Waterville Estates Village District

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Waterville Estates Village District

May 18, 2022 Commissioner Meeting and Public Hearing APPROVED Minutes

Attendees: Commissioners Maureen Patti, Gerri Panuczak, and Dave Spinney. Interim General Manager John Scruton, Assistant General Manager Judy Kinney, Jack Letvinchuk.

Attendees via Zoom: Nick Sceggell (Dubois&King), two other unidentified persons.

Call to order: Chair Patti called the meeting to order at 4:01 PM

Roll Call of Commissioners: Ms. Patti, Mr. Panuczak and Mr. Spinney were present at the Summit Lodge.

Approval of the Agenda: Commissioners agreed (by a unanimous roll call vote) to move items 12a and 12b up to the top of the agenda and add item 12e for discussion of allowing 17-year old youths to use the gym with the adult present.

Water Asset Plan presentation by Nick Sceggell of Dubois & King
Nick Sceggell from Dubois&King was present via Zoom and spoke about the Water Asset Plan work that Dubois&King has been involved in together with the Water and Roads Committee. He noted that the reason he wanted to speak to the Commissioners today was to discuss the upcoming deadline for pre-application for the low interest loans from the State Revolving Drinking Water Fund, which asks for somewhat limited information on water projects that the District is looking to accomplish. Mr. Sceggell said that the Water Asset Management Plan identified some vulnerabilities in the system, and there were three priority areas identified project wise. The first project is development of a new water source to supplement the existing wells. Mr. Sceggell said that he had discussed this issue with Jim Vernon, who worked with the District previously, and Jim brought up some good points about possibly looking at some alternative sites to the Snowwood Drive site due its access issues. Mr. Sceggell said that he used the Snowwood Drive site for his calculations and described the preliminary scope of work that would include developing the well at that site, running a new transmission main from that well to connect to the existing transmission main (about 4,000 feet of pipe), and some contingencies. The estimated cost would be $940,000 including site work and contingencies. The second project is the ski bowl pump station treatment building replacement. Mr. Sceggell spoke about the scope of work projected for this and the estimated cost would be $335,000 and another $50,000 for the emergency generator if it is needed. Discussion ensued about the existing generator that is currently used to back up the ski lodge building and whether it could be tied into for the pump house. Mr. Sceggell said that this would be determined during the design phase. Mr. Sceggell also said that the new building will not need a water tank and noted that once the new well source is developed, it will be clear what type of treatment is needed, which will determine if the aeration systems stays or not, or if there are other types of treatment required. The third project was identified as doing the water main replacement, focusing on leaks and the portion of the distribution main between Pegwood Road and the reservoir. Mr. Sceggell went into a more detailed description of the water system and future replacements and said that the estimated cost of this particular project would be about $480,000 including contingencies.

Therefore, the three projects combined were about $1.76 million with the added 20 percent engineering and design fee, for a total of $2.1 million.

Mr. Scruton said that he also spoke to Jim Vernon and they discussed running the water line from the existing site to Snowwood Drive closer to the river to stay in the gravel areas. He said that the topography would work, although this route would require securing easements from a number of property owners.

Discussion ensued about using this route, the Snowwood Drive site and access to it for doing test wells, possibility of looking into deepening wells at the Liberty Land site, etc. Mr. Sceggell said that one the pre-application has been submitted and it comes out that either of the projects requires less money, the remaining funds could always be put towards replacing the water main. The main question is whether the District can afford the total amount and pay it back in a 20 year period based on its budget. Mr. Scruton opined that the question is whether the District has an alternative, which he did not think it did.

Then, at the request of Ms. Patti, Mr. Sceggell described what the Water Asset Plan is, which is a description of what the District owns and what the condition is, as well as what level of service is expected of the community, and how the District is meeting that level of service. The Plan identifies all parts of the water system, their location, their status and how they function. The other part of the Plan was to identify how the water moves through the system and which components of the system are critical. Having identified the above, the Plan then weighs the risks and the needs and provides recommendations as to what the priorities are, which projects need to be included into the Capital Improvement Plan and figure out what that means for the water rates. The goal of the Water Asset Plan is to be able to address the issues proactively as opposed to waiting for the equipment to fail.

Ms. Patti asked if there is a need to have a Capital Improvements Plan for the water system and Mr. Sceggell concurred. Ms. Patti also asked a hypothetical question about how solid the District's water system would after all three projects have been addressed. Mr. Sceggell said that it would affect the reliability of the system, especially adding an alternative water source. He added that partial water main replacement means that there will still be leaks in the system, which the District will have to keep addressing. Mr. Sceggell said that NHDES also takes into account affordability of the costs in considering how much of the amount would be a low interest loan and how much would be grant; therefore, it is yet to be determined how much of the loan amount would need to be paid back. Discussion ensued about financing the bond through taxes, while using the water rates to finance the operating budget for running the water system. Mr. Sceggell then answered questions about the timeframe and the process of applying for the funds. He reiterated that pre-application is non-binding, as it only identifies the projects that have been determined a priority. NHDES will compare all the pre-applications and come up with a ranking sometime in September. Then, if the place in the ranking is suitable, the District will need to decide whether to file the full application with more details on how it is planning to finance those projects and pay back the loan.

Mr. Panuczak reiterated that the Water Ordinance was adopted by the District in order to become eligible for applying for such funds. The Water and Roads Committee has voted to push this forward to the Commissioners who are now in position to submit a pre-application. *Mr. Panuczak made a motion: "I, Gerry Panuczak, hereby move to accept the Roads and Water Committee recommendation to have Dubois and King apply for the following projects grants/loans:*
1) Identify and install new well source for Liberty Lane/Snowwood facility, and rebuild existing well sources;
2) Relocate and rebuild Snowbowl treatment facility;
3) Replace and possibly relocate underground pipe from Pegwood Tank to Reservoir Pump Station. Mr. Scruton asked if the cost should be added to the motion. Mr. Panuczak agreed to add the following "Total estimated cost for all three projects is $2.112 million". Mr. Spinney duly seconded.

Discussion ensued on the ability of the community to afford the debt service on the loan. Mr. Scruton noted that the payments on the tennis courts bond are about $45 thousand and should be done in about three years, which is about when the payments on the water projects bond would begin. It was also noted that the District will not be making large purchases, like the truck, in the near future and that water system needs to be prioritized. Ms. Patti asked about Mr. Scruton's thoughts on the bond amount and whether it may become a problem in terms of the amount of debt the District can have. Mr. Scruton said that he will need to look into that, but that should not stop the District from submitting a pre-application. Mr. Sceggell also said that the pre-application asks a question about matching the loan amount, and that he looked at the water budget trying to figure out if some line items in the pre-application could be identified as paid by the District from the water budget. Mr. utmatch for the pre-application. Mr. Sceggell also said that the District would need a Town Meeting vote and asked when that usually takes place. Ms. Patti answered that it was in March.
A vote was called by Ms. Patti and the amended motion by Mr. Panuczak passed with a unanimous roll call vote in favor.

Ms. Patti thanked Mr. Sceggell for his presentation and answering Commissioners' questions. Later in the meeting, Mr. Scruton noted that he checked and the District can borrow up to $15.9 million for water related projects (10 percent of the total assessed value).

Public Hearing re: Modification of Hook Up Fee.
Ms. Patti called the public hearing to order at 4:43 PM. Ms. Patti noted that there were no public members present at the physical location, however, there were people present on Zoom.
She then read Mr. Scruton's statement from the IGM Report where he is recommending not to change the water hook up fee there where is still an accessibility charge on vacant lots and asked Mr. Scruton to explain the rationale behind his recommendation.

Mr. Scruton spoke about the fact that when the Water Ordinance was discussed last summer, it was determined that a $1,000 hook up fee was fair as the lots would contribute towards the overhead costs. The District cut back the accessibility charge for undeveloped lots but has not completely eliminated the water rate for such lots. Therefore, he is recommending that things remain the way they are for another year or two.

Mr. Spinney opined that the fee should be increased as the District needs to collect revenue to offset the water budget. He brought up examples of hook up fees from other municipalities ranging from $2,000 to $10,000 and said that it needs to be increased to $2,000. Mr. Spinney noted that the Association charges $2,000 for each transfer of property and uses those funds appropriately. He also said that most of the people who build houses here are second homeowners. *Mr. Spinney then made a motion to increase the hook up fee to $2,000. Ms. Patti clarified that Mr. Spinney is changing the amount in the motion language she prepared and that is in the packet to $2,000, and Mr. Spinney agreed. Ms. Patti seconded the motion and opened the floor for discussion.* Mr. Panuczak spoke about equity and whether prior to making any decisions, the Commissioners should run this by the legal counsel. Ms. Patti said that from her discussions with Counsel it was clear to her that the equity issue only applied to the water rates. Mr. Spinney added that the District is already charging a $1,000 dollar fee that is not based on anything, that is why he compared it to other NH municipalities. Mr. Panuczak asked if those other municipalities charge an accessibility fee, to which Ms. Patti replied that some do. Mr. Panuczak noted that he was trying to make a point of whether the Commission has done enough analysis to raise the hook up fee and justify that raise. Members discussed further course of action and whether they do need to look closer into those other municipalities to see if they are comparing apples to apples. *Ms. Patti made a motion to continue this public hearing to the Commissioners' regular meeting on June 1st at 6 PM.* Mr. Panuczak reminded that there were some members of the public who may want to speak on the matter today. Ms. Patti apologized and checked if there were anyone on Zoom willing to speak. There was no member of the public willing to speak on this issue either on Zoom or in the physical location. *Ms. Patti made a motion to close the public hearing at 4:54 PM. Motion passed after a second by Mr. Spinney and a unanimous roll call vote in favor.*

Public Hearing re: Amending Water Ordinance Appendix to Reflect New Water Rate Fee Schedule

Ms. Patti opened the public hearing at 4:55 PM.

Ms. Patti noted that this public hearing is due to an oversight on her part as at the last public hearing when the Commissioners voted to change the percentiles, she forgot to make the motion to amend the Ordinance. *Ms. Patti then made a motion to amend the WEVD Water Ordinance Approved on August 16, 2021, starting at page 13, Section 22 (c), paragraphs 4 & 5 in the following manner: "Twenty-five percent (25%) of the Basis shall be divided by the number of properties, including undeveloped lots within the District that have a water main within 100 feet of their boundary which will constitute the Availability Charge. The other Seventy-Five percent (75%) of the Basis shall be divided by the total number of "occupants" to establish the Usage Charge. Residences which are connected to the water system shall be charged the Usage Charge multiplied by its occupancy." Mr. Panuczak duly seconded.* There was no member of the public willing to speak on this issue either on Zoom or in the physical location, and Ms. Patti called a vote. *Motion passed by a roll call with all three Commissioners voting in favor.*

Ms. Patti made a motion to close the public hearing at 4:58 PM. *Motion passed after a second by Mr. Panuczak and a unanimous roll call vote in favor.*

Approval of Minutes.

a. April 20, 2022

Ms. Patti made a motion to amend the 04/20/2022 meeting minutes according to the list of changes she prepared and that were in the meeting handout (attached). Mr. Spinney duly seconded. Motion passed with a unanimous roll call vote in favor.

b. May 4, 2022

Ms. Patti made a motion to amend the 05/04/2022 meeting minutes according to the list of changes she prepared and that were in the meeting handout (attached). Mr. Spinney duly seconded. Motion passed with a unanimous roll call vote in favor.

Treasurer's Report

Ms. Patti said that the report was part of the packet and noted that the Commissioners should have received a spreadsheet from Mr. Diefenbach earlier. Members discussed the negative fund balance in the Rec Fund and the fact that WEA is supposed to get a notification when the fund balance falls below $50,000, which it clearly did not. Commissioners asked Ms. Kinney and Mr. Diefenbach to jointly keep an eye on the balance and alert WEA every time there is a need. Mr. Panuczak also thanked Ms. Kinney for clarifying the issue with the different amounts between QuickBooks and Bank Account for the Friends of Campton Mountain funds.

Another discussion ensued about the intent of the WEA Board to use the Friends of Campton Mountain funds towards paying for the lighting at the mountain, whereas it was agreed that the balance of those funds will be moved to the trustees. Mr. Scruton explained that after the trust has been created last fall, the lighting issue came up and between the WEA not being able to move the funds to the Trustees due to one trustee being on vacation, and the need to fund the lights on the mountain, it looks like the inclination is to use up the funds on the mountain as opposed to moving them into the trust. The Commissioners were all fine with that scenario.

Interim GM's Report

Mr. Scruton noted that he checked and the District can borrow up to $15.9 million for water related projects (10 percent of the total assessed value). He also commended Ms. Kinney as she was able to get a better price for gas from Amigas. The contract new price is $2.29 per gallon, as opposed to $2.89 previously.

Mr. Scruton then spoke about the following items on his report:

3. Abatement requested for unfinished home as it has been connected to water but is not using any as of yet due to being under construction. Mr. Scruton said that the owners sent pictures along with the request and he thinks it is a reasonable request.

Ms. Patti made a motion to approve an abatement reducing the water rate for 158 Goose Hollow Road to the undeveloped lot rate. Mr. Panuczak suggested to add words "for this billing cycle" and Ms. Patti agreed. Mr. Panuczak duly seconded and motion passed with a unanimous roll call vote in favor.

7. ADA committee has recommended to the Commission the design and installation of an ADA compatible ramp for the new indoor hot tub. That way, there will be at least one hot tub meeting the ADA requirements. The District has a crank operated lift along with a portable one. Management will be looking at where/how to install a lift for access to the indoor family pool. More info to follow. Hopefully, one of the existing lifts will fit the bill. Additionally, the ADA

Accessibility Committee is asking the District to purchase, if needed, another lift to make the outdoor family pool accessible. Management is also looking into removing the pool cover system as there is no one willing to fix it and it is in the way of making the pool access ADA compliant. Management is also looking into repairing the stairs so that people could go the family pool to the seating area where the old hot tub was.

Ms. Patti made a motion that the Commission authorize WEVD Management to consult with any necessary expert(s) to design an ADA Accessible ramp to make the new, indoor hot tub accessible within the meaning of the Americans with Disabilities Act. The final location of such ramp to be determined by WEVD Management. Management is to bring the cost for such a ramp/platform to the attention of both the Commission and the WEA Board. Mr. Panuczak duly seconded. Discussion ensued about the technical specifications of such a ramp and how it would work to make the hot tub ADA accessible. Mr. Scruton also presented the two funding options that are discussed and noted that both the District and the WEA Board are included in the decision-making process. Ms. Patti called the vote and *motion passed with a unanimous roll call vote in favor.*

Mr. Scruton noted that the pool will have to be closed for a few hours when the hot tub arrives, but Management will make sure that it will be open by the Memorial Day weekend.

Then there was a discussion about the need to possibly purchase another lift and the operation of the portable one now, that would need new batteries, would have to be bolted to the ground, and needs trained staff to help people use it every time. Ms. Patti clarified that the motion she prepared was for the outdoor family pool.

Ms. Patti made a motion that the Commission authorize WEVD Management to determine whether another Lift needs to be purchased to make the outdoor family pool ADA accessible. If needed, Management to obtain quotes, advising both the Commission and the WEA Board of the cost. Mr. Panuczak duly seconded and motion passed with a unanimous roll call vote in favor.

Then Commissioners discussed the request to remove the indoor pool covers and how there is no one is willing to repair them and they are currently making both pools ADA inaccessible.

Then Ms. Patti made a motion to authorize WEVD Management to remove the indoor pool covers from the two pools. Mr. Panuczak duly seconded and motion passed with a unanimous roll call vote in favor.

Committee / Board Reports

Planning Board

Report submitted by Mr. Canfield is in the packet. Ms. Patti reiterated that the Planning Board is looking for members and that this is the only Board that requires that members be registered voters.

Water & Roads

Committee business was discussed earlier with Mr. Sceggell's presentation.

Outdoor Courts

The Committee is meeting on May 19th.

ADA Accessibility

Committee business was conducted during the IGM Report discussion earlier.

CONSENT CALENDAR

a. Manifests

Ms. Patti made a motion to approve manifests. Mr. Spinney duly seconded. Motion carried with a unanimous roll call vote in favor.

b. Committee and Board Reports

Ms. Patti made a motion to approve the Planning Board report. Mr. Spinney duly seconded, and the report was approved by unanimous roll call vote.

GENERAL CALENDAR ITEMS

Discussion regarding Acceptance of unanticipated monies from Insurance Claim (severe weather, high winds) with PRIMEX in an amount not to exceed $9,800.

Mr. Scruton provided a brief background as the damage included destroying a sander ($1,000 deductible and 5% depreciation), damaging a truck, pulling the antenna for the water treatment building off, and damaging some computer hardware. WEVD Management is requesting the Commissioners to receive the insurance claim moneys in the amount of $9,800 from PRIMEX to be expended towards the purchase of the new items that were damaged. Ms. Patti clarified that the damage to the computers was not due to the power surge, but that there was a massive data dump. Mr. Scruton added that it was still unclear as to what the computer damage will cost. *Ms. Patti made a motion to accept and expend up to $9,800 in PRIMEX insurance money for damage caused by the windstorm. Mr. Panuczak duly seconded and motion carried with a roll call vote in favor.*

Permission and consent for 14 and 17-year-olds to use the fitness center.

Ms. Kinney provided a brief background of the issue with several families requesting the use of the gym for their athletes who are 14 and 17 years of age and are not currently allowed. The WEA Board has voted to modify the Admission Policy in consultation with legal counsel and with PRIMEX; and now it is before the District to review. Ms. Patti clarified that the District will only be approving the language for the Permission and Consent Agreement as the WEA Board has already made the policy decision. She reiterated that the permission is for youths ages 14 to 17 and they have to be accompanied by a legal guardian, who will have to sign a waiver. After a brief discussion of the form language, *Ms. Patti made a motion to approve the language and to require the Permission and Consent Agreement that the Commissioners are approving today to be utilized for kids who are between ages of 14 and 17.*

After Mr. Panuczak's question of whether the District needs to adopt the policy as well, Mr. Scruton explained that the WEA has made a decision to allow the use of the gym by 14 to17-year-olds, and the District is now approving the use of this form for them to be able to use the gym.

Ms. Patti amended her motion as follows: the District is requiring any 14 to 17 year old using the fitness center, that the owner, parent, or legal guardian must execute a Permission Form and that it be this form dated 5/18/2022, and that the owner, parent, or legal guardian, pursuant to WEA policy, remain with the teen in the fitness room when they are using it. Mr. Spinney duly seconded and motion passed unanimously by a roll call vote.

Commissioners then signed the form.

Upcoming WEVD Commission Meeting: Wednesday, June 1, 2022 @ 6 PM, and there will be a continuation of the Public Hearing on the hook up fee.

Public Comment Period
Mr. Letvinchuk inquired about item 12b on the agenda and whether he missed it. Ms"The District cut back the accessibility charge for undeveloped lots but has not completely eliminated the water rate for such lots. Therefore, he is recommending that things remain the way they are for another year or two. Patti and Mr. Scruton explained that the engineer was on the clock and the decision was made to move the item up the agenda. Ms. Patti said that Mr. Letvinchuk would be provided the Zoom recording to review what Mr. Sceggell had said.
Ms. Patti also noted that in the handout there is a response to the member of the public written by the Commission Chair regarding the water rate and the water ordinance process and its transparency. Ms. Patti requested that when this is posted on the website all the attachments to the original email from the public member are included along with her response.

Non-Public Session
Ms. Patti motioned to enter non-public session for the purposes described in RSA 91A:3, II (a), (c), (d) and (l). Mr. Panuczak duly seconded and the motion passed at 5:49 PM by a unanimous roll call vote.
Non-public session was entered at 5:49 PM. Commissioners Patti, Panuczak, and Spinney were present in person as well as IGM Scruton.

Resumption of Public Session
Mr. Spinney motioned to re-enter public session, Ms. Patti duly seconded and the motion passed by unanimous roll call vote.
Public session was entered at 06:43 PM. Commissioners Patti, Panuczak, and Spinney were present in person.
The nonpublic session minutes were sealed by a motion from Mr. Panuczak, a second by Ms. Patti, as divulgence of the minutes affect the reputation of any person other than this commission and render a proposed action ineffective. The motion passed by a unanimous roll call vote.

Adjournment: *Mr. Spinney made a motion to adjourn the meeting; Ms. Patti duly seconded. Motion passed with a unanimous roll call vote in favor.*

Meeting adjourned at 6:46 PM.

Approved on:
Committee/Board Name:
Committee Chair Initials:
Rec'd by WEVD Clerk on: 5/26/2022
WEVD Clerk Initials:

Prepared by Alvina Snegach

Approved: _____ on 5/22/2022

_____ on 5/22/2022

_____ on 5/22/2022