



EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH, NEW HAMPSHIRE, 03244

Monthly Meeting of the Board of Commissioners

Emerald Lake Village District

August 16, 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: Don Johnson, Bob Hutchinson, June Fitzpatrick, Richard Whiting, Eileen Feindel, Joseph Feindel, Bob Sewall, Melissa Taber, Debra Daly-Cahalane, Bob Soules and Terry Daly.

The regular Board of Commissioners Meeting was duly convened at approximately 6:00 p.m. at the Gazebo in Eastman Park, as noticed, with a quorum of three out of three commissioners in attendance.

- 1. Approval of Meeting Minutes:** Diane Cunningham, Commissioner asked about any prior meeting minutes. Kim Grondin, Clerk states that she did not bring them but will have them at the next workshop meeting.
- 2. Finances:** Jessica Vitkauskas, Treasurer states total bill payments for all Vendors this month was \$28,649.15. Divided by the water and general fund, with water fund being \$19,297.61 and general fund being \$9,351.54. Handouts were provided for residents. Diane Cunningham, Commissioner made a motion to accept and approve the financial reports, seconded, and approved.
- 3. Old Business:**
 - Driveway permit on Spring Street:** Diane Cunningham, Commissioner states commissioners received a request for a driveway relocation from a contractor. The request has been denied, due to it having to be from homeowner not contractor or renter, as well as it being an incomplete application.
 - DES: Mellen Tanamly:** Resident applied for a permit from DES, which has been approved. The permit was to remove 26 feet of previously constructed retaining wall and install a 13 ft, 2ft, by 4ft of embedded boulders, 54 ft, 2.4 ft, by 4 ft riprap and an embedded 5 ft wide stone steps at the eastern end of the wall on an average of 77 feet. DES gave resident nine specifications to follow from DES to adhere too.
 - DES:** Commissioners received a letter from NHDES stating: "DES is pleased to learn of the District's progress in addressing the Water Conservation requirements per your recent correspondence with Program Manager Stacey Herbold.

Based on this progress and your confirmation below of the hiring of an engineer to address the District's mid and long-term source capacity needs, we have closed the existing source capacity violation. We will also be processing your chemical sampling waiver request and MtBE sampling reduction in the following days. Next DES Engineer Randy Suozzo will be contacting you sometime in September to schedule your triennial Sanitary Survey, wherein he will review the overall system status and establish next steps for the water system improvements and long-term source capacity plans. Thank you for your continued cooperation to address the water system needs." Diane Cunningham, Commissioner states "as I had said at the last meeting, we did hire an engineer for that at one of our last workshops".

Water Fines: Diane Cunningham, Commissioner states that Commissioner Wayne Held has contacted Justin (ELVD LAWYER) about the collection of the fines for the water violations. Commissioners will be sending Justin a list of the names and he will proceed with processing them.

H&H intersection: Wayne Held, Commissioner has received a letter from Kevin Leonard, Northpoint Engineering, LLC concerning the situation at the intersection. Kevin has made the following recommendations "1. Construct and maintain ditch lines to a minimum depth of 12 to 18 inches below edge of travel way. Wayne Held, Commissioner states that this would be as you come down Hemlock on the left-hand side by Debbie's house, that trench needs to be deeper. Deeper swales may be required where conditions warrant. 2. Armor ditch lines with riprap or other permanent stabilization method to prevent erosion as necessary. A general rule of thumb is that roadside swales that have a grade of 5% or more should be armored. Concentrated flows with higher velocities also warrant armor. 3. Perform routine maintenance on all roadside swales and culverts removing sediment & debris as needed. Unmaintained drainage conveyance facilities will reduce the capacity of the infrastructure and contribute to overtopping & erosion potential. 4. Gravel road surfaces require ongoing maintenance to maintain sheet flow off road and a smooth travel surface. Regrade as necessary to maintain desired shape. 5. After all major rainstorms, inspect road network for areas in need of maintenance. Promptly repair areas of erosion and clean out sediment as needed." Wayne Held, Commissioner states that these are all basically normal routine things that we need to do, when we have major rainstorms and the roads get potholes, Skippy goes around maintaining them back to normal conditions. We need to be aware of that after rainstorms, to look at our culverts as everyone is responsible for their own culverts at the end of the driveways. The district needs to look at the H&H intersection where the big rock pit drainage is because sometimes sediment will settle there." Melissa Taber, resident asks "Are you talking about the left-hand side of the ditch and is that part of what they just did? Why didn't they figure that into the engineering when they did the job, figuring that the flow of water is going to go so fast down the road? Why wasn't it dug deeper and is there anything we can do to go back after them to have them come back and fix the issue?" Bob Sewall, resident states "I don't think its an engineering issue, as after the first few storms, in front of Debbie's house, the culvert was fine but since then, it has clogged up with sand and its not maintained properly. I don't feel digging it any deeper will do anything, I think it needs to be maintained". Diane Cunningham, Commissioner states "see that is the problem, further up on Hemlock there is a culvert that is clogged because I was up there during one of our really big rainstorms recently and the water is coming down the road and going around the culvert and picking up all the sand in the road and then goes into Debbie's culvert". Wayne Held, Commissioner states "I recommend digging out the culvert that's preceding Debbie's house, as the rocks are about half way up the culvert, and to me it just seems that the water coming out, if the big rocks are there, it kind of acts as kind of a dam and sways the water out in the road and carry's it down and then maybe falls back in, which gives her a big lump of sand at her culvert. I am thinking if we dug that deeper, so it is below the culvert coming out of the previous driveway, I think it will be better. So, when the water comes out, it will go down the rock path a little better". June Fitzpatrick, resident asks "so, the homeowners are responsible to clean out the culverts at the end of their driveway?"

Were there any letters sent out to residents letting them know that? I am 72-years old, I cannot quite see myself digging out the culvert plus my house is at the end of THAT and I am totally disgusted in the fact that the culverts are filling up with sediment and it smells like a swamp in front of my house.” Wayne Held, Commissioner states “ELVD regulations state the homeowners are responsible for clearing that out”. June Fitzpatrick, resident asks “were there letters sent out”? Wayne Held, Commissioner states “it is in the road regulations which can be located on the website.” June Fitzpatrick, resident states “I don’t go on the computer and I feel letters should have been sent out to the residents about what their job is”. Wayne Held, Commissioner responds “that wouldn’t be cost-effective, as every time a decision was made, or a new regulation was made, that is 500 families that we would have to mail a letter too, which is not cost-effective.” Many residents began to speak at once. Debra Daly, resident states “as property owners, we do have the right to be informed of these things. It is not my responsibility to guess what is coming up”. Wayne Held, Commissioner states “our official notifications to the public is the website”. Debra Daly, resident reply’s “if I had any clue on what they were going to do. I have an even bigger question about this all draining into the lake. The color of the lake water is changing, as everything that is running off from the road, which could be gasoline, oil, antifreeze is all going into the lake. Do you think that is acceptable?” Wayne Held, Commissioner responds “when the engineering was done, I am sure DES was involved and we got all the proper permits”. Debra Daly, resident responds “I would like copies of those permits because I cannot believe that was ever approved”. Wayne Held, Commissioner states “I would recommend getting in touch with DES”. Debra Daly, resident reply’s “Time out, you are acting like I am being a problem here. You destroyed the front of my house and other peoples, made it dangerous and you are acting like we are pain in the necks for questioning you. My parents bought the place in 1973 and I am still getting treated like I am a second-class citizen, but I don’t get half tax rates. I am furious, and you ignore me.” Diane Cunningham, Commissioner reply’s “what do you want me to say to you, Wayne is speaking to you”. Wayne Held, Commissioner states “a couple years ago when this whole project was being formulated to have some resolution and I am sure the engineer sent letters out”. Debra Daly, resident reply’s “do you really think that the average individual had any idea of how bad this was going to affect them”. Wayne Held, Commissioner reply’s “all residents had an opportunity to speak up because there were multiple meetings concerning this”. Debra Daly, resident reply’s “they are conveniently always during the week, so if you don’t live here, then you don’t get to come up and voice your opinion, which is exactly why they are during the week”. Wayne Held, Commissioner states “that is why they notified you by mail”. All residents start to speak at once. June Fitzpatrick, resident asks “how many culverts are there in the district because you stated 500 and it wouldn’t be cost-effective to notify everyone that it is there responsibility to clean out their culverts, so how many culverts are there”? Wayne Held, Commissioner states “I couldn’t tell you, but every driveway having a culvert, we would have to go house to house and we are not going to do that”. Kim Grondin, Clerk mentioned that after the last meeting Melissa Taber, resident had a good idea to put construction colored paper up with the notice of cleaning your own culverts. Diane Cunningham, Commissioner responded “yes we are going to do that, and it was a good idea”. Debra Daly, resident states “this was all done to eliminate a problem but where I sit, it has done nothing but create a bigger problem.” Terry Daly, resident states “after the last storm a few days ago, we had a foot of water in our cellar that we never had before”. Diane Cunningham, Commissioner states “there has been a couple leaks right in the back of your house, which could have been the problem”. Debra Daly, resident states “I cannot believe what this has done to the enjoyment of my property and nobody has an answer on whether you are going to fix it and to me that is just unacceptable”. There were many conversations about the work that was done by the contractors at this intersection, as far as driveways, plowing, rocks, culverts, sand in the ditches in the spring from winter etc. Melissa Taber, resident states “it sounds like the engineer/contractors should be contacted to come back and clean all this up at their expense”. Debra Daly, resident states “it is going to be a horror show come this winter. Where the two roads come together, someone is going to drive right into that ditch this winter”.

Wayne Held, Commissioner states "I think Skippy will end up making a natural barrier when he plows. What we would like to do is eventually put a rail guard up, but it is too late to do that this year, but we can put markers temporarily with reflectors". Debra Daly, resident states "something needs to be done". Jessica Vitkauskas, Treasurer states "there is something written in the contract that states if we have any problems, they have to come back because we still have part of their payment. We held back a certain percentage and we get to hold that for like two years, in case something happens like this. So, I think the next step will be to contact them". Wayne Held, Commissioner states "I would like to discuss this with the contractor and I like the recommendation to meet with the actual people that did the construction to meet with the residents. My concern with having the rocks in the driveway was more of a gratuity and should that be removed". Many conversations going at once, at this point. Kim Grondin, Clerk confirms the plan that the commissioners are going to get a hold of Kevin Leonard and he will get a hold of the contractor, then set up a time and date to meet with the residents? Diane Cunningham, Commissioner reply's "yes and Kevin Leonard has all the addresses to get a hold of residents".

4. **New Business:**

Waivers: Diane Cunningham, Commissioner states with the help of Mark Widdison, resident we applied for some testing waivers for the water system and according to Mark Widdison, resident it will save us a substantial amount of money. Commissioners have applied to them and ELVD got waivers granted for 6 years for Synthetic Organic Compounds.

No Smoking: Diane Cunningham, Commissioner received a letter from resident asking to make the beaches non-smoking. Many residents state that they are respectful smokers.

Driveway permit-Huntington: Diane Cunningham, Commissioner received a request to relocate a driveway. Wayne Held, Commissioner states before we approve this, we need to go and look at it. Bob Hutchinson, former commissioner suggests getting WSO up there to make sure there are no water lines going through where he wants to put his driveway.

Meridian Land Services: Diane Cunningham, Commissioner received a letter to an abutter stating that "you are hereby notified that Woodpecker Builders has applied to the NHWB for a permit to construct a new dwelling on Lot 16-2, Red Fox Crossing." Much discussion was had about this being wetlands and there are no trailers or camping in ELVD. Diane Cunningham, Commissioner has spoken to the town about this.

Dogs: Diane Cunningham, Commissioner states that she has been receiving a lot of complaints about dogs on the beaches. After much discussion, a motion was made to change regulation 3:13 to the following "Dogs are only allowed to swim at Burnham Park and Meetinghouse Beach only. Unless swimming, dogs must be leashed. At all times, dogs must be under full control and accompanied by a responsible person who shall ensure that any litter or waste caused by the dog is cleaned up immediately. Horses and other farm animals are strictly prohibited from all ELVD parks and beaches", seconded and approved.

5. **Public Comment:**

Richard Whiting, resident asks "have you got in touch with Skippy about the Meetinghouse entrance. There is a huge rock in the way". Diane Cunningham, Commissioner asks Linda Whiting, Commissioner about this, as she was going to get a hold of Skippy about it. Linda Whiting, Commissioner states that she is still waiting for him to call her back.

Melissa Taber, resident asks about the hole in the gazebo floor. Kim Grondin, Clerk states that at one of the last meetings, David Lee, resident was going to fix the floor and questions a bid for the gazebo and is that person going to fix it. Diane Cunningham, Commissioner states that ELVD does have a bid for the gazebo but it has not been accepted yet. Melissa Taber, resident asks "did it go into any of the papers?" Wayne Held, Commissioner states "if it is over a certain amount". Melissa Taber, resident reply's "but we don't know how much it is going to cost".

Much discussion was had, as Melissa Taber, resident explains “we don’t know how much it is going to be, that is the point, so you have to put it out to the public to get those bids in, first, then you choose from those bids. It has to go to the public first”. Wayne Held, Commissioner states “I just want to get an estimate or ballpark figure what it is going to be, before we go out bidding. I would like to know what we are going to be replacing”. Residents explain if we can get bids from the public, then we will know what it is going to cost. Residents are asking Commissioners to have it put out to the public for a bid on fixing the gazebo. Terry Daly, resident and Bob Sewall, resident will place a piece of plywood to cover hole on Gazebo for now. The next step was determined that commissioners will put the bid out to the public to find out what exactly needs to be done to fix the gazebo and it will be placed in the budget for next year, if it is over \$5000.

Melissa Taber, resident asks if the commissioners need someone to hang the signs for the culverts? Wayne Held, Commissioner states that he will take care of that.

Diane Cunningham, Commissioner encouraged all residents to please make sure their trash is put away.

Diane Cunningham, Commissioner thanked Don Johnson, resident for cleaning up his driveway, as he had a lot of sand pour into his driveway after all the rain.

Melissa Taber, resident asks about the grant for leak detection that Keith Huber, former commissioner applied for and was mentioned at the 7/11 BOC’s meeting. Diane Cunningham, Commissioner states that they did come out and complete the leak detection. Commissioners received a report stating there were no leaks detected.

Diane Cunningham, Commissioner states that Trunk and Treat will be held the Saturday before Halloween dating **October 27, 2018** at the Meetinghouse Beach, which will be talked about further at upcoming meetings.

6. Upcoming Meetings:

Next BOC Meeting is **September 13, 2018** at the Gazebo at **6:00 p.m.**

Next Commissioners Workshop is **September 5, 2018** at the ELVD office at **6:00 p.m.**

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 7:19 p.m.

Diane Cunningham, Chairman of Commissioners

Linda Whiting, Commissioner

Wayne Held, Commissioner

Board of Commissioners.

Certified by the Clerk: _____ 8/22/2018