calendar

a) Check Manifests

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

b) Committee/Board reports

Ms. Patti made motion to accept the Budget Advisory Committee and Planning Board reports as written, Mr. Panuczak seconded and the reports were approved by a unanimous roll call vote in favor.

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

a. Campton Mountain Slope lighting

Discussed earlier in the IGM report section.

b. Snowmaking - permit required, step to secure permit, costs

Discussed earlier in the IGM report section.

c. Modification to the existing RMA

The Commission is working on drafting modifications to the existing Recreational Management Agreement that would be acceptable to both the District and the WEA Board.

d. FOMC to Trustee of Trust Funds on December 15.

The agreement has been reached to transfer Friends of Campton Mountain money to Campton Trustee of Trust Funds on December 15th to allow for any additional expenditures to prepare the Mountain for skiing.

e. Ask the Water and Roads Committee to review allowing owners who install wells to be exempted from water rates altogether.

Ms. Patti said that she would like to ask the Water and Roads Committee to review the possibility. After a brief discussion about associated hardships and costs of drilling wells in the area, consensus was that it was still a reasonable request and that asking the Water and Roads Committee to consider it would make sense.

f. Accept Association EVENT CALENDAR as formal proposal.

Ms. Patti made a motion that the Commission accept the EVENT CALENDAR that was prepared by Mr. Ketcham and ratified by WEA Board as satisfying the RMA requirement for a formal proposal for recreational programming. Seconded by Mr. Panuczak, motion carried upon a roll call vote.

g. Change Annual Meeting date – tabled to December 15th.

h. Accept and expend $ 2,400 for damage to a roadway received from PRIMEX.

Ms. Patti made a motion to accept and expend in accordance with RSA 31:95-b $2,400 the District received from PRIMAX to cover the cost, short of our deductible, for damage to Reservoir Road. Mr. Herlihy duly seconded and motion passed with everyone, in a roll call vote, voting in favor.

Public Hearing: Amending of Water Ordinance dated August 16. 2021

Ms. Patti called the public hearing to order at 7:35 PM. She then made a motion that the Commission approve the addition of subsection (d) to Section 22 (Water Rates and Responsibility of Property Owners) to the Water Ordinance approved on August 16, 2021, consisting of the following language: "Municipalities with vacant lots within 100 feet of a water line which do not use water will be exempted from paying a water bill for the months for which they own the property. Municipalities owning lots with buildings or vacant lots which use water will be responsible for the water bill

generated for that property." Mr. Panuczak duly seconded. No members of the public addressed the Commission. After a brief description of why the issue came up and a short discussion about the procedure, *a roll call vote was taken and motion passed unanimously.*

Ms. Patti closed the public hearing at 7:41 PM

Public Hearing: Acceptance of Increase in Value to the Community Center from Locker Room Renovation in an amount in Excess of $10,000

Ms. Patti opened the public hearing at 7:74 PM. Ms. Patti said that in February of 2021 the Commission initially approved $34,000 in value added to the District's Community Center for the Community Center locker room renovation; however, subsequently the expenses for the locker room were exceeded, hence the new public hearing was necessary. Ms. Patti also noted that her motion was based on the paperwork submitted by staff and that WEA Board can provide a second opinion upon reviewing it, which could be addressed at a later meeting.

Ms. Patti made a motion that the WEVD accept the increase in value of $40,537.48 to the Community Center for the locker room renovations. The amount of $40,537.48 is in addition to the $34,000 in value added to the District's Community Center, approved at the Public Hearing conducted on February 19, 2021. The total amount of increased value to the Community Center for the renovations is $74,537.48.

The cost of renovation of the locker rooms consisted of:

1. The District expended $24,000 from the 2019 non-lapsing Warrant Article (Recreational Elements) which was earmarked for the locker room renovations,

2. The District expended an additional $12, 857.99 toward vendors and supplies for which WEA is to reimburse the District,

3. WEA spent an additional $61,679.69The total cost for the renovation to both locker rooms is $98,537.48. Gerry Panuczak duly seconded.

Mr. Herlihy said that he thinks that this is an example of why such things should not be done in house, as this is a terrible example of mission creep. After a brief discussion of why the numbers were so much higher than planned originally, which was partially due to including the District staff labor costs, and whether it is better to contract such things out to save money. There were no further comments and a vote was taken. *Motion passed unanimously upon a roll call vote.*

Upcoming Meeting: Wednesday, December 15, 2021 @ 6 PM.

Public Comment Period

There were no comments from the public.

Non-Public Session

Mr. Panuczak motioned to enter non-public session for the purposes described in RSA 91A:3, II (a), (b), and (l). Ms. Patti seconded and the motion passed in a roll call vote at 7:55 PM by unanimous roll call vote.

Non-public session was entered at 7:57 PM. Mr. Scruton and Ms. Kinney were present during the non-public session.

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 9:11 PM.

Public session was entered at 9:13 PM.

The nonpublic session minutes were sealed by a motion from Mr. Panuczak, a second by Mr. Herlihy, as divulgence of the minutes would adversely affect the reputation of someone other than a Commissioner and render a proposed action ineffective. The motion passed by unanimous roll call vote.

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

Meeting adjourned at 9:14 PM.

Prepared by Alvina Snegach