



August 5, 2005 Meeting Minutes

The meeting was called to order at 6:00 pm with Commissioner Joseph Statkus and Chairman Raymond Stankunas present.

The Board reviewed the MS-32 filing to be submitted to the NH Department of Revenue Administration. Commissioner Statkus motioned to approve MS-32, seconded by Chairman Stankunas, approved by 2-0 vote.

A resident asked what the MS-32 was about and Chairman Stankunas explained that it was the form the District uses to report to DRA the actual appropriations voted on at Annual Meeting. A resident asked if they could also see the MS-32 and Chairman Stankunas explained they could but would have to obtain it at the District office.

Chairman Stankunas updated the Board on the NH Lakes Association project. He advised that program Lake Hosts have caught 23 "saves" throughout the State of New Hampshire. He advised that one of the District's Lake Hosts had found Purple Loosestrife, an invasive plant species that grows along the shorelines and marsh lands.

The Board reviewed a final draft of the Use Agreement with Gould Pond Family Club.

Water and Driveway Permits:

Gregory Gualtiere, Lot Lot 14-96, Deerpoint Drive: Chairman Stankunas motioned to approve water and driveway permits on condition that a culvert and ditch line are installed, seconded by Commissioner Statkus, approved by 2-0 vote.

Michael Barnard: Commissioner Statkus motioned to deny permits until the permit application fees are paid. Chairman Stankunas advised he had been approached to due the septic work at this site and abstained from voting. No action was taken on these permits.

A resident inquired whether the Barnard permits will be put off until the next meeting. Chairman Stankunas advised that potentially they will not be reviewed again until the next meeting.

A resident asked why Dick Adams was not present at the meeting. Chairman Stankunas advised that he did not know but that the meeting will still continue with two commissioners present.

The Minutes of 4/15, 7/15, 6/3 and 6/18, and Non-Public Minutes of 7/1 and 6/18 were reviewed and approved by motion of Commissioner Statkus, seconded by Chairman Stankunas, approved by 2-0 vote.

Chairman Stankunas motioned to unseal the Non-Public Minutes of 3/4, 3/18 and 4/1, seconded by Commissioner Statkus, approved by 2-0 vote.

A resident asked the Board to read aloud the unsealed Non-Public Minutes. Chairman Stankunas advised the Minutes would not be read in entirety and are available through the proper channels. Chairman Stankunas offered an overview of the Minutes and explained they were regarding the sale of an Alpine Way lot to the Lemays and the acquisition of property within the Hummingbird well sanitary radius.

The Board approved the payment manifest of 8/5 upon motion of Commissioner Statkus, seconded by Chairman Stankunas, approved by 2-0 vote.

A resident asked if they could see the payroll information on the Payment Manifest. Chairman Stankunas explained that some portions of payroll information were not public in accordance with RSA 91-A.

A resident asked what types of issues were non-public. Chairman Stankunas explained and used the most recent unsealed Minutes as an example, namely the acquisition of land for the Hummingbird well sanitary radius. He explained that had the negotiations been public, someone else might have attempted to make a higher offer on the parcels which would have compromised the District's attempts to gain the properties.

Wayne Labombarde asked why the monthly financials were not at the meeting. Secretary Sharon Lindstrom explained that the monthly financials can be viewed at the office.

A resident asked why there was no longer a monthly Treasurer's report. Chairman Stankunas explained that the Treasurer's Report was now being done on a yearly basis.

Francois Boucher explained he had asked the Hillsboro Selectmen if the town water system could be extended up to the District and that the Selectmen had told him it was a possibility but would be very expensive. Mr. Boucher asked if the District could instead have another well dug and could the District and the Town get together to have a cost comparative analysis done.

Chairman Stankunas explained that the Hillsboro selectmen do not make the decision whether the Town water system can be extended to the District, but that the Town water commissioners make that decision. Chairman Stankunas explained that the Board had discussed this issue with the water commissioners in the past and they were very reluctant because the cost would be very high.

Chairman Stankunas explained that the issue of digging a new well in the District was approached at this year's Annual Meeting. The Board presented a warrant article for a bond to fund the creation of a new well and storage tank but the bond was voted down by the District residents. Chairman Stankunas explained that the establishment of a capital reserve fund has allowed the District to achieve some of the preliminary plans for a new well and tank potentially for next year, in hope that the bond will pass at next year's Annual Meeting.

Discussion ensued regarding placement of a new well and tank. Chairman Stankunas explained the progress the District has made thus far in arranging easements and land use from the affected property owners.

Mr. Boucher asked why the District was continuing to approve water permits if the supply is not able to meet the demand. Chairman Stankunas explained that when the issue came up in 2002 the District's attorney advised that denying a water connection to a resident could potentially place liability upon the District and force the District to purchase the denied owner's property without appropriation.

Mr. Boucher asked if the District could put a notice in the local papers when work was being done on the water pumps so that residents would know in advance when the water was going to smell like chlorine. Chairman Stankunas advised that time restrictions prevent the District from posting public notices regarding when it would have to work on a pump or truck in water. He explained that the District is required by law to add chlorine when trucked water is being added or when a pump is being repaired or replaced. Often, these situations do not allow the time needed to get them into the local newspapers beforehand. Mr. Boucher asked that if the District knows far enough in advance could it put a notice in the papers and Chairman Stankunas said he thought it would be possible.

A resident inquired if District residents were paying for the water that was being trucked in and Chairman Stankunas advised that they were. She asked if it was cheaper to truck in water or to supply another well. Chairman Stankunas stated that the latter would be more desirable.

Chairman Stankunas discussed the current water ban and issues with residents violating the ban.

Benjamin Molinari asked how accurate the pin markers were in the District. Chairman Stankunas stated he did not know, that only a professional surveyor could determine that.

Mr. Molinari asked when the residents could begin getting the financial reports in a reasonable period of time. Chairman Stankunas advised that question had already been answered. The Treasurer's Report is no longer done monthly and will be available at the end of the year. Financial records are available and residents should see the secretary during business hours at the office where she will make available financial records.

Discussion ensued regarding making the financial records available at meetings. Chairman Stankunas stated that the records are available at the office and if anyone wishes to see them they must go to the office during open hours and see the secretary.

Secretary Sharon Lindstrom explained that people requesting information must submit the request in writing.

Lisa Steiner asked that copies of the monthly financial report be brought to each meeting and copies made available for the public to take with them at no charge. Chairman Stankunas advised that copies will be made available at the office during open hours, by request.

Discussion ensued regarding posting Minutes on the website and how to obtain copies of Minutes from the office.

Christina Barss asked about the exceptions for right-to-know requests. She was concerned with a redacted portion of a register report that dealt with the Hummingbird well radius. She questioned Article 6 of the Annual Meeting Minutes stating that the vote was 9 in favor, 13 not in favor. Chairman Stankunas explained that Article 6 stated it passed but that the numbers were erroneously recorded.

Ms. Barss asked if they could listen to the tapes. Chairman Stankunas advised he did not know if the tapes still existed but if so they could listen to them.

Ms. Barss discussed the involvement of Ed Gross in Article 6 and Chairman Stankunas advised that Ed Gross's discussions and comments at Annual Meeting were in support of Article 6.

Chairman Stankunas advised that the non-public minutes regarding the Hummingbird radius are no longer under non-public classification and have been unsealed at this meeting.

Joyce Coidakis explained that she gave the election materials to the office and the tapes to Melanie Netto and asked if Melanie still had the tapes. Chairman Stankunas advised that the tapes were either still with Melanie or in the office. Ms. Coidakis asked why Chairman Stankunas did not know where the tapes were and Chairman Stankunas advised that he had not seen them in a long time and was sure the tapes were either with Melanie or at the office.

Ms. Barss spoke on behalf of Scott Barss who was not present. She inquired about the lack of road signs and the timeliness in replacing them. She expressed concern over the time it takes to replace signs and felt it was a safety issue. Chairman Stankunas explained that the District has recently experienced a sudden disappearance of signs along Emerald Drive. Discussion ensued regarding what signs have been ordered and their expected dates of arrival. Chairman Stankunas explained that the District orders its signs through the NH Correctional Industries which does not produce as quickly as other private sign companies.

Discussion ensued regarding resident concerns over safety issues, the frequency of missing or stolen signs, and the length of time it takes to replace them.

Wayne Labombarde asked Chairman Stankunas if his term comes up for election in January and Chairman Stankunas advised that it did.

Susan Lovegreen asked if she could present the Board with some computations she has on the water. Ms. Lovegreen explained that the figures showed a 50% water deficit in relation to the number of water users. She asked if there were any USDA grants the District could obtain to improve the water situation. Chairman Stankunas explained the District had already looked into USDA grants in 1999. He explained that one of the USDA requirements was that District residents must have water meters, the meters must be maintained by the District, and the cost of installing meters far exceeded the District's abilities. Ms. Lovegreen advised she would check with the USDA to find out if they still have this requirement.

Discussion ensued regarding the need for a new well. Chairman Stankunas explained the District's work through engineers Tata & Howard and the expectation for a bond to cover the costs of the new well.

Ms. Lovegreen expressed her concerns over the lack of water, the frequency of running out of water and its potential contamination. She suggested that the District look into having a moratorium on water installations until the District has reached an adequate level of supply for its current users.

Chairman Stankunas discussed the current measures by the Town to limit the growth in the District which will help towards limiting water usage. Chairman Stankunas explained that in 2002 District counsel advised that the denial of water permits to new residents could bring liability issues upon the District. Ms. Lovegreen asked if he could check with the District's new attorney to see if this had changed. Chairman Stankunas advised that he would do so within the next week.

Dorothy McLaughlin asked if she could read the reports by Tata & Howard and Chairman Stankunas advised that she could. Discussion ensued regarding the treatment center, its inception, planning and progress and the studies done by Tata & Howard.

Chairman Stankunas advised on the progress of plans to install a new well on Patten Hill. He described the District's efforts in obtaining agreements with property owners involved, access easements and a sanitary radius.

Bob Wilkes asked if the District could require larger parcel owners to put in their own wells instead of hooking up to the public system. Chairman Stankunas explained that in order for a property owner to receive state septic approval, the state first requires the owner to have municipal water. He explained that because of the size and proximity of District lots, the state does not approve septic designs without access to municipal water.

Discussion ensued regarding state requirements and lot sizes within the District.

Jennifer Soucy asked when the treatment center has been on line or off line. Chairman Stankunas explained the technical problems the system encountered and that it was off line on occasion in the early phase of its operations. Ms. Soucy asked if the District could notify people when the treatment center is off line and Chairman Stankunas advised that they would make efforts to do so should problems occur again in the future.

Ms. Soucy asked for clarification on the purpose of the treatment system. Chairman Stankunas explained that it treats the flouride for the Meetinghouse well and the arsenic in the Mary Rowe well. Chairman Stankunas explained that with the failure of the bond, the District now does not have the resources to transmit the treatment system to the Mary Rowe well.

Ms. Soucy asked about the over-budget spending on the treatment center. Chairman Stankunas explained that it was due to the error in believing the Article 2 bond had passed when in fact it did not.

Kim Grondin expressed concerns over the water ban and that she witnessed a neighbor watering their new lawn. She stated that her water looked like it had rust in it. Chairman Stankunas explained that the neighbor she was referring to has been warned that there is a water ban and if he sees them watering their lawn he will again follow up.

Chairman Stankunas explained the brown water problems. When work is done on the system chlorine must be added. When chlorine is added it stirs up sediment in the tanks and causes a temporary discoloration to the water.

Kim Grondin asked if the residents would get a refund for the days they lost water. Chairman Stankunas advised she could ask for an abatement and the decision would be made by the Board at that time.

Wayne Labombarde stated that Bernie Lucie of Department of Environmental Services advises the filing of a Memorandum will stop the building of houses and get the growth down to only 4 houses a year. He stated Mr. Lucie advised him that the District could file a clear-set plan of attack on upgrading the water system. Mr. Labombarde stated that Chairman Stankunas has been aware of this for 5 years and asked why he has not done it. Chairman Stankunas explained that despite Mr. Lucie's advice, the District attorney advised that the District would face liability issues if it denies a new resident water. Mr. Labombarde stated that was 3 years ago and Chairman Stankunas advised that he had already discussed in this meeting his intention to check with the present attorney on this issue.

Mrs. Barss asked if the District has done any studies or a cost benefit analysis since 2002 regarding the water issue and tying into the town water system. She offered to do a cost analysis at no charge. Chairman Stankunas advised that a study was done by Tata & Howard in 2003, including a cost analysis, and advised that this study is available for viewing at the office. Chairman Stankunas explained that inquiry into tying into Hillsboro water was previously made, that Hillsboro Water & Sewer Commission was not receptive to it, and the cost of such a project would far exceed putting in a new well.

Cheryl Viera stated she was under the impression that money had been allocated last year to put in a water storage tank and if so, asked what had transpired with it. Chairman Stankunas explained that allocation was a Capital Reserve Fund established in 2000 and the goal was to have the storage tank in by 2005. He explained that the failure of this year's Article 2 bond prevented the District from moving ahead with the project in 2005. The cost of the water storage tank will be approximately \$300,000 but the amount allocated to the Capital Reserve Fund was only \$10,000 per year. Chairman Stankunas explained the original goal with the Capital Reserve Fund was to have the old bond paid off in 2004, which goal was reached, and to have a new bond in 2005, but which bond did not pass.

Dorothy McLaughlin explained that she was new to town and asked the Board to describe the assets they felt they had brought to this community.

Commissioner Statkus explained that he had only been a commissioner since January and he ensured that the residents on the waterfront no longer had their cellars flooded through his efforts in managing the dam.

Chairman Stankunas explained that he has done many things but of some of the major accomplishments was his efforts in getting reserve funds and bonds towards improving the water system.

A resident asked who votes to get the funds passed and Chairman Stankunas explained the voters vote to pass appropriations for projects within the District. Discussion ensued regarding the lack

of voter turnout, the failure of articles dealing with water appropriations, and what could be done to make residents more aware of the issues and the need for affirmative votes.

Tricia Stefanelli expressed concerns over the lack of care and cleanup on the beaches. She explained she is finding them covered with cigarette butts and asked if anything could be done, such as receptacles or outdoor ashtrays. Chairman Stankunas stated it could be looked into but there was a potential for vandalism with the receptacles and that volunteer help in keeping the beaches clean is greatly needed.

Virginia Burton asked why a police officer was appointed and felt it was a waste of money that could be used for water. Chairman Stankunas explained the lack of police coverage in the District and the increased complaints of speeding, parks being trashed, and continual operation of ATVs on the roads created a need for a police presence within the District. Chairman Stankunas explained that since the decision to appoint an officer the Hillsboro Police have increased their presence in the District and in consideration of the resident's wishes he felt it was best to not pursue the matter.

Ms. Burton stated she did not think there should be an officer at all because of the expense. Chairman Stankunas explained that in this case it would not have been a paid position.

Nan McCarthy stated she felt a police officer position should be voted on an Annual Meeting and not by appointment of the Board and that if an officer position is voted in the Board should then take applications for qualified candidates.

Cheryl Viera asked if Dick Adams was domiciled in New Hampshire or in Florida and Chairman Stankunas confirmed that Dick was a resident of New Hampshire.

Dorothy McLaughlin asked Commissioner Statkus if a resident does not have to pay the \$200 fee to "go to the right of the tree" (in reference to ELPOA property). Discussion ensued whether it was rumor or fact. Billy Clement stated that it was fact and that from the tree to the District line belongs to the people of Emerald Lake. Mr. Clement stated that she can go there and she cannot be kicked off.

Jennifer Soucy wanted to know if the regulation closing the beaches at 9 pm could be lifted and in place have a curfew for children. Chairman Stankunas stated it was possible to do so and was something that could be discussed and looked at in the future. Discussion ensued regarding the crime problems on the beaches at night, lack of police response and whether closing the beach would be effective.

Barry McFarland asked Chairman Stankunas about the newspaper reports that Chairman Stankunas would still like the District to pursue a police officer. Chairman Stankunas stated that he felt it was still an important issue for the future but that he would not vote on it if and when it comes up again. Mr. McFarland asked about liability coverage for having a police officer. Secretary Lindstrom advised that liability insurance would have been \$744 per year.

Paul Rosa stated that it was redundant to have police services in addition to the services the District is already receiving from Hillsboro police. Discussion ensued regarding the cost of insurance, training and salary. Chairman Stankunas explained that training was free of charge

and there would not have been a salary until it was placed before Annual Meeting next year at which time the people would have been able to vote on having an officer.

Mr. Rosa stated that he felt the Board should have brought the issue to the voters before appointing an officer. Chairman Stankunas explained that the decision was made because of multiple complaints from residents of Hillsboro Police's lack of attention to their issues.

Discussion ensued regarding issues with the District becoming part of the Town and surcharges the Town would impose upon the District if the Town should take over water and roads.

Dorothy McLaughlin asked if the District attorney could be invited to the next meeting. Chairman Stankunas suggested that residents submit their questions in writing, either by e-mail or hand delivery to the office, so that the attorney would have a chance to research their issues prior to attending a meeting. Ms. McLaughlin stated she had already called the District's attorney and asked him to attend and that he said he would. She asked if the Board could arrange a day. Chairman Stankunas stated that residents needed to put their questions in writing so the attorney would have a chance to research in advance.

Discussion ensued regarding the new raft, delays in getting it into the water, and security and vandalism issues with the rafts at Eastman and Hummingbird beaches.

Stacey Egan suggested that the District hire lifeguards for the beach to help deal with some of the safety and vandalism issues. She witnesses kids on the beaches causing problems, swearing at little kids and taking their toys.

A resident suggested having State Police Marine Division occasionally patrol the lake.

Discussion ensued regarding the new closing hours for the beaches and how the police will now have the power to arrest people partying and loitering on the beaches after 9 pm.

A resident suggested the District close the beaches for clean-up times. Discussion ensued regarding the need for volunteers for clean-up projects.

A date and time for putting out the raft was set for Monday at 6 pm with the expectation volunteers would arrive to help.

Cheryl Viera asked who is responsible for the ELPOA beach and stated that it is not private and all residents can use it. Chairman Stankunas stated he would make no comment on that issue.

Chairman Stankunas explained that the District has entered into a use agreement with ELPOA for an office space within their building and for use of the building for the District's monthly meeting at a fee of \$500 per month. He explained the terms of the agreement are for an office space and monthly meetings only. The building is not to be used for any other purpose.

Discussion ensued regarding the financial differences between renting an office and meeting space vs. continuing with a trailer rental and outhouse or portable toilet. Chairman Stankunas explained that the secretary had no bathroom facilities and at present had to leave the trailer and go home when needed. He stated that this is illegal and toilet facilities must be provided to an employee.

Billy Clement suggested the District build an outhouse and tie it in with the ELPOA septic system. Lynn Whitney suggested the District find another rental space in another part of Hillsboro for a lower fee. Discussion ensued on keeping the office and meeting place within the District, legal issues regarding toilet facilities and the cost of office/meetinghouse rentals.

Paul Sylvia asked if the well known as Meetinghouse Well is still the Meetinghouse Well. Chairman Stankunas stated that it is still the Meetinghouse Well.

Mr. Sylvia asked what is the name of the treatment facility. Chairman Stankunas stated it is called "Treatment Facility."

Robert Burton expressed concerns about the speeding and OHRVs on Emerald Drive. Chairman Stankunas explained the 15 mph speed limit is not enforceable, but by law motor vehicles may not exceed 25 mph. Mr. Burton asked what was going to be done about OHRVs and stated that he sees them on the roads every day. The Board advised him to contact the police. Mr. Burton suggested the District send a notice by mail to all residents regarding OHRVs prohibited from the roads. The Board advised Mr. Burton that the notice is posted publicly, was advertised and the police were notified.

Discussion ensued regarding enforceability of speed limits, turn-around time in replacing missing street signs, placement of stop signs on dangerous intersections and warning signs regarding OHRVs.

Bill and Marietta Fahey inquired about the status of arrangements to fix a water and erosion problems at their property. Chairman Stankunas advised he would have to check with John Plummer.

Discussion ensued regarding road work and concerns were expressed that roads were not being graded often enough. Chairman Stankunas advised that if residents find extensive problems with their roads they should call the office and report it and Skip Edwards will be contacted.

A resident stated that it was the commissioners' job to know when the roads needed grading and did not feel responsible for contacting anyone about his road.

Jennifer Soucy stated that the road conditions were damaging her car and felt that the roads were not being graded enough.

A resident stated that he would prefer Skip Edwards to grade other roads more often and his road less often as he felt an imperfect road kept the rate of speeding down.

Wayne Labombarde explained that Skip Edwards has been charging the District a minimal amount to keep the roads maintained and that in the past research into other road contractors revealed it would cost approximately double what Skip has been charging. He felt that Skip's work and quality was very good considering what little funds Skip had to work with.

The Board adjourned the meeting at 8:35 pm.

Respectfully submitted,

Sharon Lindstrom, District Secretary

Approved:

signature on original

Raymond A. Stankunas, Chairman

Richard A. Adams, Commissioner

signature on original

Joseph Statkus, Commissioner