



EMERALD LAKE VILLAGE DISTRICT MINUTES FROM MARCH 9, 2006, ADMINISTRATIVE MEETING

The meeting was called to order at 7:01 pm with Commissioner Sanborn and Co-Chairs Joseph Statkus and Deborah Gilbert present.

ADMINISTRATIVE BUSINESS:

The right-to-know request policy, which was adopted by the District Board in 2004, states that any right-to-know request for public records must be submitted to the District office. It was noted that nothing becomes a public record until the Board approves and signs it.

RSA 91-A regarding access to public records was reviewed, with the following issues being raised:

1. When does something become a public record, and when should it be available for viewing by the public? (RSA 91-A:4 II)
2. Should Commissioners be required to file right-to-know requests? (RSA 91-A:4 IV)
3. The definition of a "public body." (RSA 91-A:2) Does this refer to the Board or the residents at the meeting? The attorney for the District, Bernie Waugh, will be consulted on this matter.
4. What constitutes a meeting? For example, if the Commissioners go over bills to be paid, does this constitute a meeting?
5. When is it acceptable for one or more Commissioners to take action without calling a public meeting?
6. Commissioner Statkus also spoke about the exemptions set forth in RSA 91-A:5, which include "records pertaining to internal personnel practices; confidential, commercial, or financial information." (RSA 91-A:5 IV)

Commissioner Statkus has been assigned the task of setting the Emerald Lake Village District water rate so that the Town of Hillsborough can send the bills to the water users. For 2005, the yearly rate was \$260; approximately 480 bills were sent out, for a total of \$124,800 in water revenue. According to Water Systems Operators, 20 more customers have been added since the October 2005 billing. The current rate is not enough to cover expenses; therefore, Commissioner Statkus proposed raising the rate by \$10 for each 6-month billing period, for a total of an additional \$20 per year per household. Based on 500 users, this would raise an additional \$10,000 in water

revenue. Discussion regarding other ways to raise money ensued, such as selling District-owned land or calling a special meeting. These solutions were deemed not feasible, as the District needs the money within the next 30 days. Commissioner Statkus made a motion that the water rate be raised by \$20 per year from \$260 per year to \$280; seconded by Commissioner Gilbert. Approved 3–0.

A letter to DES, drafted by Tata & Howard, was reviewed. Tata & Howard represents the District, working with the State on resolving the problem of arsenic in the Mary Rowe well. Currently, two solutions are under consideration — building a treatment plant at the well site or running a line to the treatment plant at the Meetinghouse well site. \$175,000 was budgeted for the project; however, current estimates indicate that the cost may be closer to \$250,000. Commissioner Sanborn made a motion to accept the letter as written; seconded by Commissioner Statkus. Approved 3–0.

Commissioner Statkus presented a proposed contract to hire Tata & Howard as the engineers for the new well project, responsible for plans, permits, and coordinating the project, at a cost not to exceed \$14,500. The District will be responsible for building the access road to the well site and paying for the drilling equipment. The following points were made during discussion:

1. The expenditure is covered by the bond approved at the Annual Meeting.
2. The deadline for application to the State for a bond at 1.4% interest is March 31, 2006.
3. Grants should be investigated to help pay for the project.
4. Skip Edwards is interested in building the access road.

Commissioner Statkus made a motion to have the District enter into a contract with Tata & Howard to plan and coordinate the well project; seconded by Commissioner Gilbert. There being no further discussion, it was approved 3–0.

OTHER BUSINESS:

1. Regarding the proposed water tank:
 - A. Has the District considered a water tower instead?
 - B. Is a 180,000-gallon tank larger than the District needs?
 - C. Has the District considered drilling two wells? A second well could be drilled while the rig is still on the site if the first well is not adequate for the District's needs. Another possibility is to drill a second well next year.
2. On the issue of raising additional money to meet District expenses and why the shortfall has occurred:
 - A. Estimates on a number of jobs last year were lower than the actual cost.
 - B. Commissioner Statkus is investigating borrowing money.
3. When will meeting minutes be available on a website? Commissioner Gilbert is working

with the Town on an official website for Emerald Lake Village District. The goal is to have it ready by late April.

4. Several residents remarked that the Commissioners should consider getting together before the meeting, so that everyone on the Board knows what is going on.

5. Commissioner Sanborn brought up the question of the cost of trash pickup, which appears to be excessive.

There being no further business, Commissioner Statkus made a motion that the meeting be adjourned; seconded by Commissioner Gilbert. Approved 3–0. The meeting was adjourned at 8:32 pm.

Respectfully submitted,
Nan McCarthy, District Clerk

Approved:

Deborah Gilbert, Co-Chair
(signature on original)

Joseph Statkus, Co Chair
(signature on original)

Fred Sanborn, Commissioner
(signature on original)

ATTACHMENT

**TITLE VI
PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS
SECTION 91-A:2**

91-A:2 MEETINGS OPEN TO PUBLIC. –

I. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in RSA 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. "Meeting" shall not include:

- (a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;
- (b) Strategy or negotiations with respect to collective bargaining;
- (c) Consultation with legal counsel; or
- (d) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2.

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

SECTION 91-A:4

91-A:4 Minutes and Records Available for Public Inspection. –

I. Every citizen during the regular or business hours of all such bodies or agencies, and

on the regular business premises of such bodies or agencies, has the right to inspect all public records, including minutes of meetings of the bodies or agencies, and to make memoranda, abstracts, and photographic or photostatic copies of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, I(a)-(d), or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of such bodies or agencies, every citizen, during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the right to inspect all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, photographic or photostatic copies, or tape record such notes, materials, tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each body or agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such body or agency shall be kept in an office of the political subdivision in which such body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

IV. Each public body or agency shall, upon request for any public record reasonably described, make available for inspection and copying any such public record within its files when such records are immediately available for such release. If a public body or agency is unable to make a public record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a photocopying machine or other device maintained for use by a body or agency is used by the body or agency to copy the public record or document requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

V. In the same manner as set forth in RSA 91-A:4, IV, any body or agency which maintains its records in a computer storage system may, in lieu of providing original documents, provide a printout of any record reasonably described and which the agency has the capacity to produce in a manner that does not reveal information which is confidential under this chapter or any other law. Access to work papers, personnel data and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit,

or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

SECTION 91-A:5

91-A:5 Exemptions. –

The following records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

II. Records of parole and pardon boards.

III. Personal school records of pupils.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.