Waterville Estates Village District

January 12, 2022 Commissioners Meeting APPROVED Minutes

Attendees: Gerry Panuczak, John Herlihy.

Attendees via Zoom: Maureen Patti, IGM John Scruton, Judy Kinney, Allison Smith, Dave Ketcham

Call to order: Mr. Panuczak called the meeting to order at 6:00 PM. Mr. Panuczak stated that Ms. Patti is participating on Zoom, therefore she asked Mr. Panuczak to chair the meeting.

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

Approval of the Agenda: *Mr. Panuczak moved to adopt the Agenda as presented. Ms. Patti duly seconded and motion passed with a 3:0 roll call vote: Mr. Panuczak – yes; Mr. Herlihy – yes: Ms. Patti – yes.*

Treasurer's Report (see attached): Mr. Panuczak noted that the Treasurer was not present and asked Mr. Scruton if he could present it. Mr. Scruton provided a brief summary and noted that overall the District is in good shape. He also said that the auditors are coming within the next week or two and will do two years at once. He added that overall there has been good collection on those who use water.

Mr. Panuczak asked if Mr. Scruton was able to provide information to those users who are emailing with questions about being billed for water now, as they are under the impression that they had not paid for water previously. According to Mr. Panuczak, this is misleading, as they have been paying for water though taxation before. Mr. Scruton said that they are working on disseminating the correct information to people and trying to answer as many of them as they can.

Mr. Panuczak asked Ms. Kinney to clarify why the balance in the Recreation Fund is currently under fifty thousand dollars which was required by the Recreation Management Agreement. Ms. Kinney explained that she was only approved for $35 thousand of the $50 she had requested; however, the release of the funds will only occur once she answers some expense accounting questions to WEA. She is still working on that. Mr. Panuczak also asked Ms. Kinney if she could estimate the weekly run rate for that account given the current state of operations, and she that said she will need to research that and provide it later. Mr. Panuczak noted that the Commission should find out what that run rate is, especially for winter months to make sure that the account balance stays above the required fifty thousand at all times.

A short discussion about billing took place. Mr. Herlihy asked if he could be provided with a spreadsheet of the electrical billing which would show a separation of usage by buildings and snow mountain equipment. Mr. Herlihy and Ms. Kinney talked about separate meters for the buildings and some of the snow mountain equipment (like the snow gun). In conclusion Mr. Panuczak asked Ms. Kinney and Ms. Patti Lindblom to work with Mr. Herlihy to provide him with copies of the Eversource bills. Ms. Kinney said that she will need some time to provide them.

Mr. Panuczak also asked about the balance in the Friends of Campton Mountain being before the latest bills payment. Ms. Kinney concurred that it is. Mr. Panuczak said that this balance is not current then, as there was some money expended towards the betterment of the mountain since this number was pulled for the report.

Ms. Patti moved to accept the Treasurer's report, Mr. Herlihy duly seconded, and motion passed with a unanimous vote in favor.

Interim GM's Report (see attached):

Mr. Scruton said that item 1 will be handled as a separate agenda item and spoke about the following:

2. Snow making is on and the Lakes Region required to have the system manned, which could be done by the person who is making the snow.
3. $2800 to hire an engineer to assess the state of air handling equipment in the community center and speck something for the ski lodge, as well as make recommendations for replacement schedule, with a report to follow. Mr. Scruton said that engineer's name is Chris Wheeler. Members discussed the scope of work that would be covered. *Ms. Patti made a motion to authorize expenditure of $2900 dollars to hire the engineer (Chris Wheeler) to address the ventilation and air conditioning issues. Mr. Panuczak made a friendly amendment that the amount should state "up to $2800" and duly seconded the motion.* There was a discussion to amend the motion to state "up to $2900." *Ms. Patti amended her motion to read: authorize the expenditure of up to $2900 dollars to hire HVAC engineer to address HVAC issues. Mr. Panuczak seconded.* Discussion ensued about the need to add the lodge to the list of buildings which Mr. Scruton said he would do. *Motion authorizing expenditure up to $2900 dollars passed with a unanimous roll call vote in favor.*
4. Someone is riding snowmobiles down a trail cut into the woods about 100 yards up the rope tow and this is done on both skis and snow mobiles, which is a violation of the permit from the state for the rope tow. Discussion ensued about snow mobile riders being the issue for the Association to enforce, whereas going under the rope tow would be the under the District's enforcement. Mr. Scruton suggested that temporary fencing is installed to prevent anyone from going there and noted that he had notified WEA of the issue as well. Mr. Herlihy asked if signage would help, and Mr. Panuczak suggested that the fencing should be put up sometime before the holiday weekend.
5. Water collection policy (see attached) and the possibility to delay the lien placement process and waive interest on some accounts, as there are still many people who claim to have not received bills. After a short discussion about delaying being reasonable, *Ms. Patti made a motion to authorize the Interim General Manager to delay the lien process and waive interest, given that this is a new endeavor. Mr. Panuczak duly seconded and motion passed with roll call vote.* Then members discussed the draft of the Water Collection Policy and Ms. Smith's comments to it. After going over several changes to the policy, Mr. Scruton suggested that the Commission allow him and Ms. Smith to work on it further and review it again at the next meeting. There was consensus on that. Mr. Panuczak added that having the finance charge part of the policy, should place as much emphasis on working with the homeowner at this stage of billing and only using liens and disconnection as a last resort. Mr. Scruton summarized that the policy in the meantime is to send the first letter at 30 days with the finance change notice, then at 60 days notify them of potential lien and shutoff, then at 75 days provide them with the date for the disconnection somewhere around 90 days. Ms. Smith responded that she would need more time to respond to this plan.

7. Friends of Campton Mountain funds and distinction (noted in the attached email from Thomas Donovan, Director of Charitable Trusts) between donated funds that have to go to the Trustees versus user funds that do not. Mr. Scruton and Mr. Panuczak reiterated that the way the process has been agreed upon and according to the agreement signed by two boards, the funds need to go to the Trustees, therefore, this point is moot. Mr. Scruton said that he was planning to have the Treasurer cut the check to the Trustees once all the expenditures are done. Ms. Patti concurred and agreed that this has been discussed multiple times, and many resources have been spent to prove the opposite to no avail; therefore, Mr. Scruton should proceed as planned. Mr. Panuczak said that he agrees that Mr. Scruton is hereby given the authority to move the remaining funds into the Trust.
8. The homeowners on Myrtle have demonstrated there is water to their valve, and Lakes Regions confirmed it. It also confirmed that it was the lots at the beginning that were checked, not the ones at the end. It is unclear how the water is fed to do this, but they have water at the shut-off. The homeowner plans to have the driveway come out on Winterbrook and if they are not using Myrtle for access, it is not a District matter at this time.
9. Post-Employment Actuarial Analysis. Two firms proposed by the auditor provided the following proposals to do it: KMS (Kingston NH) from last August - for a four year agreement $3,500 first year, $1,500 second year, $3,500 third year, $1,500 fourth year; and Aquarius Capital (Port Chester, NY) has indicated that their prior proposal is still valid for two years with $4,000 first year, $1,500 second year. Mr. Scruton said that he was leaning towards the two year proposal.
   Ms. Patti made a motion to expend $4,000 to retain Aquarius Capital to assist with the Post-Employment Actuarial Analysis. Mr. Panuczak duly seconded and motion passed unanimously.
10. There was a question about how the Planning Board was established and whether the District Annual Meeting under RSA 674:40 (Improvements in Unapproved Streets) conferred upon the Planning Board platting jurisdiction in accordance with RSA 674:35. Mr. Panuczak said that it is unclear at this point, as it would be determined once the Master Plan is drafted. Ms. Scruton also asked if anyone was aware whether the Annual District Meeting or the Commissioners ever voted to accept the deeds for the roads that were given to them in 1977 and 1981. There was no definitive answer to that and Mr. Scruton suggested, after further research, drafting a warrant article formally accepting those roads. Ms. Patti left the meeting to research the answers and came back later with the following:
    a. Planning Board was established in 2020 by Warrant Article #6 which was by petition;
    b. Warrant articles from 2006 and 1988 appropriating funds for purchasing the ski area public works garage and the community center have no mention of any roads.

    Mr. Scruton said that he thought so, as neither of the road deeds has been signed as accepted; therefore, there will be a need to draft a warrant article to formally accept the roads.
11. Water Collection Policy discussed under item 5.
12. ARPA funds available for water infrastructure projects this budget season, however the local match is four to one. After discussing this with NHDES, Mr. Scruton thinks that the best plan is to finish the Asset Study and apply for the fifty thousand dollar grant to cover it under the Strategic Planning Grant Program; and then, based on the results of the study, try to submit an application in 2023 for ARPA funds for a specific project.
13. Game Room Floor. It will cost $7,335 to fix the floor as to sealing the concrete, putting down a layer to prevent the chemical problem. This will not fix any moisture issues and it will not include laying the rug. Discussion ensued about the fact that it is still unclear if the moisture is

only due to the pipe bursting or if it is indeed coming from under the concrete and fixing the damage caused by the pipe may not be sufficient. *Mr. Panuczak made a motion to authorize proceeding with the fix. Mr. Herlihy duly seconded and motion passed with 2:1 vote, with Ms. Patti voting in the negative.*

14. Emergency Shelter: Both Campton and Thornton plan to use the school as the shelter for bigger events, and in other type of emergencies advise people to use hotels, stay with friends and family, or use regional shelters. Mr. Scruton said that he thinks that using the community center should only be authorized as a warming shelter during operating hours. The issue of whether the Community Center should be used as a shelter arose during the discussion about WEVD Management (GM, IGM, AGM) having authority to close District facilities during severe weather events or emergencies. Members agreed and thanked Mr. Scruton for researching the issue.
15. The issue of individual lot / home owners installing wells instead of remaining on the municipal water system came up and has been referred to the Water and Road Committee. It is also an issue with lots with very low pressure. The three relevant sections of the water ordinance are attached for Commission to review. No action needed today.
16. Proposed Job Description for General Manager (see attached). Members were encouraged to review and send further suggestions and changes.

Committee / Board Reports

Planning Board Mr. Panuczak said that the Planning Board is working on the Master Plan survey.

Water Master Plan & Roads – John Herlihy spoke about the Committee's current work on trying to select a water meter to be used in the community.

Outdoor Courts – Dave Ketcham said there is nothing to report.

ADA Accessibility – Ms. Patti said that they are awaiting a walk through with the retained expert to see where they are and what needs to be done.

Records Committee – is looking at storing the oversized records into the storage units that have been secured.

Snowmaking has a meeting next Monday.

Budget Advisory Committee - see attached.

HOA representative

Dave Ketcham said that the annual meeting is on January 30, 2022 at 11:00 AM. He also said that the HOA does know who the snow mobile rider was who was riding on the trail by the rope tow and it was only a one-time thing. The individual was spoken to by the abutting property owner and will not be doing this again.

Consent Calendar

a) Check Manifests

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

b) Committee/Board reports

Mr. Panuczak made a motion to accept the Budget Advisory Committee report, Ms. Patti duly seconded and the report was accepted by unanimous roll call vote.

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

a) Road Policy

Mr. Scruton noted that the District Road Policy was included in the packet and needs updating. He said that the Commission needs to address four additional issues, such as turn-arounds, grades and paving, culverts and ditches.

First, Commissioners discussed adopting a change to require a cul-de-sac or a hammerhead at the end of roads longer than 500 feet. *Mr. Panuczak made a motion to adopt the following language "Where dead-end roads are included in the subdivision in the district; the following shall be laid out at the end; a cul-de-sac or hammerhead in conformance with specifications shown in Appendix B." Ms. Patti duly seconded and motion passed with a unanimous roll call vote.*

Next Mr. Scruton proposed a change to the current grading policy to require paving on all newly developed roads that are over 8% grade. Currently the policy requires paving on all District maintained roads with grade over 12%. Members discussed the change and how it will only apply to new development. There was some disagreement on whether the change was needed, given that there are existing unpaved roads that are over 8% grade, and the fact that the Budget Committee is trying to come up with a plan to pave all existing unpaved town maintained roads within the next 20 years, therefore, this new change would help in preventing any additional roads that are hard to maintain. *Mr. Panuczak made a motion to adopt Number 2 of the Road Policy changing the 12% to 8% as per Mr. Scruton's recommendation. Mr. Herlihy duly seconded and motion passed with a 2:1 roll call vote with Ms. Patti voting in the negative.*

Next change Mr. Scruton proposed was related to drainage. *Ms. Patti made a motion to adopt as written the Drainage Section as included in the IGM report. Mr. Panuczak duly seconded and motion passed with a unanimous roll call vote in favor.*

Next Mr. Scruton suggested that the Commissioners consider the change to road policy that roads are only to be accepted for maintenance when they are completed to the District standards. After a short discussion *Mr. Herlihy made a motion that the District would not accept roads until they are built and constructed to District standards. Mr. Panuczak duly seconded and motion passed with a unanimous roll call vote.*

Ms. Patti also asked Mr. Scruton to remind everyone what he wanted to put to a vote regarding the roads, and Mr. Scruton explained that he was not able to find the evidence of formal acceptance of the District maintained roads, therefore, he would like to have a warrant article drafted in order to make sure the roads are finally accepted, as they have been maintained since 1977.

b) Water Cross Connection Policy

Mr. Scruton said that the policy was part of the packet. Ms. Patti noted one change that was needed in Item E setting the timeline to send out the information about water testing, which currently stated "X days". Members agreed to insert "10 days" instead. *Ms. Patti made a motion to adopt the amended Cross Connection Control Program as proposed by the IGM, and as required by NHDES, with two amendments: 1) change the "X days" to "10 days" in Item E; and 2) change the name from "Cross Connection Control Program" to "Cross Connection Policy". Mr. Panuczak duly seconded.*

Mr. Scruton explained that this is a safety measure to prevent water from syphoning back into the system. Once the meters are put in, they will have a backflow preventer valve put in at the same time. NH Department of Environmental Services Cross Connection Control Certification requirements are a four day training and a test. Mr. Scruton believes that District employee Steve Baert can do the training and take the test as part of the continuing education requirements for his license as a Water Operator. *Mr. Panuczak called a vote and motion passed with a unanimous vote in favor by a roll call.*

c) Send out Volunteer Handbooks – additions from Management?

Ms. Patti made a motion to approve sending out the Volunteer Handbooks to all volunteers in the District. Mr. Herlihy duly seconded and motion passed with a unanimous roll call vote in favor.

d) Revisit Policy re: closing Community Center / Ski Lodge when severe weather event, etc.

The item was tabled until the next meeting.

e) Job Search

Ms. Patti noted that this item was on the agenda as the Commissioners took action during a non-public session to approve expending up to $4,000 to MRI to assist with the job search for a new General Manager and she would like to make sure that the community is aware of that.

Upcoming Meeting: Wednesday, January 19, 2022, at 9 AM

Public Comment Period

There was none.

Non-Public Session

Ms. Patti motioned to enter non-public session for the purposes described in RSA 91A:3, II (e) and (l). Mr. Panuczak seconded and the motion passed at 7:43 PM by unanimous roll call vote.

Non-public session was entered at 7:44 PM. Mr. Scruton and Ms. Kinney were present during the non-public session.

Resumption of Public Session

Mr. Panuczak motioned to re-enter public session, Ms. Patti seconded and the motion passed unanimously by roll call vote at 8:31 PM.

Public session was entered at 8:31 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 proposal inactive. The motion passed by 2:0 roll call vote with Mr. Panuczak and Mr. Herlihy voting.

Adjournment: *Mr. Panuczak motioned to adjourn the meeting, Mr. Herlihy seconded, and the motion passed unanimously by 2:0 roll call vote with Mr. Panuczak and Mr. Herlihy voting.*

Meeting adjourned at 8:32 PM.