

Monthly Meeting of the Board of Commissioners

Emerald Lake Village District

July 13, 2017

Eastman Park, Hillsborough NH

Present: Keith Huber, Commissioner (in person)
Diane Cunningham, Commissioner (in person)
Kaitlyn Boyd-Martone (in person)
Christine Haynes, Treasurer (in person)
Kim Grondin, Clerk (in person)

ELVD Residents: Joseph Feindel, Eileen Feindel, Greg Klos, Wayne Held, Melissa Taber, Deana Boyd-Martone, Mark Rodier, Brett Taber, Zack Plummer, Bob Hutchinson, Jim Czifrik, Edward Ley, Caitlin Walker, Lynda Walker, Jessica Vitkauskas, Dee McLaughlin, Margaret Riley, Frank Riley, and Eileen Thomas.

Fire Department Speaker: Kelly has been working for the HFD for 22 years. Kelly states that she is here to speak with the residents about a "Help Us Help You Campaign". HFD is asking residents to purchase reflective address markers, so it will be easier for the HFD to find you, in case of an emergency. She asks for it to be less than 50 feet from the road, which can be placed on tree, porch, etc. Kelly states that the signs and lettering is \$15 and has some with her to purchase, as well as order forms for residents that wish to order. HFD is open Monday thru Friday 9-5 and can be purchased there as well.

Resident Wayne Held asks Kelly to verify campfire permit laws. Kelly from HPD states that campfires under 2 ft. can burn anytime (unless it is red-flagged) and over 2 ft. is anytime for cooking purposes or after 5 p.m. Details can be found on the state of NH website.

The regular District Meeting with the Board of Commissioners was duly convened at ap. 6:17 pm at the Eastman Park, Hillsboro, as noticed, with a quorum consisting of three out of three Commissioners present. Kate, Keith, and Diane would like to inform everyone that the meeting is for the purpose of conducting central district business in a public format and on the public record. The main goal is for the district commissioners to approve vendor payments, discuss issues that need attention and to make official decisions on the issues, in part to all the district to continue to run, maintain our roads and properties, and deliver safe clean drinking water to ELVD residents. The board will be discussing and voting on many issues tonight, which only the board can vote on these issues. Any public comment on an issue at hand must be recognized by the board and only with in the public comment period. ELVD commissioners are very happy that there are so many residents here tonight. If there are residents who would like to make public comment or have questions, there will be a public comment session. During the public comment session, commissioners are asking residents to please raise their hands, be recognized to speak, introduce themselves by name and address, and only address the body of the board. In order for everyone to be heard, we have reserved the right to limit speakers to two minutes.

Any resident that raises their voice, becomes threatening, lacking in good taste or causes violence, will be immediately asked to leave. Once the public comment session is over, we are asking everyone to quietly sit and observe the rest of the meeting or move to another location. Anyone who disturbs the meeting will be asked to leave. With that said, the commissioners would like to thank all residents attending the meeting.

1. Approval of Meeting Minutes:

BOC's reviewed the workshop meeting minutes dated July 5th, 2017. There are no changes to be made and minutes were signed and dated. Motion was made, seconded, and approved for final draft to be posted.

2. Open Issues:

BOC's discussed a resident's letter asking about an old water line that is still in place. Keith Huber, Commissioner will present update from WSO. Resident was questioning why the curb stop for their water was under their front porch. After speaking with WSO and they do not know why it is there, as it was put there years ago. If the resident would like the curb stop removed and moved to the street, BOC's will comply as soon as resident sets up a day and time, as well as paying for the service, as residents responsibility is from the curb stop to the house.

Discussion was had about the town owned roads and whether materials are being used twice (from Skippy Edwards and Hillsboro Town) to maintain. Keith Huber, Commissioner will present update. Keith Huber, Commissioner spoke with Skippy Edwards about ELVD materials being used on town roads. Skippy states "I have been doing this for many years and he does not use ELVD materials on town roads".

3. Finances:

Christine Haynes, Treasurer thanked Debi Flanders, Deputy Treasurer for all her help with finances. Christine Haynes, Treasurer is requesting from the BOC's to write a letter to receive funds for the pump #11 break, as we paid that out and is asking for that money to be returned to ELVD to be deposited into ELVD account. Motion was made for Christine Haynes, Treasurer to write the letter, seconded, and approved.

Update of Accounts: General Manifest, Water Manifest, and Bill Payments for all Vendors were handed out for all residents to view, as well as copies for commissioners for their personal files. All bills are paid and up to date.

Payment of Manifests: Water and general fund manifests were reviewed, signed, and dated by three out of the three commissioners, as well as payment manifests. Balance for General account is \$37,110.82. Balance for Water account is \$81,323.31. Diane Cunningham, Commissioner made a motion to accept updated accounts and payment manifests, seconded, and approved.

Christine Haynes, Treasurer submitted bank statements, reconciliation summary, and payroll summary for review to commissioners. Motion was made to accept, seconded, and approved.

3. Update on meeting with children on the raft: Diane Cunningham, Commissioner met with the kids and their parents to discuss the raft incident. Diane Cunningham, Commissioner states “the boys found the raft on the beach and they are in training for soccer season, so they felt it would build their muscles to swim the raft across the lake with their sister on top of it and then swim it back”. Diane Cunningham, Commissioner discussed with them about how dangerous that could have been, as somebody could have gotten hurt. Diane Cunningham, Commissioner states that the children were remorseful, as well as the parents volunteering their children to do community service that the BOC’s would like completed.

Diane Cunningham, Commissioner is asking residents for volunteers to help complete projects at Meetinghouse Beach. Keith Huber, Commissioner suggests asking the boys from the raft incident to start with this for their community service. Debi Flanders, Deputy Treasurer volunteers to help plant the grass etc., when BOC’s are at that point. Keith Huber, Commissioner will contact the parents of the kids to set up a day and time for the community service.

Brett Taber, resident expresses his concern about the children not receiving school credit for community service, as well as the community service owed to ELVD.

4. Water Ban Signs: BOC’s have been tasked by DES to come up with a water conservation plan, as well as a method of enforcement. Keith Huber, Commissioner states that after speaking with ELVD lawyer, BOC’s have come up with changes to the existing water ban policy. Copies were handed out of these changes for residents to view. Basically, it is no outdoor water use of ELVD water. There is a violation notice in place with the 1st offense being notified with a written/verbal warning, 2nd offense is a \$250 fine, and any additional offense after that is a \$500 fine. The new rules will be effective starting tonight after they are approved. BOC’s will have the public notification posted on the website, as soon as the ELVD webmaster is able to. Motion was made for the new rules and regulations changes for the water ban, seconded, and approved. Once it is posted to the public, within three days, the new rules will be enforced. Keith Huber, Commissioner states that the public notice meets all requirements by directing the residents to the webpage (elvdnh.com), where the rules and laws are posted. BOC’s are not going to post all the changes, as it is up to residents to notice the signs which was showed to residents and will be placed at the Gould Pond/Bog Road and entrance of ELVD. Keith Huber, Commissioner will be having the signs made in town as it is the best price. Motion was made for approval of the new signs to be made, seconded, and approved.

Jim Czifrik, resident asked if another sign could be placed at the back entrance to ELVD on Pond Rd. Keith Huber, Commissioner states he did go look around for a place to hang a sign back there but didn’t see a good location. Mark Rodier, resident states that 50% of residents come in and out that way. Diane Cunningham, Commissioner made a motion for Keith Huber, Commissioner to get three signs, to include Gould Pond/Bog Road, entrance into ELVD, and the back entrance to ELVD, seconded, and approved.

Resident asked why the BOC’s cant mail out the changes to the water ban policy. Keith Huber, Commissioner states that it is \$275.00 every time BOC’s mail residents. Debi Flanders, Deputy Treasurer states that not every resident receives the mail, as BOC’s have noticed that the surveys are going all over the place. Keith Huber, Commissioner states that the majority of residents know there is a water ban and feels that it has gone on far too long to give the excuse of “I didn’t know” reason.

Keith Huber, Commissioner states that “posting it the way BOC’s are posting it, meets the legal requirements and if residents don’t like it, I’m very sorry and the first warning is free”.

Brett Taber, resident states that he agrees with restrictions and guidelines for water ban but is questioning that after the BOC’s spoke with the lawyer, are these rules for the district only to be voted on at an annual meeting or anytime and would like to make sure that before we enact new rules and the ability to enact penalties, he would like to make sure BOC’s are following the guidelines and rules to change the guidelines. Keith Huber, Commissioner states that the ELVD lawyer states that it okay and the document that the changes are becoming of, according to the rules and RSA’s authorizes the district to regulate the wells and treatment center and the rules regulation to adopt and supersede all previous rules and regulations concerning. Keith Huber, Commissioner states that because this is under the direction of DES to increase ELVD conservation plan and enforce it, the lawyer has approved this.

Wayne Held, resident asked about the status of the electrical house holding pumps 7, 8, and 9. Keith Huber, Commissioner states that it will be capped this year, as commissioners are not sure what is going on with the pumps or the functions of it, so it will be capped until the BOC’s decide on what to do with it.

Diane Cunningham, Commissioner asked residents to please notify commissioners of any residents using water in the way they shouldn’t be. Diane Cunningham, Commissioner states that this is everyone’s water and it affects all residents, so to please inform your commissioners, as it will be confidential. Kaitlyn Boyd-Martone, Commissioner is asking residents to please use the email info@elvd.com rather than Facebook, as this email automatically goes to all three commissioners. Kaitlyn Boyd-Martone states “this is a serious issue and we want to work together. Commissioners go and talk to the residents, commissioners know that some people are on wells and we go and check to make sure that they are using their own wells or using rain barrels, they will not get in trouble. It is only validated misuse of the water system, we are not going to go throw fines at residents because somebody said so and so”.

Diane Cunningham, Commissioner states “we will no longer discuss ELVD on Facebook”. If any residents would like to know any information to please come to the meetings or send an email. “We can use it as individuals, as I can comment on something as a resident, not as a commissioner”. Keith Huber, Commissioner states that it is a community webpage and not associated or affiliated with ELVD administration or business.

5. Update on Hummingbird and Hemlock Intersection: Diane Cunningham, Commissioner and Kaitlyn Boyd-Martone, Commissioner met with Kevin from Northpoint Engineering on June 22nd, 2017 and has come up with a preliminary plan to cut down the hillside and create a deeper better culvert that can handle a higher capacity of water and then place a diversion pipe to cross under the road and meet a ditch alongside Hummingbird Road, as it will continue along to the Hummingbird beach to connect to another pipe that already exists and we can safely discharge the water to the wetlands. Kaitlyn Boyd-Martone, Commissioner shows residents a drawing to help understand.

Bob Hutchinson, former resident would like to speak. Keith Huber, Commissioner states “that in accordance to Roberts Rules of Order, Bob Hutchinson, former commissioner that knows more about this district than I do, probably any of the seated commissioners has requested to speak and residents need to decide whether or not, we let him speak. All in favor of letting him speak, approved.”

Bob Hutchinson, former resident states that if the water gets high in the spring, it will flow into neighbors' yards because it will back flow. Kaitlyn Boyd-Martone, Commissioner states that it is going to be reengineered, so it can handle a higher volume of water. Bob Hutchinson, former resident informs commissioners that he feels residents will be upset if this effects neighboring driveways out from the ditch line. Keith Huber, Commissioner says "we paid for an engineer to survey the area".

6. Grant Updates: Keith Huber, Commissioner states the NHDES community water system leak detection survey grant for 2017-2018 has been filed and has receipt of filing dated July 11th, 2017. The NHDES drinking ground water bureau and NH drinking water state resolving loan fund, DWSRF, for 2017 has been filed with a receipt dating July 13th, 2017. Keith Huber, Commissioner is currently working with a USDA loan specialist for a grant to cover the preliminary engineering report and visibility study for what we need to do, want to do, can do etc. to resolve the water issue. Keith Huber, Commissioner states "everything was put it on time, met the deadlines, and have receipt of them and now we wait and see how much money they will give us". Keith Huber, Commissioner explains to residents that this is actually a low interest loan of X with a grant of Y, not just them giving us money. We approve the acceptance of the X money at the next town meeting, we spend that and then we get the Y. Brett Taber, resident asked if commissioners know what the percentage is. Keith Huber, Commissioner states that it depends on the residents of ELVD household income, which will be determined by the 90% response we get from the surveys.

Jim Czifrik, resident would like to know if something can be worked out with the town, so that when the agency's need records or information, the town can put ELVD in a special section, so when they need information, it will be right there. Keith Huber, Commissioner states that he will look into this and will update residents.

Kaitlyn Boyd-Martone, Commissioner received an email from Kathy Rodgers, RCAP stating that there is a public hearing at NHDES on August 3rd, where they put out the priority funding list and ELVD will be on this list. Kathy Rodgers, RCAP states "we should have funds ready to go for next construction season." Kaitlyn Boyd-Martone, Commissioner will keep us updated on this.

Diane Cunningham, Commissioner states that 170 surveys have been returned to RCAP. ELVD had 15 returned as not deliverable. Diane Cunningham, Commissioner went through the addresses and will be hand delivered if possible. Keith Huber, Commissioner asked if anyone has not received the survey or not sent it back.

7. Update on water situation/leak: Diane Cunningham, Commissioner states that there was a water leak yesterday and residents were complaining on Facebook that nothing was being done about it and nobody was notified. Diane Cunningham, Commissioner states that the commissioners didn't even know about the water leak until they saw it on Facebook. Diane Cunningham, Commissioner asks residents if they find a leak, think they have a leak, have low water pressure, or you see water bubbling out of the ground, to please notify the commissioners.

Mark Rodier, resident asked "why if there was a leak being fixed, why weren't the commissioners notified". Keith Huber, Commissioner states that for a leak repair there is no need to shut off the water. Keith Huber, Commissioner agrees that BOC's should know when, where and how when it comes to WSO.

Wayne Held, resident asks "if residents can't notify BOC's, can we call WSO directly". Keith Huber, Commissioner states "absolutely" but please email commissioners as well. Mark Rodier, resident provided the number 428-3525 for WSO.

Zack Plummer, resident asks why BOC's are not exhausting all options when it comes to repairing leaks in a timely manner, in regard to the Ellen Brook repair. Keith Huber, Commissioner replies that he made a decision after speaking to WSO to fix the repair the next morning because if they worked at night, WSO labor hours are billable and since it was overnight, BOC's had to get somebody out there anyway, which would be Skippy Edwards, as he is the first call. Zack Plummer, resident states that it should be Skippy, WSO, and then who? Zack Plummer, resident states that he has three machines on the other side of the lake, that are ready to work. Keith Huber, Commissioner states that WSO is under contract to do water system. Zack Plummer, resident replies "I am not asking to work on the water system but when it comes to digging, I don't think anyone has a contract" Keith Huber, Commissioner states "that WSO was going to do it 9 hours later at no charge and I made the decision". Zack Plummer, resident "I would like to know why when you have a whole road that is down with no water, you can't really say well we are going to neglect you guys because we don't want to pay time and half or double time". He continues "there was a leak on my road, 200 feet from my house this spring, and we lost water for two weeks and the reason why was Skippy Edwards is too busy and WSO couldn't get their machine down and why wasn't I called, as there was 10's of 1000's gallons of water just pouring out". Zack Plummer, resident states that his father has been working on the water system for 25+ years and he has been 5+ years, I'm a contractor for ELVD and I find it insulting with all the deals that both my father and I give you, the volunteer work we provide, we don't charge double time (when your pump goes down at 8 p.m. at night and we go up there, we don't charge double time and any other companies would) because we like our community and want to help and I again find it insulting that we can't be a backup to your backup." Keith Huber, Commissioner replies with an apology and states that it will be taken into consideration in the future and Zack Plummer will be the third phone call, if Skippy Edwards and WSO are unavailable.

Brett Taber, resident asks BOC's if there is anything in Skippy Edwards or WSO's contract with ELVD that would impair us to call Plummer or is it at the BOC's discretion to find a resource at the most convenient time to make the repairs? Keith Huber, Commissioner is going to review these contracts and will keep the residents updated.

Diane Cunningham, Commissioner states that the well is doing much better and the tank is much higher.

Brett Taber, resident asks for an update/status on recent testing and the three requirements that we needed to have by the end of the fiscal year with DES. Keith Huber, Commissioner has not received a response back for the pump model and zone meter. Keith Huber, Commissioner replies that we need to get one zone meter placed by the end of August, which he is told will be completed but has yet to receive the requested documentation from WSO that DES asked for regarding the model number and date of installation. Keith Huber, Commissioner states that WSO has told him this past Sunday morning, WSO has the leaks down to 15 gallons a minute, which over 13 miles of pipe is actually pretty good considering where we were at. The difficulty that they are having is that even if they do overnight testing, if someone flushes the toilet, that 15 gallons a minute changes and they won't know where they are at. Hopefully, our leak detection grant will give us the money for that. Keith Huber, Commissioner will keep us updated on where and when these zone meters will be placed.

Zack Plummer, resident expresses his concerns with hooking up to the town water and would like the board to consider sucking water out of the lake and would like to convert the treatment center to treat lake water. BOC's don't feel that this will be possible, especially because we swim in the lake. Keith Huber, Commissioner states that he will ask what it will take to be able to pull water out of the lake at the next DES meeting and will update residents.

Margaret Riley, resident asked if the grants are local and federal. Keith Huber, Commissioner responds that BOC's have applied for 2 from NH, one from HUD, USDA, anything and everything that we can apply for. Margaret Riley, resident also asked if there is a master list for volunteerism. Diane Cunningham, Commissioner states that you can sign up to be a volunteer on the website and they have a master list at the ELVD office.

Keith Huber, Commissioner thanks residents Frank and Margaret Riley for donating a set of horseshoes to the district. Commissioners have agreed on a spot at the Meetinghouse Beach and are asking for volunteers to help put them in.

Bob Hutchinson, former resident asked BOC's to speak and if they wanted to go into a non-public session. Commissioners agreed to let Bob Hutchinson speak. Bob Hutchinson, former resident states "I would like the BOC's to pay the 54,000 to Tata-Howard because it was a voted contract signed by three commissioners, so therefore it has to be paid. I don't want to go to court with this. If this has to go to court, then I will have to take the stand and I'm going to be going against the people that I have worked so hard for, for seven years. I would like you guys to honor the contract. It is not because of you guys but it is because of the board before you and should have paid the contract. I do not want to be on the stand against the people that I served very well for seven years, they are pursuing it and I don't want to be there. I'm sorry I am just up here to fix my house and I'm right in the middle of this now". Mark Rodier, resident and former commissioner states "that 54,000 was contingent on whether we voted that 600,000 that was voted down and they continued the engineering anyway". **Inaudible.** Bob Hutchinson, former resident states "I really think the best interest of the district is to pay this bill, so you don't get dragged through this". Mark Rodier, resident and former commissioner says, "it comes down to also the whole situation with all the dirt that was supposed to get trucked up and never got trucked up that we paid for". Bob Hutchinson states "that it didn't have to be trucked out but had to be disposed of" and continues to state, "I really don't want to go to court on this and be in the middle". Mark Rodier, resident and former commissioner states "that's why I don't want to be involved in it and resigned". Debbie Flanders, Deputy Treasurer says what she knows about this is that "it appeared to be an expense for the second phase of the engineering process that was to be voted on the next year at the annual meeting and it was voted down and that this was a bill given to us toward the second phase of engineering after the fact, that we voted down and they charged us for something that we voted down". Bob Hutchinson replies "the thing of it is, is that I got sick and that is the reason this happened. We voted and signed that contract in the ELVD office". Debi Flanders, Deputy Treasurer asked who voted? Bob Hutchinson replied "myself, Troy Cornock, and John Dahood for the \$54,000 for engineering second phase". Debi Flanders, Deputy Treasurer replies that "it was voted down at the annual meeting". Bob Hutchinson, former resident states "if we go to court, the district is going to spend money and these are your tax dollars and I'm trying to help you". Debi Flanders, Deputy Treasurer states "let's go to court as it is still our tax dollars of \$54,000 that we are about to prove **inaudible.** Keith Huber, Commissioner thanks Bob Hutchinson, former resident for his update and appreciates his opinion but states "we will let the lawyers handle the situation".

Bob Hutchinson, former resident states "I have a meeting with the attorney general next week and there is a lot of stuff that has been done wrong and I have back up for it all. Justin threatened my wife as the treasurer and there are only two things I am asking. I don't want to blindsides you guys and that is why I am here. I am letting the people know that I have the appointment with him but also on the good side of it I would really like to see that \$54,000 paid to Tata-Howard because I don't want to go to court against you people, as I served you very well for seven years, I kept you in water, I didn't vote that down, that right there would have fixed this out here and I am sorry it didn't go that way but now you are in worse trouble because it's not pressure, its volume" **inaudible** Jim Czifrik, resident states "this seems to be a total surprise to most of us and I don't think we should be discussing lawsuits, what we owe, \$54,000, as we know nothing about it Bob and for you to address at the meeting, you can meet with these people if you want because it shouldn't go public until we all know what this is about, so we all can also put our two cents in to vote yes or no. Bob is here looking for something and it is going to have to go for a vote before we dump \$54,000 into anything. You may be a thousand percent right Bob and I'm not taking that away from you but this is the wrong way to handle it and as far as I'm concerned, I am done for the night".

Brett Taber, resident states that commissioners began the meeting with the prelude that during the meetings, the commissioners are the only ones' voting, so these meetings are just informational and there is no voting from the public? Keith Huber, Commissioner states the residents voting for the elected commissioners at the annual meeting is to make the decisions throughout the year. The annual meeting and warrant articles give the BOC's permission to spend allocated funds and monies from that annual meeting as they are assigned. If something special comes up and we have to have a special meeting and so on and so forth. Basically, it is like the town selectman, the Board of Selectman make the decision for the Town of Hillsboro and the BOC's make the decisions for ELVD but will always take public input.

8. Next monthly Meeting: Next monthly Board of Commissioners meeting is **August 10, 2017** at 6:00 p.m. at the gazebo at Eastman Park.

Next workshop meeting is **August 2, 2017** at 6:00 p.m. at the ELVD District Office.

Coffee and Donuts with the Commissioners is **August 12, 2017** at 10:00 a.m. at the gazebo at Eastman Park.

Whereupon there being no further business before the Board at this time, it was moved, seconded and unanimously voted the Meeting be adjourned.

Adjourned at 7:48 p.m.

By: _____

Diane Cunningham

By: _____

Keith Huber

By: _____

Kaitlyn Boyd-Martone

Board of Commissioners.

Certified by the Clerk: _____07-16-17