



Emerald Lake Village District

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AGENDA

ELVD Public Hearing and workshop meeting

Saturday June 27, 2020 @ 10:00 AM

Location: ELVD office and online meeting via GO TO Meetings

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Attendees

Brett Taber, *Commissioner (In Person)*

Sara Auger, *Commissioner (In Person)*

Debbie Kardaseski, *Treasurer (In Person)*

Rick Rose, *Clerk (In Person)*

Eileen Feindel, *Office Manager (In Person)*

Residents

Melissa Taber, Joseph Feindel, Chris Reed, Greg Klos (remotely), Erika Folliard, Joanne Staples (remotely), Matthew and Bethany Stewart.

Meeting called to order by Commissioner Taber at 10am.

o Pledge of Allegiance

- Roll Call & Quorum of Commissioners – validate online forum rules are followed.
- Review need / options for future Annual meeting date needs under revised Governor Emergency order #12 Pursuant to Executive order 2020-04 – Temporary modifications of public access to meetings under RSA91-A and Emergency order #23

Open meeting to address public hearing relative to Warrant article 1 for Special meeting to be held on July 8, 2020: To the inhabitants of the ELVD in the State of NH qualified to vote in district affairs you are hereby notified that the ELVD will hold a special meeting of the qualified voters on July 8, 2020 at the district offices at 147 West Main Street in Hillsboro NH at 6:00pm to consider proposed Article One to Cure Procedural Defects pursuant to RSA 31:5-B. It is anticipated that the district meeting will deliberate and vote on proposed Article One during the special meeting using procedures similar adopted at Annual Meeting held on June 6, 2020. An online virtual session followed by a ballot vote, thereafter. The commissioners anticipate the ballot voting will occur at the district office from 7-8 pm, but the date/time/manner could change at the meeting. Notice is also hereby provided that a public hearing will be held at the district office June 27, 2020 at 10am in order to provide information and consider comments concerning Article One pursuant to RSA 31:5-B. Due to public health concerns, the district commissioners encourage online participation during this special meeting.

- Discuss items in body of warrant for special meeting:

~ **Article 1.** To see if the District will vote, pursuant to RSA 31:5-b, to cure all procedural defects and to legalize and ratify the actions taken by the District at its Annual Meeting of June 6 and 7, 2020 to approve Warrant Articles 3 to 13 raising and appropriating funds and electing officers for the District. Said Warrant Articles included two bond articles: Article 3 which raised and appropriated the sum of \$357,000 for the purpose of replacing the Red Fox Crossing culvert, with \$220,000 of such sum to come from the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33; and Article 4 which raised and appropriated the sum of \$350,000 for the purpose of researching and obtaining a new water source and water infrastructure upgrades, with \$275,000 of such sum to come from the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33.

However, due to public health concerns which led to the Executive Orders issued by the Governor, the District did not comply with the procedural requirements set forth below, which therefore requires a vote, at a Special Meeting to cure procedural defects set forth below.

a. The District held its meeting on June 6, 2020, which meeting was continued to and adjourned on June 7, 2020 when RSA 52:12 requires that a District Annual Meeting "shall be held between January 1 and May 1 of each year." (due to Covid restrictions) b. The District continued its Annual Meeting to Sunday June 7, 2020 (the district's intent was not to disrupt the residents and their availability), for voting on unofficial ballots when RSA 39:14 provides that "[w]henver any adjournment of any town meeting shall fall upon a Sunday, it shall be held on the next secular day thereafter." c. The District used a single combined ballot box (to keep the procedure and any traffic concerns to a minimum) for voting on all warrant articles when RSA 33:8-a, II, provides that: "A separate ballot box shall be provided for each bond article to be voted upon." d. The District's notice of bond and budget hearings did not include a "helpline" mechanism for the public (this was posted on the website and kicks but not on the actual advertisement) to alert the Commissioners during the meeting if there were problems with access as required by the Governor's Executive Order #12.

Approval of this article will ratify the procedures used and the results of the District's voting using an unofficial ballot on June 7, 2020. Should this article not pass, such a vote will not rescind the procedures used or the results of the District's voting or the original bond authorizations. *Recommended by the Board of Commissioners* (Two-thirds (2/3) ballot vote required to cure procedural defects for Articles 3 and 4.) Signed on June 23, 2020 by the

commissioners.

- Open discussion with residents:

~ The board has/had consulted with legal many times during this process. At the onset with Covid 19, where the district couldn't hold meetings when an excess of 10 people were not permitted, this also included the Annual meeting. The district kept making efforts to put off the date of the Annual Meeting and still be within a particular timeline. But, the governor kept extending those orders. In trying to maintain the timeline for obtaining financing for our projects, we consulted with legal and developed the online approach and drive-by voting knowing that we would have some procedural defects. It made sense with legal and bond counsel that whether we had one or more elements that would need to be corrected, we would correct them all at once.

~ The timing of the June 6th/7th proceedings is one element of the need for this special meeting. The manner for which the ballot votes occurred is another element and also having the voting on a Sunday. Everyone is entitled to vote, but it is not required to vote on this procedure to cure defects. All the votes that occurred on June 6/7 still stand no matter if this procedural defect fails. One thing Commissioner Taber wanted everyone to understand was that if this fails it directly impacts the 2 bond votes. The Bond Counsel would not be able to approve, but doesn't restrict the district from obtaining financing for those 2 projects. We would need to obtain direct financing through a bank/s and current interest rates are 1-2% higher than the NH Municipal Bond Bank rates.

~ Voting on this (July 8th) will be the same set-up we had for the Annual Meeting, the drive-by set-up.

~ No further discussion was presented, Commissioner Taber closed the public hearing portion of the meeting.

Old Business

- CCR and communication letter draft status: This went out Friday, June 26th.
- Funding choice for BAN (Bond Anticipation Note) and needs: Commissioner Taber is currently working on compiling documents for bond counsel for their sign off. Right now the interest rate is at 1.25-2% from the NH Municipal Bond Bank. Financing could be completed by the end of July. Commissioner Taber made the motion to seek out a note through the NH Municipal Bond Bank at their best interest rate. Commissioner Auger and Taber both responded yes to the vote, motion passed. The district tax rate is not adjusted until/after the Fall. Right now we are still at \$3.71 per thousand. During the Annual Meeting, the board anticipated a \$0.45 (estimate) per thousand drop.
- DRA form status: This has been completed.
- Discussion on Water Ban and water shortage updates: This week the district had to truck (24 trucks) in water due to the extensive drop in the water tank level. This cost the district approximately \$10K. Just this morning, a water leak was reported at the 24 Autumn Rd area and during the meeting was informed that it had been fixed. Aquamen had been notified and was on-site for repairs today. Some residents have inquired as to where the water is/was going. Commissioner Taber's response was that historically (as far back as 2003) the usage rate goes up in the Summer months, the leaks (Aquamen are starting to do spoke acoustic

testing on Emerald near the lake), we have lost another well and are down to only 6 wells but maintaining about the same pump rate (65K-70K gallons per day) but consumption can be as high as 100K gallons per day, the addition of any violations (pressure-washing, washing cars, watering vegetation that's not permitted and the filling of pools).

- o Violations discussion: The board is not intentionally seeking violators. The board usually finds out from someone reporting the offense. The board is just beginning to research a means of handling violations. No invoices or fines have been sent out, to date. Commissioner Taber has spoken to 2 residents suspected of being in violation. If you have a private well or are using lake water, it is encouraged you post proper signage.
 - o To check to see if your toilet (100s of gallons a day can be lost) is leaking, there is a simple test you can do. It is a color drop test. Place 15 drops of any food coloring in the tank and wait 15 minutes and if that color appears in the bowl, you need to replace the flapper. Replacement of this is around \$10. Older toilets can hold gallons of water and subsequently, can lose that much with each flush. The district is looking into this for funding to the residents as a water conservation method.
 - o POOLS and SPAS/HOT TUBS! We have no issue of residents having these items. **But**, it is **illegal** to use ELVD water (including hoses for pressure washing and the washing of cars) and fill pools (any pools) or spas/hot tubs. Those violating this will be fined. There has been a WATER BAN for MANY years and the filling of ANY pools/spas/hot tubs is a violation, unless you pay for the water from an outside source or use a private well. Ignorance of "not knowing" about the water ban will not be accepted. There are signs everywhere including at the entrance to the ELVD. The CCR (Consumer Confidence Report) just mailed to all residents speaks to the water ban and the fines associated for those violating the ban. It is the RESPONSIBILITY of EVERY RESIDENT to know the rules and regulations of the district. The board is considering turning off the water to those violating this ban, as well. Bottom line: if you do not want to see hefty increases to your water bills...**CONSERVE** and follow the rules and regulations.
 - o Tenants living on 5 Melody Lane were at the meeting due to them being contacted about violating this water ban (which they did) by filling up a pool. Even though they are not responsible for the fine (the landlord is and they have been contacted) they have taken full responsibility for the filling of the pool. Reason cited for the filling of the pool was a medical condition of their son. Although the board sympathized with their reasoning, it is still against the rules and regulations to fill any pool. The board's responsibility is to, overall, support the entire district's residents and to allow some residents to violate the rules and regulations is **not** protecting the majority of the residents who do follow the rules. There is no "entitlement" when you live in a residential district such as the ELVD. The board will be finalizing a "fine" sheet outlining the fines when/if you violate the water ban.
- Update on 5 Rabbit Path: Follow-up from a conversation with legal, there will be a completion of an updated application because of the board's prior agreement to issue the water hook-up fee and honor that, once again. The permit will be valid for 6 months (from date of issue) with no extensions and will not be transferable. Commissioner Taber made the motion to accept legal advice and to contact the applicant to submit an updated application and issue an updated permit. Commissioners Auger and Taber responded yes, motion passed.

New Business

- Open positions: This past Thursday we received a resignation letter from Commissioner Mark Martin advising that at this time he doesn't feel he can support the board. His resignation is effective June 25, 2020. He will, however, still support the district in any other manner he can.

Commissioner Taber made the motion to accept his resignation. Commissioners Auger and Taber responded yes, motion passed.

~Therefore, the board has an open position for a commissioner and will also have positions open for both a moderator (the write-in on the ballot has chosen not to accept the position) and a treasurer (relocating out of the district), in the near future. We will be advertising for these positions and will allow until the end of July for those who may be interested.

- Roadside debris on Deerpoint: For those who don't know, it's free to dispose of scrap metal at the Recycling Center. However, the item left on Deerpoint is a freezer and since it has freon there'd be a \$15 fee. If you're not selling items, please dispose of your trash on your own and if you're giving it away for "free" then keep it on your own property.
- Commissioner Taber made a motion to reimburse the district's funds by taking \$8457 from the water Capital Reserve Fund for the replacement of pump/parts for well #8. Commissioners Auger and Taber responded yes, motion passed.
- Commissioner Taber contacted Worksafe Traffic Control Industries for a quote for street signs. Stop signs are approximately \$50 and posts are \$30 and brackets are \$7-\$15. Commissioner Taber made a motion to purchase some (4) posts/signs. Commissioners Auger and Taber responded yes, motion passed.
- Working with Aquamen for July/August projects: purchase of transducers and equipment, the Turtle Bridge zone meter purchased/installed and the media replacement and removal. The Spring street zone meter will be checked to see if it needs to be either repaired or replaced.
- Wells #6 and #9 are dry wells. Therefore, currently out of service.
- WSO just completed the Meetinghouse well meter that's been down since January and is now working and checks will be made to make sure it continues to work properly.
- Adjournment of meeting: Commissioner Taber made a motion to adjourn the meeting. Commissioner Auger and Taber responded yes, motion passed. Meeting was adjourned at 12:25pm.

*Meetings will be held primarily in the office while supported online via usage of GOTO meetings as posted on the website; as Emergency orders become relaxed, meetings will resume to be held at District Office, 147 W. Main St. Hillsboro, NH unless otherwise noted.

The Agenda is subject to change at the Commissioner's discretion up to and during the meeting

Regards,

Rick Rose, *ELVD Clerk*

Approved by:

Brett Taber, *Commissioner (Chair)*

Sara Auger, *Commissioner*

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