The Waterville Estates Village District Annual Meeting convened at the Summit Lounge on Saturday, March 19, 2022 at 9:00 am to act on the articles of this warrant.

Saturday, March 19, 2022

The Annual meeting was opened at 9:01 am by Moderator Matt Smith.

Ned McElroy led the Pledge of Allegiance.

MOTION: To bypass reading of the Moderator Rules.

Moved: Andrew Griffith

Seconded: Stan Bujalski

Discussion: NONE

Motion carried by majority vote.

Moderator Smith mentioned the "1 voter 1 vote" rule and that the most helpful way to cast your vote is yours alone. Moderator Smith introduced Jack Levintchuk as the Deputy Moderator and would assist with any secret ballot votes.

Moderator Smith identified a change in the Moderator Rules, based on recent NHMA Moderator training. There is now a 4-strike rule as it relates to disruptions. After 3 warnings, and conversation with legal/law enforcement, the 4th disruption would lead to dismissal from the meeting.

Moderator Smith identified the room layout, with a roped area separating non-registered voters from the legislative body.

Moderator Smith then pointed out the stand-up microphone available for those that are recognized to speak. Portable microphones could be available to anyone not capable of reaching the fixed microphone.

Article #1: To choose one Commissioner for a three-year term, a Clerk for the ensuing year, and a Moderator for two years.

Moved: Maureen Patti

Seconded: Ned McElroy

Discussion:

Ryan Timms declared for Clerk for the ensuing year.

Motion carried by majority vote. (5 opposed)

No individual declared for the 2-year Moderator position. Vacant until filled by Commissioners.

Discussion:

Gerald Panuczak (30 Porcupine Dr) declared for Commissioner.

David Spinney (54 Weeping Birches Ln) declared for Commissioner.

Stan Bujalski requested a secret ballot. Mr. Bujalski presented Moderator Smith with a valid petition signed by Stan Bujalski, Jacqueline Herlihy, Ellen Witt, Holly Timms, all present.

Candidate Mr. Panuczak addressed the legislative body to detail his background and the work done during his term as Commissioner.

Candidate Mr. Spinney addressed the legislative body to detail his background and interest in serving as a Commissioner.

Ned McElroy stated the current Commission spends countless hours volunteering their time to the community. He expressed that he was concerned Mr. Spinney would not have the ability to commit the same level of commitment.

Mr. Spinney responded that the Commissioner position is a volunteer position. He recognized the Commissioner's commit a lot of time for the community. Mr. Spinney expressed the time constraint is often too much and that business can and should be conducted in reasonable hours.

Moderator Smith disseminated the secret ballot.

POO – Harold Bertino clarified that any name can be written on the ballot.

Ballots were collected for counting by assistants Jack Levintchuk, Andrea Canfield, and Ellen Witt.

Moderator Smith indicated the Statutes allow for Legislative business to continue while Article 1 ballots are tallied.

Article #2: To see if the Village District will vote to raise and appropriate the sum of Two Million One Hundred Eighty-Nine Thousand Forty-Seven Dollars and No Cents ($2,189,047) for general municipal operations. This article does not include appropriation contained in special or individual articles addressed separately. Projected tax rate increases $2.03/$1000 Board of Commissioners recommend this article 3-0. BAC recommend this article 3-0.

Moved: Ned McElroy

Seconded: Holly Timms

Discussion: Interim General Manager John Scruton discussed the projected offsetting revenues – the Administrative Services Agreement offsets staff and expenses that are in the Operating budget rather than the Revolving Recreation budget. Mr. Scruton also detailed the Recreation Management Agreement that offsets staff and expenses in the Operating budget with Recreation Services. Mr. Scruton went on to detail that no fund balance is being used to reduce the operating budget, as has

occurred in years past. He added that if a line item is reduced to zero nothing can be spent on that line. Mr. Scruton stated the district priorities are roads, water and asset management.

Moderator Smith indicated the tally for Article 1 was completed.

By majority vote (41-40) Gerald Panuczak was elected as Commissioner for a 3-year term.

Loren Bennet motioned to restrict reconsideration of Article 1. Seconded by Anthony Patti. Motion carried by majority vote (42-33)

Commissioner Maureen Patti motioned to amend the last sentence of Warrant Article 2 to say "If the Administrative Services Agreement and/or the Recreation Management Agreement payments by WEA are not made, the resulting increase could be as much as $4.75/$1,000". Gerry Panuczak seconded. Discussion occurred regarding the amended language. Moderator Smith clarified the ASA and RMA will be deposited into the General fund. Harry Bertino stated the tax impact statement should be based on the actual number proposed and not a speculation. Andrew Griffith stated the operating number in the past was a fixed number and this is not. Maureen Patti stated the motion by the commission because the budget is using gross appropriation accounting which is different than years past. Harry Bertino asked for clarification regarding the tax impact. Mr. Bertino stated the tax impact statement is based on a contingency, not an actual figure. Maureen Patti indicated there are funds in the unassigned fund balance were there a need to tap into those funds. David Spinney requested the unreserved fund balance. Moderator Smith stated that figure is currently unknown due to the audit being incomplete. Mr. Spinney asked Moderator Smith if GM John Scruton could state the current balance of the fund. Moderator Smith stated Mr. Spinney received his first warning for disorderly conduct. Mr. Scruton spoke in regards to form 535 stating estimate year end unreserved fund balance is $1.5 million. Moderator Smith called the vote and the motion to amend failed (30 aye, 41 nay). David Ketcham asked what happens if the budget doesn't pass. Moderator Smith stated we would stay until the legislative body does pass a budget. There is a 6-hour time limit and at that time the meeting would continue at a future date. Moderator Smith called the vote and the motion passed by majority vote (38 aye, 35 nay). Sean Tole motioned to reconsider Article #2. Erin Tole seconded. Moderator Smith stated by statute a revote requires a secret ballot. The motion carried by majority vote (41 aye, 29 nay). Moderator Smith disseminated ballots.

POO – Ned McIlroy requests clarification on the vote – what does an affirmative vote mean?

Karen Young motioned to allow non-voters to be recognized. Rick LeBlanc seconded. Ms. Young opined it is acceptable to hear from the non-voters. Holly Timms stated that non-voters are not part of the legislative body. Terri Tole stated she believes all homeowners should have a voice. Ms. Timms stated the homeowners also have a voice in the respective towns of Campton/Thornton, but did not see many at those legislative meetings. Mike Hering stated these issues are the ones that count here. Ms. Timms stated taxes were raised at the town and are equally as important as those discussed in this meeting. Harry Bertino stated regardless of what has occurred elsewhere, the legislative process remains.

Moderator Smith read the results of Article #2 secret ballot. 40 aye, 35 nay, Article #2 passed by majority vote.

Motion carried by majority vote.

Moderator Smith called the vote for Ms. Young's motion. Motion passed by simple majority vote allowing non-voters the opportunity to speak.

Maureen Patti motioned to restrict reconsideration of Article #2. Seconded by Ned McIlroy and the motion passed by majority vote (36 aye, 33 nay).

Ryan Timms motioned to amend the moderator rules, restricting non-voter comments until Article #10. Holly Timms seconded. Mr. Timms stated the legislative body is composed of registered voters that have a duty at the annual meeting and non-voters could deter the process. Mr. Timms further opined that allowing public comment could invite members of the media or lobbyists, further eroding the legislative process.

POO – Moderator Smith stated the legislative body voted to allow non-voters to speak. Moderator Smith recognized Ralph Wilbur. Mr. Wilbur stated he disagreed with the amendment since the articles involve his money. Ken Michaud stated the legislative body has the power to amend article language. Terri Tole stated she didn't see any lobbyists or media present. Erin Hershey stated the community is divided on many issues and non-voter opinions have value.

POO - James Everett asked for clarification regarding the amended language. Sean Tole motioned to amend the language to include non-voting "homeowners". Terri Tole seconded. Andrea Canfield amended the language as non-voting homeowners "of Waterville Estates".

POO – Mark Canfield indicated WEA bylaws state 1 home 1 voter rule and perhaps we should follow some semblance of that. Harry Bertino stated that WEA have no effect on WEVD matters. Moderator Smith called the vote on the amendment. Motion carried by majority vote. Moderator Smith called the vote on the motion to allow non-resident homeowners to speak only during Article 10. Motion failed by majority vote.

Article #3: To see if the Village District will vote to raise and appropriate the sum of Five Hundred Thirty-Two Thousand Four Hundred Fifty-Five Dollars and No Cents ($532,455) for the water department operations, said funds to come from user rates and fees. There is no tax rate impact. Board of Commissioners recommend this article 3-0. BAC recommend this article 3-0.

Moved: Maureen Patti

Seconded: Anthony Patti

Discussion: John Herlihy detailed the water system requires extensive work. Mr. Herlihy stated the past management of the water system included poor planning, construction and record keeping, but the Water Committee and consulting firm have plans to address the shortcomings. David Spinney questioned the increase water rate and where those monies are going to be spent. Mr. Scruton indicated the Water budget now includes water dept salary, licensing, legal, capital improvement, and waterline upgrades. Harry Bertino asked how much money has been collected so far and why were we billed for water before the 2022 budget was approved. Moderator Smith indicated the Operating budget

is approved in March, but the District has the authority to spend on expected expenses to continue operating. Mr. Bertino asked if the bill received in 2021 funded the water department in 2022. Maureen Patti indicated yes. John Scruton stated approximately 91% had been collected to date. Karen Young requested clarification regarding the previous $200 annual water fee. John Herlihy stated the previous rate was an arbitrary rate that did not appropriate a water fund and that issue of comingling funds is alleviated with this ordinance. Ken Michaud requested clarification regarding meters and what is billed if water usage is zero gallons. Ms. Patti responded the water rate pays for access and estimated use, so there will be an access rate still. Erich Kikel motioned for the water budget to be $340k. Chris Fagas seconded. Stan Bujalski stated these are critical updates to the infrastructure and should not be neglected any longer, the community cannot afford for the water to fail. Harry Bertino stated a previous suggestion of funding the water department with 85% flat rate and 15% usage fee. Stephanie Kiernan stated she preferred no meters. Motion failed by majority vote. Ms. Kiernan motioned to strike the meter line item to 'zero'. James Everett seconded. Discussion occurred regarding water ordinance, meters, SCADA. Motion failed by majority vote. Sean Tole called the vote for Article #3.

Motion carried by majority vote.

Loren Bennett motioned to restrict reconsideration of Article #3. Maureen Patti seconded. Motion carried by majority vote.

Sean Tole motioned to reconsider Article #1 at a later date. Legal Counsel indicated the valid motion under RSA 40:10. If motion passes, Village District will notice date, time and location no earlier than 7 days from now and with 48 hours notice, published in newspaper. Terri Tole seconded.

POO – Mark Canfield stated the legislative body already voted to restrict reconsideration. Opined the process as unfair and skewing the legislative process. Motion carries by majority vote (35 yay / 31 nay). Future date will be considered under Article #10.

Article #4: To see if the Village District will vote to raise and appropriate the sum of One Hundred Thousand Dollars and No Cents ($100,000) for the purpose of District facilities improvements to the air conditioning, air handling and heating system at the Community Center. This article is non-lapsing until December 31, 2026. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI. ... Projected tax rate increases 98 cents/1,000 evaluation. Board of commissioners recommend this article 3-0. BAC recommend this article 3-0.

Moved: Maureen Patti

Seconded: Jaime Oldmixon

Discussion:

Sean Tole asked if the $100,000 would go to the general fund or a specific account for the improvements. Moderator Smith clarified this is a non-lapsing warrant article and it cannot be used for any other purpose.

Motion carried by majority vote.

Loren Bennet motioned to restrict reconsideration of Article #4. Ned McIlroy seconded and the motion carried by majority vote.

Article #5: To see if the Village District will vote to raise and appropriate One Hundred Twenty Thousand Dollars and No Cents ($120,000) for the purpose of purchasing a diesel plow truck and related equipment to replace an existing vehicle to come from the unassigned fund balance. This article is a special warrant article per RSA 32:3 VI (d). There is no tax rate increase to this article. Board of Commissioners recommend this article 3-0. BAC recommend this article 3-0.

Moved: Maureen Patti

Seconded: Sean Tole

Discussion: None

Motion carried by majority vote.

Loren Bennet motioned to restrict reconsideration of Article #4. Stan Bujalski seconded and the motion carried by majority vote.

Article #6: To see if the Village District will vote to raise and appropriate the sum of Twenty-Five Thousand Dollars and No Cents ($25,000) for the purpose of improvements to Village District building to make them more accessible as outlined in the Americans with Disabilities Act (ADA). This article is non-lapsing until December 31, 2026. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI. Projected Tax Rate increase of 25 cents/1000 evaluation. Board of Commissioners recommend this article 3-0. BAC recommend this article 3-0.

Moved: Andrew Griffith

Seconded: Art Marks

Discussion: Mark Canfield indicated a typo in the warrant article.

Motion carried by majority vote.

Sean Tole motioned to restrict reconsideration of Article #6. Ms. Patti seconded and the motion carried by majority vote.

Article #7: To see if the Waterville Estates Village District (WEVD) will formally accept the roads found in Deed book 1324 page 786 from Waterville Estates Association (WEA) to WEVD October 26, 1977 and Road's correction deed book 1436 page 926 WEA to WEVD Nov 30, 1981.

Moved: Maureen Patti

Seconded: Terry Bennett

Discussion: Ms. Patti indicated this article was merely a housekeeping item, to clean up old business. Sean Tole asked the repercussions were the Village District not to accept the roads. Mr. Scruton indicated it was theoretically possible homeowners could prevent maintenance. Chris Fagas stated the deed is a 45-year old unsigned document that should go back to the Homeowner's Association to determine if they still agree with the language. Mr. Scruton clarified that the deed was signed, just not accepted. Harry Bertino asked if a list of roads exist. Mr. Scruton indicated they are in the deed.

Motion carried by majority vote.

Loren Bennet motioned to restrict reconsideration of Article #4. Stan Bujalski seconded and the motion carried by majority vote.

Article #8: To see if Waterville Estates Village District will adopt the provisions of RSA 41:9-a to establish or amend fees, including the issuance of any license or permit which is part of a regulatory program which has been established by vote of the town, and the use or occupancy of any public revenue-producing facility as defined in RSA 33-B:1 VI, the establishment of which has been authorized by vote of the town. The authority to set fees for Recreation and Water are in other statutes. Such a vote shall continue in effect until rescinded.

Moved: Maureen Patti

Seconded: Tom Clark

Discussion: Ms. Patti stated this was an additional housekeeping item. Andrew Griffith asked what effect this article would have on the HOA. Moderator Smith indicated that this article and meeting doesn't change anything regarding the RMA or ASA, it merely authorizes a practice the Village District already engages in. Ken Michaud stated this article was vague and that he is fearful this article will authorize additional fees while the agenda in doing so is not transparent. Sean Tole clarified that the intersection between the WEVD and WEA is both the RMA and ASA, but also the deeds. Mike Hering asked for specific fees on record. Legal Counsel referred to RSA 41:9 A which authorizes the Commission to set fees. There is no money tied to this article, just the statutory process. Ken Michaud opined that the article should be voted down. Harry Bertino asked for clarification regarding 33-B:1. Legal counsel indicated this article had to do with fees associated outside of the RMA and the revolving rec fund. Mr. Bertino again requested clarification regarding public revenue producing facililties and what kind of fees are attempted to be inacted. Sean Tole stated he found this article alarming. Mr. Tole speculated what impact this could have in the future. Terri Tole suggested that if you don't understand the article or potential impact, vote no. Mark Canfield stated he favored the article because we have facilities that have been underutilized. WEVD/WEA share the responsibility for the intended use. Mr. Canfield opined that it is possible through the generation of fees via use of the Community Center and/or Ski Lodge. Stephanie Kiernan indicate favor in the use of the facilities, but would like to consider alternatives. Terri

Tole indicated the facilities do get used. Ms. Patti called the vote, seconded by Denise Bujalski. Motion carried by majority vote.

Motion defeated by majority vote.

Sean Tole motioned to restrict reconsideration of Article #8. Andrew Griffith seconded and the motion carried by majority vote.

Article #9: To see if the Waterville Estates Village will establish the size of the Planning Board as 7 members as outlined in RSA 673:2 III.

Moved: Maureen Patti

Seconded: Andrew Griffith

Discussion: None

Motion carried by majority vote.

Article #10: To see if there is any other business that can legally come before the Annual Meeting.

Moved: James Everett

Seconded: Andrew Griffith

Discussion: Loren Bennett motioned to ban reconsideration of Article #1. Moderator Smith indicated the motion is invalid. Mr. Bennett opined that laws are not always logical, but would accept that it is the law. Legal Counsel clarified RSA 40:10 and that Article #1 cannot be discussed until the adjourned session. James Everett stated his concerns regarding paving roads before addressing the water line repair underneath. Mr. Scruton indicated that the plan is to prioritize water line repair before paving, but there may be some instances in the long-term plan where paving may occur first. Ken Michaud opined that Article #2 should also be reconsidered. Ralph Wilbur read a prepared statement. Harry Bertino motioned that all WEVD Public Hearings and Budget Hearings should be held no earlier than 530 PM and be available electronically. Frank Marshall seconded. Moderator Smith clarified the motion would be advisory in nature only. Sean Tole motioned to amend the motion to also include monthly Commissioner meetings. Mr. Bertino did not contest the amendment, that motion carried. Mark Canfield stated some meetings should be held at that time and they are available electronically. Stan Bujalski stated he was in favor of a staggered calendar, similar to the Town of Thornton, to allow more participation. Ken Michaud opined weekend meetings need not be held to the same time constraint. Maureen Patti stated meetings are currently staggered and available via zoom, live or recorded. Mr. Bertino stated his concern was regarding the budget hearing that occurred at 9 AM on a Wednesday. Motion failed by majority vote (21 aye, 27 nay). Moderator Smith announced the adjourned session will occur on March 29 at 7 PM.

Judy Kinney recognized Patti Lindblom. Thank you for your hard work and dedication to WEVD. Enjoy your retirement!

Maureen Patti clarified pg 65 had a typo in regard to Gerry Panuczak stipend. Ms. Patti clarified that all commissioners received a $600 stipend.

Moderator Smith called the meeting temporarily adjourned until March 29 at 7 PM.

March 29, 2022 7PM

Annual Meeting Continuation

Moderator Matt Smith resumed the Annual Meeting for the sole purpose of reconsidering Article #1.

Article #1: To choose one Commissioner for a three-year term, a Clerk for the ensuing year, and a Moderator for two years.

Discussion:

Ryan Timms declared for Clerk for the ensuing year. Loren Bennet read from the NH Municipal Handbook regarding Parliamentary procedures. Legal Counsel indicated that section is a description of Roberts Rules and not a statutory or legal requirement.

Motion carried by majority vote.

No individual declared for the 2-year Moderator position. Vacant until filled by Commissioners.

Discussion:

Gerald Panuczak (30 Porcupine Dr) declared for Commissioner.

David Spinney (54 Weeping Birches Ln) declared for Commissioner.

Mr. Panuczak gave a statement detailing the work that has been accomplished and the work he has yet to complete. Sean Tole received a warning (1st) for speaking out of order. David Spinney addressed the community. Stan Bujalski motioned for a secret ballot and provided Moderator Smith with a valid petition signed by Stan Bujalski, Linda Panuczak, Mark Canfield, Anthony Patti and Holly Timms. David Spinney stated he witnessed multiple ballots being handed to people during the 1st session of the meeting. Mr. Spinney received a warning (2nd) for speaking out of order. Sean Tole requested a numeric tally of voters present. Loren Bennett opined that the first vote should be upheld as valid. Ken Michaud asked why the budget shows an increase of 81% to do the same job. Mr. Panuczak stated the part of the Budget Advisory Committee process was to show the full costs of operation. In the past, the Recreation fund held a lot of the costs. Mark O'Hara stated there was a vote at the 2021 annual meeting to allow

non-residents to vote. Mr. O'Hara asked Mr. Panuczak how he voted on that article. Mr. Panuczak responded that voting is a private matter. David Spinney stated that commissioner's need to listen to all taxpayers. Ken Michaud asked about the "massive budget increase". Mr. Panuczak directed Mr. Michaud to the 3 memo's that were disseminated in preparation for the Annual Meeting as reference. Harry Bertino asked if each candidate would support public hearings being held in evenings or Saturday. Holly Timms called the vote. Denise Bujalski seconded. By majority count, David Spinney was elected Commissioner (Spinney 52, Panuczak 42).

Maureen Patti motioned to adjourn the Annual Meeting. The entire legislative body seconded. Meeting adjourned 8:54 PM.

Respectfully Submitted,

Ryan Timms

Clerk

Waterville Estates Village District