



EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH, NEW HAMPSHIRE, 03244

Monthly Meeting of the Board of Commissioners

Emerald Lake Village District

February 15, 2018

ELVD Office, Main Street, Hillsborough NH

Present: Diane Cunningham, Chairman of 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: Brett Taber, Melissa Taber, Pat Topper, Richard Whiting, Warren Fleck, Debbie Kardaseski, Eileen Feindel, and Joseph Feindel.

Pledge of Allegiance

The regular Board of Commissioners Meeting was duly convened at approximately 6:02 pm at the ELVD office, 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. **Swearing in Jessica Vitkauskas and Zane Merva:** Christine Haynes has resigned as ELVD Treasurer. Diane Cunningham, Commissioner made a motion to accept Christine Haynes resignation of Treasurer, seconded and approved. Jessica Vitkauskas was sworn in as ELVD Treasurer. Zane Merva was unable to attend meeting but Diane Cunningham, Commissioner states he is planning on being moderator for ELVD. Wayne Held, Commissioner was sworn in at Budget Meeting.
2. **Approval of Meeting Minutes:** BOC's reviewed monthly meeting minutes dating January 11, 2018, as well as a budget workshop dating February 13, 2018. There are no changes to be made and all minutes were signed and dated. Motion was made, seconded and approved for final drafts to be posted.
3. **Finances:** Copies of Water and General Manifests were available to residents to view; along with Bill Payments for all vendors. Diane Cunningham, Commissioner made a motion to accept manifests, seconded and approved; as well as signed and dated by commissioners.
4. **New Business/Correspondence:**

Budget: Diane Cunningham, Commissioner states that the commissioners have started the budget. The board is waiting to hear back from Northpoint; as well as RCAP, so they can get going on the warrant articles for the annual meeting.

Martha Caron: ELVD paid Martha Caron's legal fees that were involved in the events after the annual meeting last year. Melissa Taber, resident asked for explanation. Diane Cunningham, Commissioner states "last year after the annual meeting, some residents alleged that Martha Caron, resident did not run the meeting the correct way as moderator, so Martha Caron had to obtain a lawyer. She was an employee of the district of the time, ELVD covered her legal fees in the amount of \$490.00, which was paid under ELVD's lawyers advice."

Mr. Druin: Linda Whiting, Commissioner states that a tree at the Meetinghouse pump house fell on Mr. Druin's property, which damaged some of his personal property. There is about \$750.00 of property damage. Mr. Druin provided pictures of the damage. Linda Whiting, Commissioner will pass on ELVD insurance information and will keep residents up to date.

David Stefanelli: New Contact was signed with David Stefanelli.
5. **Public Comment:** Debbie Kardaseski, resident asked commissioners if they were aware that the January 23rd closed workshop was illegal. Diane Cunningham, Commissioner responded in asking why it was illegal. Debbie Kardaseski, resident states that the RSA 91A states a nonpublic closed meeting with discussions with the matter of contents of, hiring, real estate property, lawsuits, emergency preparation and discussions of legal advice, that meaning none of those were in the meeting. In the law, all public bodies are required to have _____ meetings. Debbie Kardaseski, residents continues with "This is a clear violation. One member of the public just happens to be there, and he just happened to be sworn in as commissioner. Also, at this closed meeting, you made a decision to hire two companies. On the February 8th meeting, which was also illegal. Wayne Held, Commissioner states "we already hired the auditor". Debbie Kardaseski, resident states that "in the minutes that you hired municipal resources to help the district to create forms for the annual meeting, which a lot of that ELVD can get for free by the DRA and you also hired Melanson and Heath to perform the audit for the annual meeting."

Diane Cunningham, Commissioner states that “they have already been hired, as we have a contract with them”. Debbie Kardaseski, resident states “that may be, but everything discussed at the meeting should not have been nonpublic”. Diane Cunningham, Commissioner states that she discussed the meeting with the attorney before the meeting and was advised that it was ok. Debbie Kardaseski, resident states “I talked to the attorney general and its not ok. There are very specific rules for nonpublic meetings. You have a public meeting to get votes to go into a nonpublic session and the vote is written down, as to who voted and how. Then you have your nonpublic session and when you come out of your nonpublic session, you have to vote to come out of it and then you have to state the reasons on why you had a nonpublic session. You cannot have a closed meeting just because you don’t want the public to bother you. You can have a meeting, like you had last week, where the public is told that it is a work session so there will be no discussion and no questions, which is fine. The only reason that meeting was illegal was because it was never noticed.” Diane Cunningham, Commissioner states that it was noticed, as there were two signs at the mailboxes and someone stole one. The January 23 and February 8th were both posted but were stolen. Debbie Kardaseski, resident states “but you noticed a closed meeting, which is illegal”. Diane Cunningham, Commissioner states “again I spoke with the attorney and he said it was ok, so obviously we may have been misinformed”. Debbie Kardaseski, resident states “I think you need to understand that whenever the commissioners gather for a meeting, work session or whatever you want to call it, because you are a public body, it is a public meeting and I don’t understand why you are having a closed meeting”. Diane Cunningham, Commissioner states “we had a closed meeting because we wanted to start the budget and get it off right away because time is important”. Debbie Kardaseski, resident states “you don’t think the public has a right to know that you are working on the budget”. Diane Cunningham, Commissioner states “we had a budget meeting the other night and no one came”. Debbie Kardaseski, resident “because it wasn’t noticed”. Diane Cunningham, Commissioner states “yes it was, its on the mailboxes, where we always put the notices for meetings”. Debbie Kardaseski, resident asks “was it on the website?” Diane Cunningham, Commissioner states that it was not but it was noticed at two places, one at the mailboxes and the other at the beach kiosks.” Debbie Kardaseski, resident states “it seems like you have a website that counts as a public place for notices”. Diane Cunningham, Commissioner states “Dave has been out of town, so we couldn’t access the website”. Debbie Kardaseski, resident states “you can’t access your own website, that is wrong as you are paying him”. Wayne Held, Commissioner states “notices are placed in two separate areas within the district”. Debbie Kardaseski, resident states “so I have to ride around to check these out, as I go to town to get my mail and don’t go to the mailboxes”. Wayne Held, Commissioner states “you can go to the mailboxes where everything is posted and has been for years”. Debbie Kardaseski, resident states “ok well I was mistaken but I do know that under RSA 91A you had illegal meetings”. Wayne Held, Commissioner states “not according to our lawyers and if the lawyer was misinformed, then we were misinformed.” Debbie Kardaseski, resident asks “do you have a copy of the book Knowing the Territory and you commissioners need to read it, as you can get into so much trouble by doing this stuff”. Wayne Held, Commissioner states “I have read quite a bit of it”. Debbie Kardaseski, resident states “I know I am thorn in your side but there are just so many things”. Wayne Held, Commissioner states “That book is a reader’s digest version of all the RSA’s that the state has and once you read that, you need to go on computer and read the actual RSA’s which gives more detail of what the laws are”.

Debbie Kardaseski, resident states "that's why I called the attorney general". Diane Cunningham, Commissioner asks "what was your point of calling the attorney general's office?" Debbie Kardaseski, resident states "because it was an illegal meeting and I just wanted to make sure. I just couldn't fathom why a public board would even think they could do something like that and get away with it". Wayne Held, Commissioner states again "we asked our lawyer and if he was misinformed, then we were misinformed but we did clear it with him first. You can rest assure that all budget meetings have and will be posted, and the public is welcome". Debbie Kardaseski, resident states "ok, I have offered to help with that budget many times". Diane Cunningham, Commissioner states "I agree but Wayne has done budgets before and that's why Wayne is here." Debbie Kardaseski, resident states "I have done budgets before, I've done five million-dollar budgets". Diane Cunningham, Commissioner states "yes but Wayne knows the district and we will rely on Wayne right now, but I do appreciate your offer on helping." Wayne Held, Commissioner, states "you are more than welcome to attend the next budget meeting".

Melissa Taber, resident has asked if there have been anymore water leaks? Diane Cunningham, Commissioner states that there haven't been any major water leaks.

Richard Whiting, resident asked if people were supposed to be at the house on the end of Ellen Brook Road. Jessica Vitkauskas, Treasurer states "shortly after everything happened there, I was leaving the district and saw the smoke stack coming from the house, so I called the HPD and asked them and they responded that they can be there but only during the day to work on the house. Diane Cunningham, Commissioner states that if any residents have any concerns to please call the HPD.

Residents are concerned with people taking more sand than what is permitted. BOC's state this is Skippy's property and the commissioners do not have oneness to that land.

6. **Easter Egg Hunt:** Diane Cunningham, Commissioner states that Eastman beach is covered in snow but would like to do a tentative date of **March 24th**, Saturday at 10:00 a.m. at Eastman Park. BOC's are looking for volunteers to come help hide the Easter eggs, help stuff the eggs, or donate candy for the kids. Diane Cunningham, Commissioner states that the cub scouts will be helping again this year. Brett and Melissa Taber offered to help when they can for the Easter egg hunt.
7. **Annual Meeting Notices:** Wayne Held, Commissioner states that "as of now, we are scheduled to have ELVD annual meeting on Saturday **April 21st, 2018** at HDES gymnasium, which will start at 8:00 for voting, which will go to 10:00 a.m. Then the actual meeting will start again at 12:30 until residents complete voting on the warrant articles. On **April 12th, 2018** the supervisors of the checklist will be at our monthly meeting to be available to register to vote, if you are not already registered with the town. If you do need to register, please bring your drivers license, birth certificate, or passport. This will also be posted in the local newspaper. I will be posting some flyers around the district next week to make residents aware that they can apply for office, as the time-period to apply will be from **March 28th through April 13th, 2018**.

Budget Workshops: February 20, 2018, February 21st, 2018 and February 22, 2018 at ELVD office at 6:30 p.m.

8. Next Monthly Meeting:

Next Workshop Meeting is **March 7, 2018** at 6:00 p.m. at the ELVD office on Main Street, Hillsborough, NH.

Next monthly Board of Commissioners meeting is **March 15, 2018** at 6:00 p.m. at the ELVD office on Main Street, Hillsborough, NH.

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 6:52 p.m.

Diane Cunningham, Chairman of Commissioners

Linda Whiting, Commissioner

Wayne Held, Commissioner

Board of Commissioners.

Certified by the Clerk: _____ 02/20/2018