



EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH, NEW HAMPSHIRE, 03244

Monthly Meeting of the Board of Commissioners

Emerald Lake Village District

July 19, 2018

Gazebo, Eastman Park, Hillsborough NH

Present: Diane Cunningham, Chairman of the Commissioners (in person)
Linda Whiting, Commissioner (in person)
Wayne Held, Commissioner (in person)
Jessica Vitkauskas, Treasurer (in person)
Kim Grondin, Clerk (in person)

ELVD Residents: Bob Hutchinson, Richard Whiting, David Lee, Terry Daly, Melissa Taber, Brett Taber, Greg Klos, Eileen Feindel, Joe Feindel, Erica Follard, and Warren Fleck.

The regular Board of Commissioners Meeting was duly convened at approximately 6:03 pm at the Gazebo in Eastman Park, as noticed, with a quorum of three out of three commissioners in attendance. The commissioners would like to inform everyone that the meeting is for the purpose of conducting 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 allow the District to continue to run, maintain our roads and properties, and deliver safe clean drinking water to our residents. The Board will be discussing and voting on many issues tonight, and only the board can vote on these issues. Any public comment on an issue at hand must be recognized by the Board and only during the public comment period. During the public comment session, the 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 sit quietly and observe the rest of the meeting or move to another location. Anyone who disturbs the meeting will be asked to leave. With that being said, the Commissioners would like to thank all residents for attending the meeting.

- 1. Approval of Meeting Minutes:** Kim Grondin, Clerk presented the Workshop meeting minutes dated July 11, 2018. Diane Cunningham, Commissioner made a motion to approve and accept the meeting minutes, Wayne Held, Commissioner seconded and approved.

2. **Finances:** Jessica Vitkauskas. Treasurer states “We were able to make some movement with money that we voted to place into the CIP funds at the annual meeting, so that motion is in progress. The General Manifest payments were \$44,276.75 and the Water Manifest payments were \$105,679.89, which include the payments for the CIP funds, which is why it is significantly higher than usual.” \$55,000 was transferred into the water CIP fund and \$35,000 into Roads and Bridges CIP fund. Diane Cunningham, Commissioner made a motion to accept Jessica Vitkauskas, Treasurer reports, seconded by Wayne Held, Commissioner and approved.
3. **Update Patten Hill Building:** Diane Cunningham, Commissioner states that the BOC’s have met with a contractor about constructing the electrical building on Patten Hill Road and a contract has been signed. The construction will start in August for the building.
4. **Update: Hummingbird and Hemlock:** Diane Cunningham, Commissioner states the BOC’s have met with the engineer and some of the residents, but no decisions have been made as of yet. Terry Daly, resident states “the contractor that you hired said that every lot was supposed to get a driveway. Now I have my dumpster over by my deck.” Diane Cunningham, Commissioner states “you need to apply for a driveway permit before you can put a driveway in.” Terry Daly states “why did everyone else get a driveway. You put one on the old farm road because a resident needed to have wood delivered” Diane Cunningham, Commissioner states “she always had a driveway there”. Terry Daly states “no, that’s not her land, it is a town road and always has been for 45 years”. Diane Cunningham, Commissioner asks exactly where he is talking about. Terry Daly, resident responds “between her lot of land and our third lot of land, there is a road and if you look up the road, there is an old farm gate that the farmer came down and locked.” Diane Cunningham, Commissioner states “I don’t know why he did that and the contractor did a couple things on his own without telling us”. Terry Daly, resident states “I’m just saying my third lot has no access and I need access for safety reasons and the other thing is the trench in front of our house in front of our stairway, which is another safety issue. My son is 12 and will have his driver’s license soon and there is no spot for him now and the road did get smaller. I just don’t see a reason why the engineer put in such a big trench there, I look like I live on the side of 202/9. Zack Plummer cannot even get into my third lot with his trucks and now I have to go out and move all the cars around so the guy can come in and empty my dumpster every Wednesday and when it was on the third lot before all this construction started, now we had to move it over to the house and what am I going to do in the winter time, as the dumpster is in the way now. We can’t put it on the third lot because there is no access to it now and there is a big trench there now.” Diane Cunningham, Commissioner states “I have neighbors that have to move their cars too for dumpsters. We sent out letters and the engineer stated everybody received letters that the construction was going to affect. It was on Facebook, it was in the meeting minutes for a long time that we were talking to the engineer and that we were doing this project and it wasn’t something we did overnight.” Terry Daly, resident states “I did not receive one and it just seems that in front of our three lots, is the biggest chunk taken out of the whole street”. Diane Cunningham, Commissioner states “because you have three lots on that side of the road and that’s where the work was done”. Melissa Taber, resident states “Why would ELVD be responsible for putting in your driveway”. Terry Daly, resident states “The contractor said that we would have access to everyone’s lots and I have three lots that I pay taxes on and pay water bills on for all three lots”. Diane Cunningham, Commissioner states that you pay water for two lots, not three.” Terry Daly, resident states “I need at least another section of pipe put in front of my house, so you can at least get up the stairs, especially in the winter time as it is a safety issue. I want an extension of the culvert pipe in front of my house because you have to go all around the culvert to go up the stairs, it’s a poor design”. Diane Cunningham, Commissioner states “any work that you want completed now, you will have to pay for yourself”. Terry Daly, resident states “fine I will have Zac Plummer do the work then”. Diane Cunningham, Commissioner states “ok just make sure he gets all the permits that he needs”. Terry Daly, resident states “not a problem.”

Wayne Held, Commissioner states "it was engineered and open to the public". Terry Daly, resident states "I do not do Facebook, as I am computer illiterate, I never received any certified letter and if we did, you said you were going to look on your desk and see where the receipt is". Diane Cunningham, Commissioner states "I did not send it, the engineer sent it." Wayne Held, Commissioner states "that would be something that we will have to verify with the engineer". Terry Daly, resident states "I would like to see it". Wayne Held, Commissioner states "we will have to get in touch with the engineer to verify". Terry Daly, resident states "if you don't, my lawyer will. I have already talked to my lawyer about it and she will be coming up tomorrow". Wayne Held, Commissioner states "very good".

5. **New Business and Public Comment:** Terry Daly, resident states the Hummingbird Beach is loaded with poison ivy; alongside the picnic table and is becoming unavoidable for the kids. Bob Hutchinson, resident states "apple cider vinegar will take care of it." Kim Grondin, Clerk asks if that is something Joe can take care of. Joe Feindel, resident states "yes I can use roundup, but I don't know if there will be an issue with DES to use roundup". Diane Cunningham, Commissioner states we don't have to get a hold of DES if we use the apple cider vinegar.

Wayne Held, Commissioner states "at the last workshop meeting, we went over the Beach and Lake Rules and Regulations and recommendations were made for changes and updates. In having renewed the updated changes and having incorporated the new regulations, I am presenting the new ELVD Beach and Lake Rules and Regulations to be accepted with the new changes incorporated." Diane Cunningham, Commissioner made a motion to accept the new Beach and Lake Rules and Regulations, seconded by Wayne Held, Commissioner and approved. BOC's state that these will be online for residents to view.

Diane Cunningham, Commissioner states that Claudette Morency, Resident had notified her that the ladder was off the raft and was on top of the raft. Mark Rodier, Resident came down and fixed it for us and bolted it back on.

Melissa Taber, Resident states "I have a question about the people that say they are pumping from the lake. Is there a way that the commissioners can check on that to see if they are actually pumping from the lake"? Bob Hutchinson, Resident states "when I was commissioner out here, anybody that pumped out of the lake would put a sign in front of their yard". Melissa Taber, Resident states "ya but how can you trust that because I see hoses connected to the house and they are saying there pumping from the lake". Wayne Held, Commissioner will investigate this further and update residents.

Erica Follard, Resident states "I have a client down here that has a piece of property that was bought in the 70's, they put in a foundation, they put in a state approved septic, they did everything, and this was a long time ago before this whole water thing started, and it is what it is. They never knew anything about that because they don't live here, they were up here building, they have all their permits that the town has ever given them, but they did not get a water permit to tap into the system and now I don't know what to do. These residents have called me and told me that they called the town and the town said its buildable, we call the district and they say we can't build on it because there is no water." Diane Cunningham, Commissioner states "they cannot do anything right now". Erica Follard, Resident states "so I just tell them that they can camp on it". Diane Cunningham, Commissioner says "you can't tell them it's a tent lot because you cannot camp out here". Erica Follard, Resident states "I am telling you that I do real-estate, I have signs all over the place down here, I deal with the town every single day and they are selling these lots as residential lots, but they are allowed to have camping permits for 90 days". Diane Cunningham, Commissioner states "the town changed their zoning ordinances in March or May this year and it shows a whole chart of where you can camp and ELVD is not on there." Erica Follard, Resident states "I have spoken to Diane and Nancy and they beg the differ.

I am telling you that I have a lot on Huntington, I have a lot on Red Fox that is actually buildable because it has water hookup, I am talking about all my lots that don't have water hookup such as Spring Street, Huntington, Rabbit Path, so my question is, can they come down here and camp and the answer from the town is oh ya, we can give them a 90 day permit and this was this week. I am not the only real-estate agent in the state of NH that is selling in ELVD, and you can tell me what to do and I will do it, but you guys have to talk to everybody else that are telling them that they can put RV's down here. The town is not telling anybody this." Brett Taber, Resident states "it sounds like the BOC's need to follow-up with the town and administrator to find out what they are saying and make sure there is a clear line between both the district and the Town of Hillsboro for clarification". Erica Follard, Resident asks "so my other question is, what do I do with Rabbit Path, so there will never be able to hook into water and so it's a dead lot, they can't do anything with the septic that they put in or the foundation, so there is nothing they can do to petition this with you guys after paying 35 years of taxes?" Diane Cunningham, Commissioner states "unfortunately it is something DES has stated no further water hookups can be made, dated April of 2017". Erica Follard, Resident states "I spoke with Emily at DES in February or March of this year; along with a letter stating the water ban in ELVD was lifted but imposed by the district and not by the state." Wayne Held, Commissioner states "the letter I am holding is signed by Shelly Frost and if you would like to contact her, by all means please do that. If you have access to our website, please go on it and go over to the news and announcements where it explains the camping situation". Erica Follard, Resident states "you need to let the town know". Melissa Taber, Resident states "why can't we get DES to come to a meeting to tell people what is going on because we are getting two different sides of the story for everything and somebody from the town too." Diane Cunningham, Commissioner states that she will send letters to all of them requesting them to come.

Bob Hutchinson, Resident states "They failed to upgrade the water system before they brought in all the homes and now we are paying for it, you guys are paying for it and we are all paying for it. I know for a fact that when I deepened Meetinghouse well, it has a pool in it at about 335 feet down, we couldn't get through the _____, got down about 35 to 38 feet past that _____ and couldn't get through it again. I called Jim Coffy, Jim said we have money, I called Pete at Contoocook Wells and he came over. He ran a camera down there for me, I am watching on video, I am telling you right now, there is a cd in the office and I am the only one who knows its there, except Wayne. We ran a camera down 600 feet and there is a body of water underneath that building that goes all the way to Spring Street and halfway up that hill and there is no way of telling how big it is. I am going to tell you right now, when I turned that camera around that well, it is as big as this lake. Plus, there is another spot to dig a well up on Meghan Lane and when they surveyed off 7,8, and 9, down to the water sight, they could have surveyed from Meghan Lane in because it is only 285 feet in from Meghan Lane, so they surveyed almost 1600 feet and who paid for that, we did because no one was smart enough to go to Meghan Lane and dig into that spot. There is a lot of water in this district and I know for a fact if you get Rick Skarinka in here, I will meet with him and we can clear this up. There are 118 residents that can have meters placed, they will have to pay for their meter pit, but they can have meters. I don't understand why it stopped and nothing has been done. I am not mad at this board, I am mad at the previous board. The appropriation was 2.4 million and that was what was voted in, we spent 1.8 and there was \$600,000 left on the article, so that is a lapse in the article and it should have been spent on this water situation." Much discussion was had, and the BOC's will contact Rick Skarinka, as well as look through previous annual meeting minutes to clear this up. Wayne Held, Commissioner states "I am very interested in what you are describing as an underground water supply that goes over by Meghan Lane. Hypothetically, if we were able to find a piece of property that we can get our hands on to drill a well, do you propose we'll hit that water pool that you are describing?" Bob Hutchinson, Resident reply's "I don't know how far away that would be". Wayne Held, Commissioner states "that is something an engineer can look into". BOC's are looking into a hydrogeologist, as they are in the process of interviewing engineers to investigate our water sources to find new resources or make our existing wells larger to give us more supplies".

Bob Hutchinson, Resident states "there is an abandoned well on Lakeshore, it was abandoned long before me." Diane Cunningham, Commissioner states that Kathy Rodgers was asking if we had any abandoned wells, so she will make sure Kathy Rodgers is aware. Bob Hutchinson, Resident states that he would like to sit down with the BOC's and look at the water paper on where the BOC's want to put the new water lines because he did do some connects and would like to make sure it is not connected, and we aren't paying double for it because he hooked up a lot of stuff while he was commissioner." BOC's will investigate the recommendations further, meet with Bob and get back to residents.

Melissa Taber, Resident asks "what is the process of collecting the water fines?" Diane Cunningham, Commissioner states "we send the letters, second and third notices, and we can put liens on their properties and this is how it works right now". BOC's do not feel the town will chase people to pay the fines. Melissa Taber, Resident states "there is no follow through and is there a system in place to collect?" Wayne Held, Commissioner states "I think the question being asked is how we can enforce people to pay their fines. We are not enforcers and from my past experiences, anything that we need enforced, we must go through the town, which is why the town issues our tax and water bills, that's why if you have any disruptive measurers in ELVD, that's why we must go through the Town Police Department to resolve the differences, as the town is our enforcer. We are just commissioners that are obligated to make sure we have sufficient water, roads, and beaches but as to enforce things, we need to rely on the town. We need to sit down with the town and see if when we send out these fines if we can have them enforce it." Bob Hutchinson, Resident suggests sitting down with a lawyer and DES, so that the commissioners have some backing. Bob Hutchinson, Resident states "as it sits right now, you have no backing and you can get sued. You need lawyers to back you up on this because if not, DRA will come and believe me they will come hard." Diane Cunningham, Commissioner states that when Keith Huber, Resident (past commissioner) revised the water ban fines, it was reviewed by the lawyer and accepted. David Lee, Resident would like to know why there are no meters? Bob Hutchinson, Resident states because the lines will not hold meters as its been in the ground since the 60's, which is why they are blowing all the time. David Lee, Resident states "the culverts are all deteriorating, we are going to see the roads caving in and we need to do something about this now." Wayne Held, Commissioner states "you are right, the culverts have been neglected for years now and I appreciate you bringing it up. I think we should be replacing one or two a year." BOC's will meet with Skippy about this topic and will get back to residents.

Melissa Taber, Resident asks "when we mention stuff at the meetings such as concerns, is there a way that the following meeting, you guys can provide updates, so we are not repeating things"? Wayne Held, Commissioner states "it should be followed up in the following minutes, so if an issue was brought up in this meeting, we should do action, and should be reflected at the next meeting." Melissa Taber, Resident asks "so I would have to go online to read the results". Wayne Held, Commissioner reply's "yes".

Melissa Taber, Resident asks about fixing the gazebo. Diane Cunningham, Commissioner states that there is a bid in to complete the work by a contractor. Melissa Taber, Resident asks "in the meantime, can we put something there that marks some sort of caution spot because somebody is going to fall through it and hurt themselves." David Lee, Resident states he will put something that will be temporary until the contractor gets to it.

Melissa Taber, Resident asks if there is a no overnight parking sign at the mailboxes? Diane Cunningham, Commissioner states "ever since you told me about that, I have been over there every night and the black jeep has not been there".

Diane Cunningham, Commissioner would like a reminder for residents that there are no dogs allowed on the beaches; except for the Meetinghouse Beach.

6. Upcoming Meetings:

Next BOC Meeting is **August 16, 2018** at the Gazebo at **6:00 p.m.**

Next Commissioners Workshop is **August 8, 2018** at **6:00 p.m.** at ELVD office.

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

Adjourned at 7:13 p.m.

Diane Cunningham, Chairman of Commissioners

Linda Whiting, Commissioner

Wayne Held, Commissioner

Board of Commissioners.

Certified by the Clerk: _____ 7/23/2018