



State on New Hampshire  
Emerald Lake Village District  
2018 Annual Meeting: April 21, 2018

**PRESENT ON BEHALF OF THE DISTRICT:**

Commissioner: Diane Cunningham

Commissioner: Linda Whiting

Commissioner: Wayne Held

Treasurer: Jessica Vitkauskas

Clerk: Kim Grondin

Moderator: Zane Merva

Legal Counsel: Norman McKechnie of Upton & Hatfield

To the inhabitants of the Emerald Lake Village District, located within the Town of Hillsborough, County of Hillsborough in said State, qualified to vote in District affairs:

You are hereby notified to meet in the Hillsboro-Deering Elementary School Gym, located on Hillcat Drive, Hillsborough, NH on Saturday, the 21<sup>st</sup> day of April 2018, at eight o'clock in the forenoon. Balloting on Article One, election of officers will take place between eight o'clock and ten o'clock in the morning. Articles two through nine will begin at 12:30 p.m. at the same location.

**ANNUAL REPORT COPIES WITH ADDITIONAL HANDOUTS PROVIDED TO ALL VOTING RESIDENTS.**

Moderator Zane Merva opened the meeting at 12:31 p.m., with the pledge of allegiance along with 15 residents at the meeting to vote; along with 6 residents on the board for a total of 21 residents. Moderator Zane Merva states "Good Afternoon everybody and welcome to the ELVD annual meeting. My name is Zane Merva and I will serve you as moderator of todays process. I have been moderator of this meeting before and I have also previously been a commissioner of ELVD for two years. The local annual meeting is a wonderful tradition and I would like to thank each and every one of you for taking the time out of your weekend to be here today, as you are truly able to be able to make a difference in your neighborhood through this meeting process. I would also like to take a moment to thank our elected and appointed officials for their hard work through this last year, as keeping ELVD running is really no small task." Zane Merva, Moderator introduced the ELVD board and legal counsel and thanked them all for coming, as well as the Supervisors of Checklist. Zane Merva, Moderator states "if there is anyone who is not a voter that is present, I would ask for you to move to the side of the gym. Please if you have not done so already and are a voter, go over to the Supervisors and get a voter sticker. I would

like to remind everyone that if you are not a registered voter in ELVD, it is a misdemeanor for you to attempt to vote. Up in the front, as you come in is the district reports and warrant articles, inside contains the information that we will be discussing today. You will also find water conservation materials that DES has requested the board for you to have today. I am going to take a moment here to read through a list of rules." Diane Cunningham, Commissioner would like to make a point of order to give a simpler version of the meeting rules, seconded and approved.

#### **MEETING RULES:**

The moderator then read out loud the governing rules and procedures:

The moderator will consider each article as follows. I will announce the article number and read the text of the article. I will recognize a member of the board to move the adoption of the article, if the motion is seconded, the moderator will recognize the members of the board to explain the article, we as a group will then debate the article, I will read the full text again and then we will vote on the article. Anyone who speaks on the article, must use the microphone in the center of the room and those who wish to speak on the issues, can please make a line pass the microphone. Motion to call the question and limit debate require 2/3 vote, nonvoters may not speak unless recognized by the moderator. Everyone must be courteous and speak to the issues.

Conduct of the meeting generally will be under District Meeting Rules Section with zero tolerance of disruptive behavior. Anyone wishing to speak at the appropriate time must first be recognized by myself Moderator and shall not be interrupted by others. Only one person at a time shall speak. All comments shall be directed to the Moderator and the Board. Comments may be limited in time and scope by the Moderator if considered excessive or inappropriate.

All voting on Articles will be by hand count unless written balloting is requested in compliance with the requirements of state law (RSA 40: 4-a). All questions should be addressed to the moderator and we will try to limit the explanation of each article to ten minutes and speakers will be limited to three minutes. One article is a bond of over 100,000, which means we will be voting by secret ballot. The moderator may vote on all articles; however, I have chosen only two votes on two instances, either to break a tie or make a tie, a motion that I uphold. If this meeting is not finished by 6 o'clock, I reserve the right to recess it.

Each Warrant Article shall be introduced by a reading, followed by a motion to bring it to the floor from a Commissioner as may be seconded and moved as a body. Then a Commissioner will be asked to explain the Article as a representative sponsor, after which the Moderator may invite questions and discussion. At the conclusion of this period, the Moderator will call for a vote with the question submitted.

**Article 1.** To choose one Commissioner for a three-year term, one Commissioner for a one year term, one Moderator for a one year, one Clerk for a one year, and one Treasurer for a one year. (To be Voted on by the Official Ballot.)



Pursuant to Article 1, and under supervision of Election Officers, the voting was as follows (Total ballots 25):

**THESE RESULTS WERE ANNOUNCED.**

Commissioner for three-year term: Linda Whiting (22 votes)

Commissioner for one-year term: Wayne Held (23 votes)

Treasurer for one-year term: Jessica Vitkauskas (24 votes)

Clerk for one-year term: Kim Grondin (write in: 7 votes)

Moderator for one-year term: Zane Merva (write in: 8 votes)

**WARRANT ARTICLES:**

**Zane Merva, Moderator read aloud:**

**Article 2.** To see if the village district will vote to raise and appropriate the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) (gross budget) for upgrading and replacing aging water mains throughout Emerald Lake Village District, and to authorize the issuance of not more than FOUR HUNDRED THOUSAND DOLLARS (\$400,000) of bonds or notes through the State of New Hampshire Revolving Loan Program in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the village district officials to issue and negotiate such bonds or notes and to determine the rate of interest thereon- (Recommended by the Village District Commissioners) (Ballot vote, 2/3 majority required)

Zane Merva, Moderator asked for a motion to move the article to the floor.

Diane Cunningham, Commissioner accepted, Commissioner Linda Whiting seconded the motion.

Diane Cunningham, Commissioner states "This is the issue of the water that you know and is the revolving loan that we applied for last year, which we got but it needs to be approved by the voters to accommodate to receive the money. We also have in the annual report an alternative that WSO has come up with and I am sure we can have them speak to that."

Joe Damour, WSO states "about four to five years ago, we put together a plan of water main replacements for each street and at that point we were looking at one street a year, which will go out to 2047 or something to replace all the water mains. In 2013 we replaced the water main around the lake, Emerald Drive, Gould Pond Road, and Patten Hill, which we are looking at a 50 year life span but unfortunately the materials that they used back in those days are not of quality that they use today, so we are lucky we are getting the life that we are getting out of them. By replacing them, we are saving money over the years by fixing leaks. Back in 1992, we used to come 2, 3, 4, 5 times a week and now it is 2, 3, 4 times a month, so we have reduced that by fixing the main around the lake."

Diane Cunningham, Commissioner states "WSO has submitted to the ELVD an alternative 30-year replacement water distribution system plan that can be funded by the CIP fund. The plan will not require the engineering cost and the sequence order of the proposed water distribution replacement plan does not have to conform to the proposed schedule. However, WSO's replacement plan cost may



vary over the years due to inflation. The funding for this plan may be more equitable by raising and utilizing the ELVD water CIP fund instead of applying for multiple loans in covering engineering costs.

Wayne Held, Commissioner states "In regards to the WSO Plan, finances may be less than the 400,000 and in some cases, it may overlap. The 400,000 loan, DES has provided that it can be taken up in a 30 year pay back loan because of the different amounts that we will be paying. Also, we are paying on two loans already, the water tank loan of 700,000 will be paid on until 2026 and plus the million dollar loan to replace the infrastructure around the lake until 2033. This 400,000 loan has been put aside for us and will be a small sample of the multiple of loans that we will be needing down the road. Each time we apply for a loan, that money has to be engineered, so we are not only incurring the loan cost but the engineering cost as well. WSO states by putting some money away every year in the CIP fund, might be more economical. We just want to make you aware that not only is this loan something to consider but some of the alternatives and what we could incur. Because even if we approve this loan, we will have to apply for other ones to do some more roads. I do want to say that ELVD will also have to incur some cost to replace the Red Fox Crossing Bridge, which is slowly deteriorating and that is something we will have to consider in addition to this project as well."

Zane Merva, Moderator states "I just want everyone to know that in our annual report page 20, there are written descriptions on the explanations for voting and why these warrant articles are being presented."

Zane Merva, Moderator asks if anyone would like to speak on Article Two.

Susan Ireland, Resident states "I just want to clarify that if Article 2 gets voted no, does it automatically go to the WSO alternative". Wayne Held, Commissioner states "No but it is something to be considered. We could also put it out to bid. We are not locked into anything, but it is something to consider" Zane Merva, Commissioner states "Article 7 which is adding to the water CIP fund, so if Article 2 fails, Article 7 is an alternative way to add money to the CIP fund."

Zane Merva, Moderator closed discussion, as there are no more questions or concerns. Zane Merva, Moderator states "This is a secret ballot vote, so instead of raising hands, I am asking everyone to head over to the Supervisors and will need to have your voter sticker badge on you. The voting for Article 2 is open at 12:50 and will stay open for one hour. This article will need a 2/3 majority to pass and will close at 1:50 p.m., so in the meantime we will move onto article 3.

**Zane Merva, Moderator read aloud:**

**Article 3.** To hear the reports of the Village District Officers, Auditors, Agents, Committee or other officers heretofore chosen or appointed; or to take any other action in relation there to.

Zane Merva, Moderator asked for a motion to move the article to the floor.  
Commissioner Diane Cunningham moves to the floor, Linda Whiting seconds.

Zane Merva, Moderator asks if there is anyone who would like to speak about this article.



Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 3 Passed.

**Zane Merva, Moderator read aloud.**

**Article 4.** To see if the Village District will vote to raise and appropriate the sum of ONE HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED NINETY-FIVE DOLLARS AND NO CENTS (\$181,695.00) for the operating expenses of the district including General Government, Streets, Bridges and Recreation, Operating Transfers Out and all other current expenses of the district for 2018, not including appropriations by special warrant articles and other appropriations voted separately. (Recommended by the Village District Commissioners) Majority vote required-

Zane Merva, Moderator asked for a motion to move the article to the floor.

Commissioner Linda Whiting moves to the floor and Diane Cunningham, Commissioner seconds.

Wayne Held, Commissioner speaks to this article. "This amount is basically the same amount that we had last year, and we added a few dollars here and there due to inflation and cost of labor increases to just take care of our general funds.

Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 4 Passed.

**Zane Merva, Moderator read aloud.**

**Article 5.** To see if the Village District will vote to raise and appropriate the sum of THREE HUNDRED FORTY THOUSAND SEVEN HUNDRED SIX DOLLARS AND NO CENTS (\$340,706.00), for the purpose of operating the Water Department, including debt services, during 2018 not including appropriations by special warrant articles and other appropriations voted separately, said funds to be offset by the income to the Water Department, (Recommended by the Village District Commissioners) Majority vote required

Zane Merva, Moderator asked for a motion to move the article to the floor.

Commissioner Diane Cunningham moves to the floor and Wayne Held, Commissioner seconds.

Diane Cunningham, Commissioner speaks to the article. "This is our water budget, which is actually a little bit lower than it was last year. We have tried to keep it around the same, so we can accommodate all our needs. If this warrant article passes, it will increase the budget but right now this is how it stands."

Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 5 Passed.

**Zane Merva, Moderator read aloud.**

**Article 6.** To see if the Village District will vote to raise and appropriate the sum of THIRTYFIVE THOUSAND DOLLARS AND NO CENTS (\$35,000.00) to be added to the Roads and

Bridges Capital Reserve Fund already established. (Recommended by the Village District Commissioners)



Majority vote required

Moderator Zane Merva asked for a motion to move the article to the floor.

Diane Cunningham, Commissioner moves to the floor, Wayne Held, Commissioner seconds.

Wayne Held, Commissioner speaks to the article. "To raise the 35,000 is basically for the cost of the Red Fox Crossing Bridge and we figure if we add some money to that, it will help us get that replaced and repaired quicker, as the deterioration is continuing and within the next five to six years or sooner. We need to build up our water and bridge fund, it will help pay for the cost. We will also explore any grants that we can get to help alleviate some of the cost, but we figure that this is a top priority in the next coming years.

Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 6 Passed.

**Zane Merva, Moderator read aloud.**

**Article 7.** To see if the Village District will vote to raise and appropriate SIXTY THOUSAND DOLLARS AND NO CENTS (\$60,000.00) to be added to the Water System Capital Improvements Fund already established, for the purpose of continuing replacing mains, distribution lines and other water infrastructure, said sum to be offset by the income to the Water Department. (Recommended by the Village District Commissioners). Majority vote required.

Moderator Zane Merva asked for a motion to move the article to the floor.

Diane Cunningham, Commissioner moves to the floor, Linda Whiting, Commissioner seconds.

Wayne Held, Commissioner speaks on the article. "This article is primarily to help us get our water CIP fund up, just in case the Article 2 does not pass and to alleviate ourselves getting more loans down the road. We figure if we increase the Capital Reserve Improvement Fund, it will help pay for some of the water infrastructure. We know that it is a long haul, but we figure if we do a few streets at a time by not accumulating other loans that we get from the state and all the engineering costs, maybe this amount putting into our fund will help alleviate the expensive loan costs."

Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 7 Passed.

**Zane Merva, Moderator read aloud.**

**Article 8.** To see if the Village District will vote to raise and appropriate TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000) to repair the intersection at Hummingbird Lane and Hemlock Street and be expended by the Commissioners, (Recommended by the Village District Commissioners). Majority vote required.

Moderator Zane Merva asked for a motion to move the article to the floor.

Diane Cunningham, Commissioner moves to the floor, Wayne Held, Commissioner seconds.



Linda Whiting, Commissioner speaks on the article. "We went with the gentleman to show us what there going to do and how much they want us to pay, and we got a good price to fix it and they really need it".

Diane Cunningham, Commissioner states "Every time it rains, and I drive down Hummingbird, I see poor Warren out there shoveling a ditch in front of his house because of the water, as it goes right down into his yard and we need to do something about it. This will hopefully help Warren and I feel we should all vote for it."

Zane Merva, Moderator states to the commissioners "Am I correct that the engineering for this is completed and we just need the money to actually complete the work itself." Response was yes.

Bob Sewall, Resident states "This isn't just for Warren, as we are all out there digging ditches. Every time there is a heavy rain, the water that flows down from Hemlock and washes out the road on Hummingbird is not acceptable. Also, this will replace the culvert that runs pass the David property to another residents' property to the current culvert that goes under the road that washes into the lake and that culvert has rusted away and deteriorated over the years and right now it is flowing out of the culvert onto another residents' property and making this residents driveway unusable. If you go down Hummingbird during February and March, the water is coming out of the culvert and making the road very muddy, big tracks and is almost unpassable at times. On that side of the lake, it is eroding pretty bad and if you look at my driveway, it is a foot below the road now. I am disappointed that they are not going to level the road now, but I understand why."

Martha Caron, Resident states "in addition, I have personally witnessed that when there is a heavy rain, all the dirt, mud, and sand goes down the driveway and into the lake and we will have a DES problem, if this is not fixed."

Warren Fleck, Resident states "Like Bob said, the issue affects all of us and actually today my neighbor who is not here today because it is her second home, so she cannot vote but she was actually shoveling sand in her backyard because it has built up so much in front of her fence that she is afraid that her dog will jump over the fence, so this is a constant maintenance issue for many of us once you hit Hemlock right down to the Hummingbird Beach."

Susan Ireland, Resident asks what the fix is going to be. Diane Cunningham, Commissioner states "They are going to do the culvert where the roads meet and clean it all out all the way on the opposite side and then go underground next to Bob's property and go out into the lake, which we have all the DES permits to be able to do this".

Moderator Zane Merva closed discussion, as there are no questions or concerns and restated the article.

Article 8 Passed.

**Zane Merva, Moderator read aloud.**

**Article 9.** To transact any other business that may legally come before the Village District Meeting.



No vote needed for this article

Article 9 Passed.

Zane Merva, Moderator states "we are at a point where we have completed all the major warrant articles; however, Article 2 is still open for another 40 minutes". Zane Merva, Moderator asks legal counsel if we must go for the full hour and was advised Yes. Zane Merva, Moderator states that everyone is welcomed to wait the 40 minutes until the results are announced.

Diane Cunningham, Commissioner made a motion to recess for 40 minutes until 1:50 p.m., seconded and approved.

Zane Merva, Moderator announces at 1:50 p.m., "we are coming back from recess and announce the results of Article 2 voting. With nine yes votes and eleven no votes, Article 2 Fails.

#### **CLOSING**


The Commissioners reported they had no further remarks to make.

A Motion to adjourn the 2018 Annual Meeting of the Emerald Lake Village District was made by the Commissioners at 1:52 p.m. and approved

Given under our hands and seal this 21<sup>st</sup> day of April 2018.

Respectfully submitted by

District Clerk Kim Grondin

A handwritten signature in black ink, appearing to read "Kim Grondin", is written over the typed name of the District Clerk.