



**EMERALD LAKE VILLAGE DISTRICT**  
HILLSBOROUGH, NEW HAMPSHIRE, 03244

**Monthly Meeting of the Board of Commissioners**

Emerald Lake Village District

**March 14, 2019**

ELVD Office, 147 Main Street, Hillsborough NH 03244

Present: Diane Cunningham, Chairman of the Commissioners (in person)  
Linda Whiting, Commissioner (in person)  
Debbie Kardaseski, Commissioner (in person)  
Jessica Vitkauskas, Treasurer (in person)  
Kim Grondin, Clerk (in person)  
Eileen Feindel, Office Manager (in person)

ELVD Residents: Patricia Topper, Brett Taber, Melissa Taber, Carolyn Renken, Erika Folliard, Joseph Feindel, Richard Whiting, Keith Huber, and Christopher Berg (non-resident)

The regular Board of Commissioners Meeting was duly convened at approximately 6:07 p.m., at the ELVD office as noticed, with a quorum of three out of three in attendance.

- 1. Approval of Meeting Minutes:** Kim Grondin, Clerk presented the workshop meeting minutes dating March 7, 2019. Debbie Kardaseski, Commissioner made a motion to accept the meeting minutes, seconded and approved. Kim Grondin, Clerk turned in all microcassette tapes from prior workshop and BOC's meetings to be stored at the ELVD office.
- 2. Finances:** Jessica Vitkauskas, Treasurer needed to clarify with Linda Whiting, Commissioner on why ELVD was being charged twice for the shipping cost from ULINE, which was confirmed that yes ELVD was going to pay two shipping charges; due to reordering. Jessica Vitkauskas, Treasurer states a resident had a question about ELVD financial report about purchasing wing-brackets, when we have plenty in storage. Joe Feindel, resident states he did not know ELVD had a supply of them. Brett Taber, resident states there is a bunch of arms and clamps and other miscellaneous hardware in storage. Melissa Taber, resident states when it gets a little nicer out, she would like to do an inventory of everything in storage. Jessica Vitkauskas, Treasurer states there has been no huge spending this month, with no new deposits in the CIP account, with the general being \$6,692.92 and water equaling to \$11,054.19. Diane Cunningham, Commissioner made a motion to accept the financial reports, seconded and approved.

3. **Wright Pierce/Christopher Berg:** Diane Cunningham, Commissioner had some questions for Christopher Berg, Wright Pierce pertaining to the Asset Management Grant paperwork on where to obtain these documents. Christopher Berg was able to answer these questions and where to retrieve the documents needed. Brett Taber, resident asks “what type of services, programs, items etc. are we allowed to use this for?” Christopher Berg responds “the Asset Management Grant Program is related to water and is a matching grant. DES has really good documentation about what it can be used for such as master plan (inaudible due to commissioners ruffling papers).” Brett Taber, resident states “as this is a matching grant, what are the services provided that we can use, is there some type of hourly rate?” Christopher Berg responds “so the district will be providing these services as a match, there is a rate schedule for volunteers that are associated with that. The district is going to use WSO as a matching effort to include their invoices. If they are looking to do more than \$20,000 worth of work with Wright Pierce and that would be the match to the \$20,000”. Brett Taber, resident asks “so the state has the rate schedule with the examples?” Christopher Berg responds “yes”. Debbie Kardaseski, Commissioner states “it is my understanding that we have to guarantee that \$20,000 at the Annual Meeting to move forward?” Christopher Berg responds “yes.” Brett Taber, resident asks “is there other programs or grants available that the district can look into?” Christopher Berg states “from a construction and planning perspective, the district can look into the SRF program which is Drinking Water Asset Program and the Drinking Water Ground Water Trust Fund, these are coming out for capital projects. I strongly recommend looking into both but definitely the Drinking Water Trust Fund because the restrictions from a federal perspective are a lot less. The district may be eligible USDA Rural Development Fund but that is quite a process, but these are all avenues that the district can look into.” Brett Taber, resident asks “are those loan based or matching grants?” Christopher Berg responds “SRF is loan based with principal forgiveness depending on household income of the community. The Drinking Water Trust Fund is both a loan and grant.” Commissioners thanked Christopher Berg for attending the ELVD meeting.
4. **Old Business:** Diane Cunningham, Commissioner states a discussion on the residents that own property on Rabbit Path needs to be had. Residents have a foundation; as well as septic and leech field already in place but need water hookup. Commissioners reviewed the ELVD lawyers’ suggestions on the matter; as well as read out loud to the residents. Debbie Kardaseski, Commissioner made motion to deny the property at Rabbit Path for water hookup. Brett Taber, resident states “for denying the claim, the lawyer is suggesting you have to come up with whatever rules and reasons on why you are denying this application. Whether approved or not, when challenged, our working relationship with WSO, where we have (to my knowledge) no in place binding contract that we have the ability to hold them to any work requirements, time constraints, or anything else, so any water leaks that we have, which we lose water volume than with any household use, a day, two days, three weeks that a leak goes on and we have no recourse to go back on to them, cut our expenses and loses, and then by not challenging them but we are withholding residents that we have rules in place that would allow them proper hookups. So, I am just saying that you have that issue before you fully deny access to a claim, where the only permit requirement is to meet all the state requirements and pay the \$10,000 fee, which also goes to supporting our water budget. I am just offering this advice”. Erica Folliard, resident states “I would just like to add that I called WSO a week ago when the water line in front of my house on Winter Rd blew, and it took them several hours to address the fact and that’s ok? Where is their liability when thousands of gallons leaked and my whole road was flooding and nobody did anything, so I can’t call anyone in the district?” Debbie Kardaseski, Commissioner states “if you call the office, the phone gets forwarded to one of the commissioners”. Erica Folliard, resident states “I did and got the answering machine, which does me no good when my road is flooding. I also called WSO, but they don’t open till 9:00 a.m., and its 5:30 a.m. and it leaked all day, so I agree with him (Brett Taber, resident), who is being accountable?” Debbie Kardaseski, Commissioner states “the other thing that you need to look at is, we are not the only water precinct that WSO handles. If there is another town that has a ginormous leak and they are addressing that, and we have one that is smaller” (interrupted).

Melissa Taber, resident states “the Red Fox leak has been going on for two and half weeks now, so they have a burst somewhere else and ours isn’t fixed? I don’t care if it’s a small leak or a big leak, it still needs to be repaired in a timely manner because of our water issue.” Debbie Kardaseski, Commissioner states “the whole thing has not been put out to bid in years and I think it is time to put it out to bid, so if nothing else, WSO is forced to sharpen their pencils and give ELVD a contract. We have asked them for one this year and it was not forthcoming, we are up against the wall with the budget”. Melissa Taber, resident states “I think the residents here need to start putting their foot down and calling WSO and telling them the issues are ridiculous”. Brett Taber, resident states “I realize that your hands are tied because it is an outside company that you are relying on and I fully understand that but if they don’t have adequate labor or resources to support the jobs that they maintain, that is a negligence on their part, simply because of all the other limitation and requirements of protecting the water and everything else. If they can’t do it because they don’t have enough time, well guess what, they have to do overtime and weekends at a straight time rate because that is what they said they were going to do, not oh now somebody else now somebody else, that is unreasonable in my opinion. I understand your limitations where you talk to them and whether you get a response or if you don’t. I understand the past, you have asked them to come to meetings and they don’t respond, so to that point, whether there is another company that we can reach out to, to take bids from, we need to do something. We have to follow the rules and not just reject because we are actually shooting ourselves in the foot by impacting the volume of water that is available, just my point.” Debbie Kardaseski, Commissioner states “the flip side of this is that we know for a fact that we are producing 10,000 gallons a day less than what DES is telling us we need and that doesn’t consider these big leaks, which we have no control over. Given the fact that the system is old, full of leaks, that is going to do nothing but get worse because the system is not getting any younger, I personally would have a hard time telling someone, sure we will take your \$10,000 and have a water hookup but we are 10,000 a day short. I personally am a little ticked off that I cannot wash my car at home, but I don’t because of the shortage. Why would we in good conscience let another person hook up”? Ericka Folliard, resident states “because a lot of those homes down there are seasonal and no body is ever there, so those are hooked into the water but not using it”. Debbie Kardaseski, Commissioner states “unfortunately DES doesn’t take those into account and that is the problem we run into.” Erika Folliard, resident states “I am going to make a phone call to the town and have some of these poor people that have invested thousands of dollars into some of these lots that are not allowed to enjoy what they have purchased down there and to have reassessments done across the board and I don’t know if that is really to the benefit of the district because if they come in and reassess and a lot of those property values are now actually worth nothing, then what good is that going to do the district”. Debbie Kardaseski, Commissioner responds “doesn’t do us any good because all our taxes will go up”. Erika Folliard, resident states “it is not fair to these poor people that are paying taxes on something they cannot use. I have lived in this district for a really long time and it doesn’t seem to get any better but by taking advantage of people that have bought lots down there, understanding that at the time they purchased that they were allowed to buy in and now can’t, shouldn’t be punished, that’s all I’m saying. I think it is a shame. I understand it because I live it but at the same time, it is an unfair situation for some of these people that were allowed by the town to have permits to put in foundations and septic’s to now not able to ever use it, it doesn’t make sense, why would anyone ever do that. It is what it is, and we are in trouble down there.” Debbie Kardaseski, Commissioner responds “I understand both sides of this but I’m just not comfortable”. Diane Cunningham, Commissioner states “if we allow that person, then we are opening a can of worms”. Erika Folliard, resident responds “the town is not giving permits for septic’s or building anymore down there and that’s the whole thing, so it wont open a can of worms because its not allowed to happen anymore. There are only five lots down there that have water hookup available with no structure on them. So, when those five get hooked up and actually start using their water, there is five more down there that are allowed to tap in, so the town is not allowing any more building.” Diane Cunningham, Commissioner states “that is not what they told us”. Erika Folliard, resident responds “how can they give building permits if you guys don’t allow them to have water.

Do we not see that is fraudulent? If you give me a building permit and I go put in a foundation, and you guys tell me that I cannot have water, I am going to file the biggest lawsuit that you have ever seen in your life.” Diane Cunningham, Commissioner states “a little over a year ago, we sent the town a letter stating we do not want them to issue anymore building permits and their response was that we cannot tell them they cannot do that.” Erika Folliard, resident responds “I am telling you, if it was me, I would file the biggest lawsuit in the world, if I am allowed to build and you do not allow me to tap into the water. I don’t know how difficult that is to understand. You call the town and tell them that they cannot give building permits because we are not allowing any water hookups.” Brett Taber, resident asks “whether it is WSO or DES providing these numbers for usage and water being processed, how is it that we are negative 10,000, wouldn’t the tank be dry in less than a week, and that doesn’t happen, so I am trying to understand because the math doesn’t add up. If we are producing 10,000 gallons a day less than what we consume every single day, in one week that storage tank would be empty and it’s not, so I am just trying to understand.” Diane Cunningham, Commissioner responds “that was the numbers I was given.” Brett Taber, resident states “I understand that but similar to, I saw some posts this week with different leaks and simply math, gallons per minute and in a half hour time, we went from 3000 gallons up to 20000 gallons, historically big businesses will throw out those big numbers without any real math behind them, just to get peoples attention. Whether there is any fact to it or not, I don’t know at this point because I don’t know what the gallon per minute our pumps run, I am trying to learn some of that information so that I can maybe provide some feedback to you guys on research for any upcoming opportunities but again just the simple math is, if we are losing 10000 gallons a day, in a week the tank would be empty and that has not happened in the last three years, so something is not right.” Debbie Kardaseski, Commissioner responds “I have questioned those numbers right from the beginning. I, at this point, cancel the motion and would like to take this under advisement and do some more research before making a decision. I don’t feel we have all the information we need. Whether or not Hillsboro is supposedly not allowing building permits, as that is the first, I have heard about it and would like to find out for sure. I also want to talk to the people at DES because I don’t want them to come in here, if we give a water permit and they give us another notice of violation.” Residents express the commissioners need to go to the town and demand no more building permits because ELVD is looking at getting sued. Diane Cunningham, Commissioner made a motion that a decision be put on hold until commissioners can obtain more information, seconded and approved. Debbie Kardaseski, Commissioner apologizes that it does not solve the issue with Rabbit Path.

Debbie Kardaseski, Commissioner states “just as an FYI to residents, Dave Stefanelli (webmaster) will continue to maintain the website but we still need to talk to him about updating the site”.

5. **New Business:** Diane Cunningham, Commissioner states a new agreement needs to be signed with Melanson & Heath Accountants (auditors). Diane Cunningham, Commissioner made a motion to sign the new agreement, seconded and approved.

Keith Huber, resident states “in the minutes of the BOC’s meeting of Sept 2018, there were statements made regarding clearance for a driveway, camping permit, RV, septic and water. I have since learned that all you need is an outbuilding permit, which is nothing, with keeping the structure under 200 sq. ft, have a door that leads directly to the outside or a window of 5.7 sq. ft or greater and a smoke detector and you can sleep in that. Since we don’t allow tent camping and I don’t know how that came about but I am curious if we can go to Justin(Lawyer) or come up with something, so all these supposedly unbuildable lots don’t turn into a series of “shanty town”; further devaluing our property and decreasing the market ability of it?” Erika Folliard, resident states “in order to get a 90-day camping permit down here, they have to show the town where their gray water is being disposed of. That is what the town told me, as far as camping goes.

If you look online and see all these spots down here, all these real-estate agents are telling all these people they can buy down here and camp for 90-days with a permit as long as they show where their gray water is being disposed of.” Melissa Taber, resident states “I think we need to get in touch with the town and have a sit-down meeting about who is saying what, who is giving this, and who is doing this. It is all in shambles.” Keith Huber, resident continues “since somehow ELVD has prohibited camping” (interrupted) Debbie Kardaseski, Commissioner states “it is prohibited on the lots that ELVD owns only.” Keith Huber, resident states “that was not in the meeting minutes”. Diane Cunningham, Commissioner states “we did not find that out till after”. Debbie Kardaseski, Commissioner states “we are only a village district and all residents of Hillsboro. The only things that we are responsible for, as district commissioners, is the roads, water and beaches, which is why the village district was formed. Everything else to include fire, police, building permits, zoning, etc. all comes under the Town of Hillsboro because we are Hillsboro residents, not a separate town.” Keith Huber, resident states “there are communities around the state that can prohibit occupancy based on age, what tile you can put on your roof, what color you can paint your house.” Debbie Kardaseski, Commissioner states “that is a homeowners association, which is a totally different animal.” Keith Huber, resident responds “ok if that is what it is, then that is what it is.” Debbie Kardaseski, Commissioner states “the thing is, I just became the commissioner on December 1<sup>st</sup>, and only have lived in the district since May of 2017 (Keith Huber, resident thanked her for stepping up) and in the past, this village district has not had a good relationship with the town and I would really like to see that change. For those of you that don’t know, I was a Selectman in the Town of Loudon for six years and dealt with NH Motor Speedway and the stuff that you are dealing with here is chump-change compared to what I was dealing with there. We had a four-million-dollar budget in Loudon and took us maybe two days to put it together. Because of the way everything has been run here over the last three years, we have so many hours into this budget and it’s unbelievable and it’s because there is an awful lot of animosity and personal agendas. The bottom line is what is best for this Village District and part of what is best is to get along with the Town of Hillsboro and there is no reason we can’t. We must approach them. I have talked and met with plenty of people in the office and they have been great to deal with, but I don’t go in there on a rant.” Erika Folliard, resident states “another problem is if you call the town every single day, you get a different answer on the same question. It is my job to call them and I never get the same answer. They are not on the same page and need to step up, do research and be more thorough before they tell us different answers.” Resident had asked about Laura Buono, Town Administrator attending another ELVD meeting. Debbie Kardaseski, Commissioner responds “we need to go to the Selectman’s Meeting. If you think about it, that who is really running the town. The Administrator dots the I’s and crosses the T’s to make sure they are doing things right in a timely manner, but the decisions are made by the Selectman’s, so that is who we need to meet with.”

Resident mentioned a leak that is on Hummingbird Lane that continues to fill her septic. Debbie Kardaseski, Commissioner states that she asked WSO about the “glacier” on Hummingbird and was told that is a leak, we know about it, and Skippy is going to get over there and fix it. The leak is from the enclosure where the well is. Linda Whiting, Commissioner will contact Joe Damour, WSO regarding fixing this leak. Melissa Taber, resident states “this is ridiculous, and they should be held accountable”.

Debbie Kardaseski, Commissioner states the landlord wants us to put our security deposit for this office in an account by itself but because there has been no activity on the account, the bank has now started to charge us \$5.00 a month. After some discussion, Jessica Vitkauskas, Treasurer is going to contact the landlord to discuss the matter and will get back to residents.

Melissa Taber, resident asks the commissioners if they have obtained the list from WSO on a count of water hookups that ELVD has. Linda Whiting, Commissioner states "I don't think they have one." Eileen Feindel, Office Manager states she has a list containing the information and will have it for the next meeting.

Melissa Taber, resident is asking for follow-up on the house leak on Autumn Rd and would like to know if they ever received a fine for that? Diane Cunningham, Commissioner states the water has been shut off and no one lives there but will investigate who owns the home whether it is the resident or the bank and will get the fine out. Commissioners will keep residents posted.

Melissa Taber, resident states "you say that WSO knows when there is an increase when there is a leak, so why aren't they notifying us, when they see a big increase in the water?" Debbie Kardaseski, Commissioner states "I don't know, and I think the problem is they have just gotten away with doing whatever they want to do for so long". After much discussion, it is found the Commissioners agree that they need Joe Damour, WSO back in to attend a meeting. Diane Cunningham, Commissioner will contact Joe Damour, WSO to attend a meeting.

Melissa Taber, resident states "on the Rules and Regulation has no dates, so we don't know when these were started or changed etc." Debbie Kardaseski, Commissioner states "a lot of those was when Wayne Held (former commissioner and resident) took it upon himself to come out with all these policies and procedure and there are no dates or public input on them, and I don't feel that is right". Debbie Kardaseski, Commissioner states "we can look to see when they were uploaded and go from there, I will call Dave (webmaster) to confirm".

Debbie Kardaseski, Commissioner states "I have spoken with Stephanie Desrosiers from DRA (she approves and disapproves the warrant articles) and she will come out to meet with us, so I need a couple dates that work for all three commissioners. We have to do it rather quickly because we have the budget hearing on the 25<sup>th</sup>." Commissioners are clear to meet with her on next Wednesday and Debbie Kardaseski, Commissioner will call her to see if she is available on this date. Jessica Vitkauskas, Treasurer will also try to attend the meeting.

Brett Taber, resident asks "has anyone been able to find out if the state had approved and/or granted our extension for the metering, as nothing has been said about it and furthermore, we need a plan for that process?" Commissioners state they do not know if it was filed and/or if it was approved. Brett Taber, resident would like to know what the status is of this extension request; as well as what the plan is moving forward to implement that process? Commissioners state that they will ask Joe Damour, WSO to attend the next meeting, as they do not have those answers.

Commissioners are still looking for a moderator for the upcoming Annual Meeting and are asking residents to please step up and contact them for the position.

#### **6. Upcoming Meeting:**

Next BOC's Meeting is **April 11, 2019** at ELVD Office at **6:00 p.m.**

Next Workshop Meeting is **April 3, 2019** at ELVD Office at **6:00 p.m.**

Budget Hearing Meeting is **March 25, 2019** at ELVD Office at **6:00 p.m.**

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

**Adjourned at 7:36 p.m.**

**Diane Cunningham, Chairman of Commissioners**

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**Linda Whiting, Commissioner**

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**Debbie Kardaseski, Commissioner**

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**Board of Commissioners.**

**Certified by the Clerk: \_\_\_\_\_ 3/18/19**